



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Meeting of the Parliament

**Wednesday 27 June 2018**

**Session 5**



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# Scottish Parliament

Wednesday 27 June 2018

*[The Deputy Presiding Officer opened the meeting at 13:15]*

## Agriculture (Culture and Heritage Value)

**The Deputy Presiding Officer (Linda Fabiani):** Good afternoon. The first item of business is a members' business debate on motion S5M-12425, in the name of Rachael Hamilton, on the culture and heritage value of agriculture. The debate will be concluded without any question being put.

*Motion debated,*

That the Parliament notes the importance of the almost 200 agricultural shows that are held across the UK; understands that it is estimated that 10% of the population attends at least one of these events each year; notes that these include the Border Union Agricultural Show in Kelso, which has been held for over 200 years, the Berwickshire Show in Duns, and the Newcastleton, St Boswells and Yarrow shows; believes that these are important for showcasing the best of what the agricultural sector has to offer to people from outwith the farming community, driving up standards and preserving and protecting heritage; understands that many farmers can trace their ancestral links with their land that goes back centuries; believes that farmers are best placed to ensure that their land is productive and sustainable, yet understands that they need to be open to the fresh ideas of new entrants; notes what it sees as the importance of the physical heritage of farming, including farmhouses and steadings and the many ruins and derelict buildings, such as shepherd huts, which can be seen around the country; believes that these derelict sites can pose as monuments to the agricultural past but can also get new leases of life as rural housing, shops, B&Bs and other facilities; notes the contribution made by groups such as the Scottish Association of Young Farmers in preserving traditional customs and practices, organising social events and encouraging people to join or stay in agriculture, and wishes them all the best with this work.

13:15

**Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** I refer members to my entry in the register of interests. I am delighted to host this debate on the importance of the cultural heritage value of agriculture.

We definitely saw the very best of rural Scotland at the Royal Highland Show last week, which very much reinforces the importance of our farming heritage in Scotland. It is rightly described as the "greatest show on earth" and it certainly lives up to that claim. This year was another fantastic year for attendance as 190,000 people from all corners of Scotland attended the best showcase of Scottish agriculture and produce. The show delivers more

than £65 million in economic benefit to the United Kingdom, and visitors are expected to have spent around £8 million on shopping at the event.

Given the hard work of those who organise agricultural shows, we owe them a great debt of gratitude. As I alluded to in my motion, 10 per cent of the population attend at least one of these shows each year, which is testament to their broad appeal and desire to educate and inspire people to take a greater interest in farming and the countryside.

Closer to home, the Borders hosts some of the best agricultural shows in the UK. If members have not been to one, I thoroughly recommend that they come along. The largest show, the Borders Union agricultural show in Kelso, which is held on the last Friday and Saturday of July, showcases the best of Borders farming. There are many other great shows—namely the Yarrow show, the Berwickshire show in Duns and the Newcastleton show. The breadth and variety of these shows allows towns and villages to attract the best of farming but also tourism.

The Scottish countryside hosts a vast wealth of tourism businesses that employ local people, support the rural economy and display the very best of regional produce. People have a hunger for locally produced food and drink. In recent years, we have seen a boom in interest in Scottish and local produce. May that continue for a very long time.

One tremendous success story is Born in the Borders, which is an outstanding example of diversity in farming that encapsulates the best of the Borders. The farmer uses his own malting barley to produce craft beers and is now also producing wonderful gins—trust me, they are definitely worth a try.

Let us not forget the cultural importance of the countryside, which the National Sheep Association highlighted in a recent paper. For example, stone walls and barns have a practical purpose to contain stock, but they are also an important link to local history. Environmental stewardship encourages the preservation of heritage features such as ridge and furrow ploughing and old sheep washes. Cultural heritage covers traditional practices, place names, customs and dialect, too. Those characteristics shape the rural identity of our local communities and attract tourists to visit rural areas.

Old farm cottages have been transformed into holiday lets and farm steadings have been converted into farm shops—the list goes on. The potential of the Scottish countryside is massive and has yet to be exhausted. In such examples, rural businesses are directly bringing skills, knowledge and employment into the countryside.

I believe that the strong tradition of farming in Scotland must continue to be passed on to the next generation. As we know, the average age of a farmer in Scotland is 59, so it is crucial that we attract new blood and, importantly, women to agriculture.

I have seen at first hand the excellent work that the Royal Highland Education Trust carries out in encouraging children to develop an interest in farming. Indeed, its stand at the Royal Highland Show was teeming with schoolchildren. I would like to see the Scottish Government allocate more funding to the RHET to put it on a more sustainable footing, so that the co-ordinators who look after the volunteers are able to reach more schools and more schools can access the good work that the RHET does.

The Border Union Agricultural Society holds a countryside day in my constituency. This year, 1,200 primary 5 children from more than 60 schools in the Borders gathered at Springwood park in Kelso to be part of the day. Now in its sixth year, it educates young people about rural industry, food production and the environment. It has such a buzz about it. The society is passionate about educating the region's children about farming and food production.

I would like there to be other such countryside days right around Scotland. They inspire bright, talented young people to choose one of the diverse careers that the region's rural industry offers, and instil a love and appreciation of the countryside that will protect and sustain our rural life and economy for generations to come.

Adam Henson, one of Britain's best-known farmers, has called for the introduction of a general certificate of secondary education—GCSE—in agriculture. Employability minister Jamie Hepburn said that he wanted to

“make sure that our labour market is in a position to support ... projected growth and supply the next generation of professionals for the industry.”

Recent figures from the Universities and Colleges Admissions Service show that agriculture at degree level is starting to gain popularity and, as a graduate of Harper Adams, I can vouch for that. The number of certificates awarded for higher education courses on agriculture, horticulture and animal care has risen by 117 per cent. Perhaps the minister will consider a formal Scottish Qualifications Authority qualification in farming and rural issues for school pupils, which would introduce young people to careers in farming or the wider rural economy, and inspire them to take up such a career. Bringing new talent into the industry might also bring the average age of farmers down from 59.

The popularity of young farmers clubs remains strong. I am a former member of my local young farmers club and I benefited from its social, educational and charitable opportunities. From raising money through barn dances to debating competitions and stock judging—I was also a keen flower arranger—the young farmers club was part of my life and young farmers clubs have been part of the fabric of rural Scotland for 80 years. The young farmers motto that was created in the 1950s remains relevant today: better farmers, better countrymen, better citizens. It is vital to capturing the interest of young people and encouraging them to take the rural route when thinking about career choices.

Ultimately, in order to retain expertise and attract new talent to the countryside, we must do more to encourage new entrants, both male and female, to farming. I was delighted to attend the women in agriculture event at the Royal Highland Show, along with Emma Harper, and to see such an enthusiastic and determined group of women who are involved in agriculture. We must ensure that that talent is fully realised. I know that Fergus Ewing has provided Scottish Government backing of £250,000, and I hope that there is parity with the amount of support that is given to male entrants to agriculture.

I am so grateful to members for supporting my motion today. It is vital that we speak about our proud agricultural past, and debate and discuss how we can move forward in rural Scotland to realise the full potential of our fantastic countryside.

13:23

**Emma Harper (South Scotland) (SNP):** I thank my colleague Rachel Hamilton for bringing the debate to the chamber and I salute her thorough speech. It is right that we highlight the importance of the expertise on the farms and in the fields around Scotland that is provided to us. I remind members that I am the parliamentary liaison officer to Fergus Ewing, the Cabinet Secretary for Rural Economy.

I grew up in the south-west of Scotland on tway dairy farms. One was near the Lochans close to Stranraer and the other was near Dumfries. My father was a dairyman and I learned to drive tractors before I could drive a car.

Agricultural shows in the south-west start in Stranraer and work their way east to Wigtown, Stewartry—with the show at Castle Douglas—and Dumfries and Lockerbie. I have enjoyed attending them all and I plan to attend them all again this summer.

Last week, I attended the Royal Highland Show on Thursday and Friday. I spoke to many folks

over the two days about promoting food, farming, production, science and sustainable farming, as well as about sheep worrying. There was a lot of concern about what exiting the European Union will do regarding tariffs, stability in the supply chain and EU farm workers. It is important that we remember that workers on dairy farms are not seasonal workers; they are here all year long, their kids are in our rural schools and they are part of the rural community.

I am excited to see the progress of the women in agriculture task force headed up by Joyce Campbell—a Sutherland sheep farmer—along with the cabinet secretary. I attended the women in agriculture breakfast event at the RHS. We heard from Joyce Campbell, Kate Rowley and Minette Batters, who is the UK president of the National Farmers Union. We are all encouraging more women to go into agriculture.

NFU Scotland has presented its “Steps to Change” document and suggestions for change as we head to exit the EU on 29 March 2019. I encourage everyone to read that document so that we can all be better informed.

It is essential that people across Scotland connect with food producers. It is important that kids grow up learning where their food comes from and how many miles it has travelled, and knowing that a lot of people are involved in getting that food from farm to fork.

I see the tide turning in Scotland. We are witnessing a change in the attitude towards protecting and promoting the provenance of our guid produce.

One expert presented the argument that shows give a false impression of what farmers do because the public observe sheep being delicately trimmed with scissors at eyeball distance and the beasts being presented all washed and manicured. The perception is that the public do not get the opportunity to see what farmers actually do and how they get covered in muck and stuff like that. A direct rebuttal to that comment was made at the women in agriculture meeting when the Royal Highland Education Trust was commended for its work in encouraging school visits to farms. Indeed, the RHET in the south west, which is coordinated by Fiona Jamieson, has been successful in letting first and second-year children experience directly visits to Scotland’s Rural College at Crichton campus, which is a working farm.

Like many other farmers, NFUS vice-president Gary Mitchell holds open-farm days and gets primary 4 kids on to his farm. As a consequence, 12 out of 14 of Gary’s employees are sourced locally.

I applaud the work of farmers, growers and crofters and the rural businesses that they

support. From farm to fork, Scotland’s economy is rural.

13:27

**Peter Chapman (North East Scotland) (Con):**

It is always good to talk agriculture. With that in mind, I need to declare an interest, because I am involved in agriculture and have my own farming business back home. I thank my colleague Rachael Hamilton for bringing the motion to the chamber. It is such a wide-ranging motion that we could talk about almost anything. It gives us an opportunity to widen the debate.

Having said that, I also want to speak about the Royal Highland Show. I spent two days there last week and I thoroughly enjoyed it, as I always do every year. It is a great opportunity for us to showcase our agriculture and for farming folk to meet and greet each other. The social aspect is very important. Business has to be done, but there are also friends and family to meet and we often meet them only once a year, at the Royal Highland Show.

There are many good regional shows all over the country. My nearest one is the New Deer show, which has been going for 170 years, so it has a great history. A wee bit further away from me is the Turriff show, which is the biggest two-day show in Scotland. They are fantastic as social events and for showcasing the great agricultural produce that we have in Scotland.

I want to pick up on the RHET, which Rachael Hamilton mentioned. I visited its stand at the Royal Highland Show and thought that it was tremendous. It is important that we educate our youngsters about where their food comes from and what it is all about. I think that the RHET gets a wee bit of funding from the Scottish Government, but it is fairly small beer and I echo the plea to give it a wee bit more funding because it does a great job.

I have been involved in education with the SRUC. I have also been concerned about what is happening at Craibstone campus in Aberdeen, but I think that we now have some clarity about what is happening and we have secured its future to be better than what was the state of play in the past.

The debate is a great opportunity to celebrate what farmers do and deliver. The first thing that farmers do—it is the reason for them getting up in the morning—is deliver high-quality food. That is what they are about. However, of course, they do more than that. For example, they manage the countryside. Very little of Scotland is purely wild land; most of it is managed in some way, shape or form by landowners. Farmers also deliver in terms of biodiversity, wildlife and healthy living for the population who live in towns and cities, because

we allow them to have access to our land so that they can go out and enjoy the scenery, get some fresh air and have some good exercise.

Farmers deliver a lot. However, as I said, food production is our main aim, and we do that to a high standard. There is no doubt about the fact that animal welfare standards in the UK are as high as anywhere in the world. We have done a lot to deliver healthy meat. We use less antibiotics than we have ever done—we are driving down that usage. When we grow cereals, we use a lot of global positioning system technology because targeted inputs are important not only for the environment but for our bottom line. We need to target our inputs right where they are needed and in the right quantities, and we are doing that more and more.

Of course, what we produce is the raw material that sustains Scotland's food and drink. That sector has been a huge success story and it is the biggest manufacturing industry in Scotland. It is worth £15 billion to the economy every year, and there is a target to double that to £30 billion by 2030. That is an ambitious target, and it can be achieved only if we work towards it in conjunction with our farmers.

13:31

**Alex Rowley (Mid Scotland and Fife) (Lab):**  
Presiding Officer,

“Agriculture, in every civilized nation, has been justly regarded as an object of the first importance, and, of all the useful arts, the most deserving of public attention and encouragement”.

Those words, which still hold true today, were first written in the year 1800 in the book, “General View of the Agriculture of the County of Fife”.

I am pleased to speak in this debate recognising the culture and heritage value of agriculture throughout Scotland. I congratulate Rachael Hamilton on securing the debate.

Fife has a long-standing, varied and proud agricultural heritage. Anyone visiting Fife can see at first hand that its landscape has been carved out by agriculture and industry. Covering 132,500 hectares and a farmland area of 97,000 hectares, Fife boasts 524 farms of 50 hectares or more. In total, there are 1,530 farms and holdings in Fife, including 17 dairy farms, 19 specialist sheep farms, 28 specialist beef farms, 202 cereal farms, 44 specialist poultry farms and 282 mixed farms. As well as being industrial, Fife is a farming area.

It is clear to anyone that agriculture is a significant part of Fife's local economy. As well as being a necessity, it is also something that people take pride in and wish to celebrate. The motion takes note of the various agricultural shows that

take place across the country, and, of course, Fife is no exception to that tradition. Since 1821, an annual show has been held in Fife to encourage and showcase the breeding of livestock. Nowadays, one of the most popular agricultural shows in the country, the Fife show, takes place near Cupar every year. The show is run by volunteers and its aim is to promote, support and work with agriculture in Fife and beyond.

We must recognise the value that having something like the Fife show brings to the local area. Thousands of visitors come to see livestock and vintage and modern machinery, to visit the game fair area, to take in the entertainment and to sample wonderful food and drink. It is estimated that between 14,000 and 15,000 people attend the show in Cupar every year. Such events provide fantastic family outings while celebrating our shared agricultural heritage. In addition, such events are part of our modern culture.

The west Fife show, which was founded in 1962, takes place near my home village of Kelty. The event provides a wonderful outing for families, and it is a chance to educate everyone about agriculture, rural life and how their food is grown and produced.

Even though I come from a background of coal mining in Fife, I and the communities across Fife are well aware of the importance of agriculture to our local economy and, indeed, to our way of life. I am proud to join other members in the chamber in celebrating all that is good about agriculture.

13:35

**Gail Ross (Caithness, Sutherland and Ross) (SNP):** I thank Rachael Hamilton for bringing this timely debate to the chamber, now that we are very much in agricultural show season. I also thank every farmer, crofter, food producer and person who works on the land.

I grew up in the Caithness countryside and spent many long weekends and holidays with the Mackays on the neighbouring farm, Biggins—or “Beagins” as it is in Caithness dialect. I belonged to Bower young farmers club, which was the Scottish young farmers club of the year in 2016, and I continue to have great friends in the farming and crofting community across my constituency.

I congratulate Bower young farmers junior team on winning the junior stock judging at the Royal Highland Show, and I congratulate Beth Dunnet for getting first junior individual and Alistair McCarthy for getting second junior individual. *[Applause.]* Yes—thank you.

I remember those days well. They shaped my childhood and, indeed, they shaped who I became as a person. Members will not be surprised that



finding new kittens in the shed or the barn, being out on the tractor or in the lorry on the way to the mart—we had a mart in Caithness in those days—gathering in and dipping the sheep, getting bitten by the horse, helping with the lambing, playing on the bales and just being outside are some of the best memories from my childhood. Those experiences made me aware of where my food comes from and gave me a huge appreciation of the hard work that farmers and crofters put in at all hours of the day and night, and they gave me an inherent love and respect for farmed and wild animals.

My constituency holds several shows that celebrate agriculture: the Caithness county show, the Sutherland show and the Dornoch show. Although the Black Isle show is in Kate Forbes's constituency, a strong northern contingent is always present. Shows provide a chance for like-minded people to get together, celebrate success, share best practice and chew over the latest prices, weather and beasts. Such shows are, of course, immense social occasions—I think that we all know that, after a certain time, the beer tent at an agricultural show is the place where all the best deals are made.

According to James Hunter in his book "Last of the Free: A History of the Highlands and Islands of Scotland", agriculture has been the backbone of the Scottish countryside since at least 3000 BC. It has shaped our landscape, it has provided food for our plates and it has been handed down from generation to generation. Agriculture has a proud history, but we are at a stage when we need to look forward to make sure that it has a secure future, too.

The motion mentions bringing "ruins and derelict buildings" back into use, and I could not agree more. Unfortunately, some of them in my constituency stand as a permanent reminder of the horrific circumstances surrounding the Highland clearances. The crumbling stone edifices remind us of the people who should still be working that land.

I recently wrote a piece for the *Farmers Guardian* in which I spoke about Scotland becoming a good food nation. It is essential that farmers, crofters, growers and food producers are involved in a national conversation about what we and they want that nation to look like.

Our legislation needs to be bottom up. I suggest that we need to get a farmer or a food producer on every enterprise agency board, every community development trust, every community planning partnership and every community council, and in every meeting and advisory group. We cannot underestimate how crucial those voices are.

13:39

**John Finnie (Highlands and Islands) (Green):** I, too, congratulate Rachael Hamilton on her motion.

Other members have talked about shows, but "preserving and protecting heritage" is the phrase that jumps out to me. Scotland has a rich heritage, whether it is in the north-east, with the bothy culture among farm workers—John Ord's "Bothy Songs and Ballads" was the book that retained some of the culture and family connections—or in the Highlands, where I am from, where the Forestry Commission and the estates have bothies.

There is a lot of language that people would not necessarily understand now. I noted that Rachael Hamilton talked about a dialect, and of course another way of preserving the culture is through the language. The Gaelic language is rich in the Highlands and it plays a significant role in the preservation of many traditions. That is a role that music plays as well, through the Highland bards and, indeed, the storytelling of the Travellers.

The motion says that

"many farmers can trace their ancestral links with their land that goes back centuries".

That link with the land is vital, and people have had great affection for their community.

The motion also talks about land being "productive and sustainable". That issue has been alluded to with mention of the provenance of local food. That area offers increasing opportunities and people are looking for innovative ways to address them.

It also talks about new entrants, which is very important. Although we want to reflect on the past, we also want to consider the future, so fair play to the Scottish Government with regards to new entrants to farming. Indeed, it has encouraged crofting communities to get young people into crofting. It is absolutely vital, for the reasons that Rachael Hamilton outlined about age, that we get young people into agriculture.

Physical heritage is important too. In the very short time that I have, I would like to mention a number of locations in my area. One is the Auchindrain township museum, which is between Inveraray and Lochgilphead. The settlement operated until 1967, when the last people moved away. It is a museum of a township system. In the past, the vast majority of people lived and worked in the countryside, and townships were very common. That model of working was very particular to the west Highlands of Scotland.

Looking at the museum's website today, I saw the phrase

“and starvation was always just around the corner”.

The history and the heritage are about the struggle that people have had.

In the 1700s, scientific methods came in, with drainage, animal breeding and the like, which benefited tatties and turnips. The website also talks about “agricultural improvement” as being

“the farming equivalent of the industrial revolution”.

As my colleague Gail Ross alluded to, we must beware some of the great improvers, because the Highlands are blighted by the absence of people where there should be people, as a result of initiatives in the past.

As for opportunities that are afforded children,

“Do you want to milk a cow, build a bothy, or plant a forest?”

That is an offer from the shieling project near Inverness, which I visited last week. It gives an opportunity for children to stay on the site. The shieling system was one whereby people moved to the higher ground during the summer months with their livestock. The project is a tremendous initiative.

Finally, there is what we were told is Britain’s first open-air museum, the Highland folk museum at Newtonmore, which offers rich opportunities and more than 12,000 artefacts at the Am Fasgadh building.

The motion also mentions diversification and that is very important. We do not want a situation where the countryside is looked on as some sort of museum. It should be a living and vibrant place.

It also mentions “new leases of life”, and I would like to see that. I have heard the cabinet secretary allude, on one of the rare occasions when we have had something in common on such matters, to seeing the glens repopulated. We need a vibrant community. Debates such as this one might spur people on in that direction.

13:43

**Liam McArthur (Orkney Islands) (LD):** I, too, thank Rachael Hamilton for securing the debate, which I am delighted to take part in. I echo her comments and those of others about the Royal Highland Show, although it is obvious that the whipping system in the Scottish Liberal Democrats is more severe—I managed to visit for only one day, rather than the two days that others managed.

The motion says that 10 per cent of the population attend agricultural shows, which is not difficult to believe given the turnout at Ingliston last weekend. In Orkney, 10,000 people regularly turn up at the county show on the second Saturday in

August. That represents about half of the total population, albeit that many attendees are visitors. In a community where breeding coos outnumber inhabitants three to two, it is perhaps not surprising that support for the county and the five other shows—in Sanday, Shapinsay, the Hope and Burray, east mainland and west mainland—is as strong as it is. The holding of six shows in a week demonstrates their importance to Orkney’s farming community and, in turn, farming’s importance to the wider Orkney community.

That the shows are important is true economically, as others have said, because business is done and sales are made. As Gail Ross intimated, some sales are impulse buys that are brought about by too much time being spent in the beer tent, which means that people run the serious risk of going home as the proud owner of a shiny new trailer or even a combine harvester.

Shows also play a crucial social role—they attract locals, former residents and new visitors. They provide a gathering place and help to build the sense of community. The bewildering array of stalls that are run by local businesses as well as charities, voluntary groups and fundraising projects is testament to the reach that shows have deep into the community. Without the funds that are raised at the shows, many of those organisations would be unable to carry out the vital work that they do for the rest of the year. Even when the wind is blowing tents across the showground or when conditions underfoot are akin to those at the Somme, as has been the case on a couple of occasions in recent years, public support for the shows in Orkney remains strong.

Our shows of course reflect the long-standing farming heritage in Orkney, going back to neolithic times. It is often said that a farmer cannot put a spade in the ground without the serious risk of unearthing some significant historical artefact. In recent years, we have seen a real embracing of that heritage, through things such as the festival of the horse and the boys ploughing match, which date back to the 1800s and involve spectacular outfits, and the fabulous Corrigall farm, Kirbuster and Smiddy museums as well as Barony mills. All of those provide a fascinating insight into Orkney’s farming past, informing those in the local community and visitors alike.

I am conscious that I could and should say an awful lot more, but I will finish by paying tribute, as others have done, to the Scottish Association of Young Farmers, which is very well represented in Orkney, where membership is extremely strong. The motion is absolutely right to point to the role that the association plays in generating social activity, preserving customs and, crucially, bringing in new ideas to help to ensure that farming in Orkney and across Scotland has not

only a proud past but a bright future. The embodiment of that is perhaps Kerry Annal from South Ronaldsay, who the cabinet secretary had the pleasure of presenting with the young livestock ambassador award at Ingliston last week.

I again thank Rachael Hamilton for allowing Parliament to put on record our acknowledgement of the culture and heritage value, as well as the economic value, of agriculture in this country.

13:46

**The Cabinet Secretary for Rural Economy (Fergus Ewing):** I warmly congratulate Rachael Hamilton on bringing forward this topic for debate. The debate is timely, given that almost all of us who have participated seem to have attended the Royal Highland Show last week, along with 190,000 others who visited the show over its four days. Indeed, I encountered so many MSPs at the show during the Thursday that I wondered whether the chamber was entirely empty when we were supposed to be at work. Instead, we were enjoying huge gulps of fresh air, unaccustomed though we are to that experience in here.

As we have heard from all the contributors today, the Royal Highland Show and shows across the country are an essential part of rural life and part of our cultural heritage. As I think Mr Chapman said, they bring people together, which is a good thing, especially at this time when many farmers and crofters live a fairly isolated life and may no longer have people working on a farm. It is easy to forget that these days. Shows are very social gatherings and an important annual staple in the calendar of many people in rural Scotland, and rightly so.

One of the many bodies that make a huge contribution is the Royal Highland Education Trust, which at this year's Royal Highland Show received more than 6,000 children over two days. In total, 30,000 youngsters, including my 10-year-old daughter, visited the show. The trust plays an enormous part in bringing home the realities of farming to young people, although I think that there is common ground across the chamber that much more could be done in that area.

In addition, the women in agriculture event, which Rachael Hamilton and Emma Harper mentioned, was an excellent and well-attended event, with a real buzz in the room. The contribution by the president of the National Farmers Union for England and Wales, Minette Batters, was outstanding. Unfortunately, I missed Kate Rowell's contribution, although I heard that it was excellent. It was a really inspiring event. I pay tribute to Joyce Campbell, who co-chairs the women in agriculture group that has been set up in Scotland. I should say that the group was not my

idea but the First Minister's; I should place that clearly on the record and not claim credit for it. However, I have been co-chairing the group, and it has been a really exciting experience.

There is the possibility of fairly major change, unleashing the full potential of the female section of the population in agriculture and rural life. They achieve great things at the moment, but it is common sense that if there is a bit more help and access to training and other opportunities, an awful lot more could be done. I think that that is the view across the chamber.

Rachael Hamilton pointed out, quite rightly, that the average age of a farmer is 59. I know that she has not experienced this, but I can inform her and verify from my own experience that life does not finish at the age of 59; there are still new chapters to be written and even new experiences to be enjoyed. There anent, Presiding Officer—you do not need to look so surprised—a new experience will befall me when, in August, I will be a chieftain of the Grantown highland show. I am not quite sure what power I will have and whether it exceeds the powers that are available to me as cabinet secretary, but I shall certainly make the most of my day in the sun in Grantown.

However, to be serious, much of the debate quite rightly focused—as did the motion—on new entrants. That area is close to all our hearts across the chamber. I am proud of the fact that we have been doing a lot for new entrants. We want to do much, much more. Let me be absolutely clear about that lest I be accused of complacency—perish the thought. The theme of new entrants is a common one and, given the age profile, it is absolutely essential to get new entrants. I had the pleasure of meeting again some of the leaders of the young farmers movement at the Royal Highland Show and we discussed how we could move forward and perhaps seek new ways of bringing in new blood to the farming community and the wider rural economy.

In recognition of the importance of encouraging new entrants to the industry, the Scottish Government has provided £22 million in start-up and capital grants since 2015. I think that it is fair to point out that we are in fact the only part of the UK to do so.

I also established a group called FONE, which is an acronym that stands for farming opportunities for new entrants—quite catchy, I thought, Presiding Officer. I actually thought of it myself, in a rare flash. In any event, to be serious, the group developed a programme in order to identify holdings of land in the public sector generally—including Scottish Water, the Forestry Commission, and quangos—that could be used for farming by new entrants. Henry Graham has been a driving force behind that initiative and I am

pleased to say that the initiative is ready to make available more than 1,000 hectares of public land to new farmers. That is the sort of exercise that we can do in Scotland, which arises from our brain power and application and drive rather than any cash being involved, although cash greases the wheels. The FONE initiative is one that we will take forward and advance.

**Finlay Carson (Galloway and West Dumfries) (Con):** I apologise for missing other members' speeches.

As John Finnie and Gail Ross said, agriculture has played an important part in sustaining and preserving the heritage and culture of rural areas. Does the cabinet secretary agree that new national parks could play a significant role in protecting, promoting and—most important—reinvigorating the rural economy, particularly in constituencies such as mine, Galloway and West Dumfries, which is the most beautiful constituency in Scotland?

**The Deputy Presiding Officer:** That was Finlay Carson giving a short speech.

**Fergus Ewing:** I am certainly aware of the arguments, although from talking to farmers—I made two farm visits in Ayrshire this morning, at South Corton and Girtridge, and I thank Willie and Alison Kerr and John Howie for hosting the visits—I think that most of the initiatives in that regard come from individuals and communities. I am not convinced that we need a new public body to drive forward the rural economy. The tag of national park is certainly regarded as an asset by some people, but one must also consider the potential consequences, such as planning restrictions, which other people argue are a counterbalance. That is perhaps an argument for another day, because I do not think that the issue is mentioned in the motion—although I am broad minded about these things, as you know, Presiding Officer.

John Finnie and Gail Ross talked about housing and the need to bring old buildings back into use and indeed to repopulate rural Scotland. The issue is very close to my heart. I will not wax overly lyrical about this, but I will say that it would be terrific in Scotland to see the clearances counterbalanced by a de-clearance and a bringing back of people into the rural economy—a re-peopling, as it were, of many parts of Scotland. If we are seriously to do that, many policy changes will have to be put in place.

I am pleased that, since 2007, the Scottish Government has awarded more than £18 million through the croft house grant scheme, which has helped to build or improve more than 900 croft homes, thereby providing homes for 900 people. What a good way of spending a relatively moderate amount of public money. I mention that

scheme; there are many other housing developments at the moment, on which Kevin Stewart is leading.

I think that my allotted time is coming to an end and that I had better wind up. On behalf of all members, I think, I thank everyone who is involved in the volunteering and the huge amount of work and commitment that make agricultural shows happen. Such shows are part of our national life. They are really important events and, above all, they are great fun.

**The Deputy Presiding Officer:** That concludes the debate. I suspend the meeting until 2 o'clock.

13:56

*Meeting suspended.*

14:00

*On resuming—*

## Portfolio Question Time

### Communities, Social Security and Equalities

#### Scottish Welfare Fund (Mid Scotland and Fife)

**1. Claire Baker (Mid Scotland and Fife) (Lab):** To ask the Scottish Government how many people in Mid Scotland and Fife are in receipt of support from the Scottish welfare fund. (S5O-02269)

**The Minister for Housing, Local Government and Planning (Kevin Stewart):** Before I answer Ms Baker's question, I ask everyone to bear with me this afternoon, because I will be answering all the questions on behalf of the portfolio.

The latest statistics, which were published on 24 April, show that, in the period covering 1 October 2017 to 31 December 2017, 5,955 people in Mid Scotland and Fife received one or more crisis grants and community care grants totalling £795,328 from the Scottish welfare fund.

**Claire Baker:** The minister might be aware that official figures show that the proportion of successful tier 1 reviews—appeals—for both community care grants and crisis grants sits at about 50 per cent. Following a recent visit to a food bank in my region, it was suggested to me that the staff who are administering the fund are working under significant pressure, which leads to potentially successful applications initially being denied before being overturned on review. Does the minister agree that, although such a high successful appeal rate shows that the review system is working, it may also indicate problems at the initial application stage? What assurances can he give my constituents that sufficient resources are in place to enable staff to deal thoroughly with the applications in the first instance?

**Kevin Stewart:** Ms Freeman was keeping a close eye on the situation in a number of councils and wrote to several of them. She was also looking at the guidance for the Scottish welfare fund. If Ms Baker wishes to raise any specific cases, I am sure that the new Cabinet Secretary for Social Security and Older People will look at them. I assure Ms Baker that Ms Freeman was looking at the issue in her previous portfolio.

**Mark Ruskell (Mid Scotland and Fife) (Green):** Universal credit was rolled out in Stirling last year, and it has resulted in increased rent arrears, food bank referrals and a risk of homelessness. The Scottish welfare fund was under a lot of pressure in trying to mitigate the United Kingdom Government's heartless approach

to social security. What further action can the Scottish Government take to support local authorities, particularly Stirling Council, to support the communities that are being crushed by those welfare reforms?

**Kevin Stewart:** Continuing austerity will result in an overall reduction in annual welfare spend of £4 billion in Scotland by 2020. The Scottish Government is spending more than £125 million in 2018-19 on welfare mitigation and measures to help people on low incomes who suffer from the changes that have been imposed by the UK Government. That is more than £20 million more than was spent in previous years. Ms Constance wrote to the Secretary of State for Work and Pensions, Esther McVey, on 15 June, calling again for the roll-out of universal credit to be halted. We believe that universal credit is a flawed policy and that the UK Government should halt the roll-out until it gets it right.

**Stuart McMillan (Greenock and Inverclyde) (SNP):** Is the minister aware of any councils that are underspending their Scottish welfare fund allocation? What can be done to encourage councils to make the most of that vital fund?

**Kevin Stewart:** The Government is aware of 11 councils that underspent their Scottish welfare fund allocation by £30,000 or more: East Ayrshire Council, City of Edinburgh Council, Falkirk Council, Fife Council, Highland Council, Inverclyde Council, Moray Council, Scottish Borders Council, Shetland Islands Council, South Ayrshire Council and South Lanarkshire Council.

The Scottish welfare fund is a lifeline for families and individuals across Scotland. I agree that it is crucial that councils are encouraged to make the most of the fund, especially given the welfare reform cuts that the United Kingdom Government is imposing.

The Scottish Government publishes statutory guidance annually, requiring councils to manage the fund in a way that helps those who are most in need in their local area. We also hold quarterly practitioner forums, which all councils attend, to promote best practice and to address issues such as take-up.

**Mark Griffin (Central Scotland) (Lab):** Some local authorities exhaust their welfare allocation and people are left in desperate need who would qualify for a welfare fund grant but do not get it simply because of the time of year when they happen to fall into hardship. Does the Scottish Government consider that to be fair? What steps will the minister take to make sure that those who are in desperate need of support do not miss out for that reason?

**Kevin Stewart:** As Mr Griffin is well aware, Ms Freeman kept a close eye on all such matters.

Since April 2013, £38 million a year has been allocated to local authorities for the Scottish welfare fund. We are committed to keeping the fund.

Mr Griffin will also be aware, from previous answers from Ms Freeman, that the basis of distribution to local authorities changed in November 2015 following a recommendation from the settlement and distribution group that was agreed by Convention of Scottish Local Authorities leaders and the Scottish ministers. The change was phased in from 2016-17. The distribution of the welfare fund is now wholly informed by the income domain of the Scottish index of multiple deprivation, to support the most vulnerable in our communities.

The new cabinet secretary is listening, and I am sure that she will keep a close eye on all those matters, too. If Mr Griffin wants to share any specific issues, I am sure that she will want to respond positively.

### **Loneliness and Isolation (Older People)**

**2. Miles Briggs (Lothian) (Con):** To ask the Scottish Government what action it is taking to reduce loneliness and isolation among older people. (S5O-02270)

**The Minister for Housing, Local Government and Planning (Kevin Stewart):** In January, Ms Freeman published for consultation the first-ever national strategy on social isolation and loneliness anywhere in the United Kingdom. We have consulted a range of groups, including older people, and organisations such as Age Scotland and the Scottish Seniors Alliance have contributed. The older people's strategic action group, which Ms Freeman established last year, discussed the strategy at one of its meetings.

We are also taking action. In 2017, our £500,000 social isolation and loneliness fund supported a number of local initiatives across Scotland that have provided support for older people and other vulnerable groups. Our work to deliver more accessible housing, tackle poverty, promote employment and volunteering opportunities, maintain concessionary travel and reform adult social care all helps to ensure that older people are able to live their lives to the full and maintain their important social connections.

**Miles Briggs:** What additional measures will be contained in the final strategy, "A Connected Scotland: Tackling social isolation and loneliness and building stronger communities"? How will the strategy support the fantastic work of voluntary organisations such as those in my region, including Vintage Vibes, Health in Mind and Contact the Elderly, to enable them to expand the services that they offer?

**Kevin Stewart:** I am aware of some of the groups that Mr Briggs has mentioned, including Vintage Vibes, which is based at the Broomhouse Centre in Mr Gordon MacDonald's constituency. I know that Ms Freeman has paid close attention to that and a number of other organisations across the country, and the Government will continue to listen to such groups.

We are determined to tackle social isolation. When I recently visited Dundee City Council, I was pleased to see that its social isolation teams were based with its teams dealing with energy efficiency, homelessness and welfare benefits. It is very important that local authorities look to bring together such services, so that we can provide our very best for those who feel isolated.

**Kenneth Gibson (Cunninghame North) (SNP):** Does the minister agree that befriending services such as those run by Quarriers in North Ayrshire can deliver great benefits including improved confidence and wellbeing to people experiencing loneliness and, indeed, to those who befriend them? If so, how does the Scottish Government plan to encourage and support such initiatives?

**Kevin Stewart:** I pay tribute to the important work that organisations such as Quarriers do. Befriending services are often a vital lifeline to those who are most at risk of social isolation and loneliness. Not everyone needs them but, for those who do, they play a vital role in supporting individuals to build up their social networks, spend quality time with another person and participate in activities that they might otherwise not have the opportunity to participate in.

I know that the lives of many people who have been befriended have been enriched by both individual relationships with their befrienders and the opportunity to give back to their community—more power to the elbow of Quarriers and organisations like it.

**Monica Lennon (Central Scotland) (Lab):** The Government's strategy on loneliness acknowledges the importance of libraries and notes the Government's investment in the public library improvement fund. I wonder whether Jeane Freeman kept a close eye on recent figures provided by the Scottish Library and Information Council, which show that a total of 30 libraries in Scotland closed last year—a figure that was up from 15 in the year before. Does the minister agree that those closures will have a negative impact on community cohesion? How does the Government plan to prevent further closures of public libraries?

**Kevin Stewart:** I had the great pleasure of being at the community hub in the south of Edinburgh this morning, which incorporates the

library. Edinburgh has done very well in incorporating community facilities, which not only saves money but brings services together so that people can access them in one place.

As a former councillor, like me, Ms Lennon will be well aware that it is up to local authorities to make the decisions about libraries. While I was serving in the administration in Aberdeen, I ensured that there were no library closures. I think that many other local authorities should try to do likewise.

**Mike Rumbles (North East Scotland) (LD):** Does the minister recognise that the Government's free bus travel for the over-60s helps many people to overcome loneliness and isolation? Should we not be promoting the scheme rather than considering restricting it? If the minister agrees with that, will he mention it to the new transport minister?

**Kevin Stewart:** I said that I was going to answer a fair number of questions across the portfolio this afternoon, but I did not expect questions on transport. The concessionary fares scheme has been kept by this Government, although there has been an on-going review. The positivity of concessionary fares is beyond doubt, and I am sure that the new transport minister will report back to the Parliament with the findings of the consultation when it is complete.

**"Everybody In: How to end homelessness in Great Britain (2018)"**

3. **Bob Doris (Glasgow Maryhill and Springburn) (SNP):** To ask the Scottish Government what its response is to the report by Crisis, "Everybody In: How to end homelessness in Great Britain (2018)". (S5O-02271)

**The Minister for Housing, Local Government and Planning (Kevin Stewart):** I welcome the recent report from Crisis and the work of its chief executive, Jon Sparkes, who chairs our homelessness and rough sleeping action group. I am pleased that the report recognises the Scottish Government's strong commitment to tackling homelessness and highlights some of the strides that we have already made, for example in noting that we have set the highest standard in the UK on limiting the use of unsuitable temporary accommodation.

The Crisis report highlights the challenges around homelessness and the need for us all to do more. That is exactly why we established the action group last year to help us to identify the solutions to homelessness, and I welcome the recommendations that it has published, including the final set in its report today.

**Bob Doris:** As the minister knows, the Crisis report is a weighty document that contains

substantial recommendations. I will pick out just the first one, which is:

"Introduce a statutory duty to prevent homelessness for all households who are at risk of becoming homeless within 56 days, regardless of priority status, local connection, intentionality or migration status".

As the member of the Scottish Parliament for Maryhill and Springburn, I occasionally have constituents who are at imminent risk of homelessness, including elderly residents who are told to turn up at homelessness services a couple of weeks before they are homeless or, worse still, once they are on the streets. I ask the minister to act on the recommendation that I have highlighted and monitor practice across local authorities to ensure that it is implemented appropriately.

**Kevin Stewart:** As I said, I welcome the report from Crisis and the work of Jon Sparkes. Although we have strong rights for homeless households and have made much progress on preventing homelessness in recent years, we are determined to do much more to make a step change in people's experience of housing and homelessness in Scotland. That is why we have accepted in principle all the action group's recommendations, including examining the case for introducing a comprehensive homelessness prevention duty on local authorities and on other local public bodies. We have committed to working with our partners across a range of sectors on a programme of work to take forward the recommendations. I know that Mr Doris has been keeping a close eye on the matter, and I am sure that he will continue to scrutinise the Government as we go forward on that front.

**Annie Wells (Glasgow) (Con):** Statistics last week showed that the number of homelessness applicants in Scotland who were formerly in the armed services increased by 11 per cent between 2016-17 and 2017-18. Given that housing is a devolved issue, what action is being taken by the minister to ensure that veterans who serve our country are supported once they leave the armed services?

**Kevin Stewart:** I pay tribute to Keith Brown, who was Minister for Transport and Veterans in the previous Government. It would be fair to say that he kept me on my toes in dealing with veterans' issues. The Government has provided funding to the garden city project to provide housing for veterans. It would be helpful if the Ministry of Defence helped us to use the land and housing that it has in Scotland to alleviate some of the difficulties that we face. I know that Mr Brown was assiduous on that, particularly in his discussions on the Stirling and Clackmannanshire city deal. In order for us to get this right, I would be very grateful if Miss Wells could also talk to the United Kingdom Government, to see whether it

can be a bit more positive in allowing the transfer of land and housing from the Ministry of Defence, so that we can do more for our veterans.

#### **East Dunbartonshire Council (Meetings)**

**4. Neil Bibby (West Scotland) (Lab):** To ask the Scottish Government when the Minister for Local Government and Housing last met East Dunbartonshire Council and what issues were discussed. (S5O-02272)

**The Minister for Housing, Local Government and Planning (Kevin Stewart):** Ministers and officials regularly meet representatives of all Scottish local authorities, including East Dunbartonshire Council, to discuss a wide range of issues, as part of our commitment to working in partnership with local government to improve outcomes for the people of Scotland.

**Neil Bibby:** I suggest that the minister meets East Dunbartonshire Council promptly, because he will be aware that the GMB, Unison and Unite trade unions have taken understandable and unprecedented strike action against the council after a sustained attack on the conditions of some of its lowest-paid workers. The Liberal Democrat-Tory coalition running the council has put forward proposals to cut annual leave, scrap overtime allowances and reduce redundancy benefit to the lowest level of any Scottish local authority. Will the minister unequivocally condemn the administration at East Dunbartonshire Council and, although it is not an excuse for the council's conduct, will he also accept that that attack on workers' rights is also driven by austerity, which the SNP Government has intensified and passed on to Scotland's councils for far too long?

**Kevin Stewart:** Mr Bibby spoiled his question at the end. If he wants to point the finger about austerity, he should be pointing at the United Kingdom Government, which has slashed the budget of the Scottish Government. As Mr Bibby well knows, the dispute is between the council as an employer and the unions representing its staff. Councils are independent of the Scottish Government and ministers do not have legal powers to intervene in such matters. However, we regret any action that disrupts schools and other public services, and we encourage all parties to resolve the dispute quickly, without further disruption to the residents of East Dunbartonshire.

**Rona Mackay (Strathkelvin and Bearsden) (SNP):** The SNP group on East Dunbartonshire Council resigned from leading the council after losing the vote when opposing that assault on workers' terms and conditions. Does the minister agree that administrations that ride roughshod over union members' and workers' rights should be condemned in the strongest terms?

**Kevin Stewart:** As I said in response to Mr Bibby's question, the dispute is between the council as an employer and the unions that represent the staff of East Dunbartonshire Council. As members are aware, councils are independent of the Scottish Government, and it is for locally elected representatives to resolve such disputes. I have no powers to intervene in those matters. However, I reiterate that the council as the employer and the unions should get round the table to resolve the situation and ensure that the people of East Dunbartonshire are served well.

#### **Homelessness**

**5. Murdo Fraser (Mid Scotland and Fife) (Con):** I know that a statement on this subject is coming up imminently.

To ask the Scottish Government what it is doing to tackle the recent rise in homelessness. (S5O-02273)

**The Minister for Housing, Local Government and Planning (Kevin Stewart):** It is not acceptable in a country such as Scotland for people to be rough sleeping or spending extended periods of time in temporary accommodation. We established the homelessness and rough sleeping action group and set up the £50 million ending homelessness together fund to drive sustainable and lasting change to tackle homelessness in Scotland and make rough sleeping a thing of the past. This morning, the action group published its fourth report and its final set of recommendations—29 of them—on ending homelessness, which the Scottish Government has accepted in principle. We look forward to implementing the action group's recommendations and to moving towards ending homelessness in Scotland for good.

**Murdo Fraser:** For the first time in nine years, the number of homeless applications has risen. For example, in Perth and Kinross in my region there has been a 17 per cent spike in the number of homeless applications over the past year and, as the minister said, there has been a rise in the number of households and children sleeping in temporary accommodation. On the action plan that the minister referred to, will he tell us specifically what headline action will tackle that problem? Will additional resources be available to local authorities that have seen a particular rise in the homelessness problem?

**Kevin Stewart:** I always find it rather surprising that Conservative members talk about spending more money, as the Conservative Party wanted to slash £550 million from our budget by giving tax cuts to the rich.

For the first time in a decade in which there has been a 39 per cent drop in homelessness



applications in Scotland, we are seeing a rise. That is regrettable, but one of the reasons for that rise—we hear this from third sector partners and from the likes of the National Audit Office—is that such things are being driven by the Tory Government's welfare changes. There are things such as the benefit cap and sanctions.

**Murdo Fraser:** It is always someone else's fault.

**Kevin Stewart:** Mr Fraser has shouted from a sedentary position that somebody else is to blame. In this case, the Tory Government is very much to blame. It should rethink all its welfare policies and put people first.

**Richard Lyle (Uddingston and Bellshill) (SNP):** Does the minister accept the National Audit Office's conclusion that the rise in the number of homeless families in the United Kingdom is

"likely to have been driven"

by the UK Tory Government's welfare changes?

**Kevin Stewart:** I am glad that Mr Lyle has read the National Audit Office's report, as I have done. It is pretty damning. I agree with Mr Lyle. The Scottish Government believes that the UK Government's welfare policies are limiting access to affordable accommodation for people on low incomes and, as such, are increasing the risk of hardship and homelessness.

The Scottish Government recently published a report on the impact of welfare reform on housing. It found that, in the private and social sectors, households have been severely affected by the UK Government's welfare policy. The report highlights the negative effect of universal credit on tenants and landlords because of the major increase in rent arrears. In East Lothian, for example, 72 per cent of social housing tenants who claimed universal credit were in arrears. That is compared with 30 per cent of all tenants. That is down to universal credit and the welfare changes, and it is about time that the Tories recognised the damage that they are doing to people throughout the country.

### Universal Credit (Renfrewshire South)

6. **Tom Arthur (Renfrewshire South) (SNP):** To ask the Scottish Government what impact it anticipates the roll-out of universal credit will have on people in the Renfrewshire South constituency. (S5O-02274)

**The Minister for Housing, Local Government and Planning (Kevin Stewart):** The United Kingdom Government's planned roll-out of the universal credit full service in Renfrewshire in September 2018 is, unfortunately, likely to result in increased debt, hardship and rent arrears, with

people being pushed into crisis and being at risk of homelessness, as that is what we have seen in other council areas, as I have just said. The Trussell Trust explicitly links the rise in the use of food banks to the roll-out of universal credit. The trust found that food bank use increased by an average of 52 per cent in universal credit full service areas.

Evidence provided by the Convention of Scottish Local Authorities suggests that average rent arrears for those in receipt of universal credit are more than 2.5 times higher than for those on housing benefit. The Scottish Government has now written to Esther McVey for the sixth time in two years, calling on the UK Government to halt the roll-out of universal credit. However, Esther McVey's statements to the House of Commons on 21 June suggest that our plea continues to fall on deaf ears.

**Tom Arthur:** I have had far too many constituents come to my surgery in tears as a result of the UK Government's welfare reforms and sanction regimes. Does the minister agree that the recent National Audit Office report on the rolling out of universal credit is a damning indictment of the Tory UK Government's handling of the benefit system, further evidence that Westminster cannot be trusted to look after the most vulnerable and yet another reason why this Parliament should have the full powers of a normal independent country?

**Kevin Stewart:** I agree completely and utterly with Tom Arthur that this Parliament should have full powers over social security. Every day, we are hearing further evidence about the misery that universal credit and other benefits such as employment and support allowance and the personal independence payment are causing. Continuing austerity will result in an overall reduction in annual welfare spend of £4 billion in Scotland by 2020. That is in stark contrast to the way in which we will deliver social security in Scotland. We are putting people first and treating them with the dignity and respect that everyone has the right to expect from their social security system. We expect to spend over £125 million in 2018-19 on welfare mitigation measures to help the most vulnerable people in Scotland, which is over £20 million more than the amount spent in previous years. However, the key point in all this is that the Tories should rethink their policies of austerity and row back on those nonsensical benefit cuts.

### Affordable Homes (Inverclyde)

7. **Stuart McMillan (Greenock and Inverclyde) (SNP):** To ask the Scottish Government how many affordable homes it plans to build in Inverclyde

with local housing associations by 2021. (S5O-02275)

**The Minister for Housing, Local Government and Planning (Kevin Stewart):** Over the course of this session of Parliament, 898 affordable homes are planned in communities across Inverclyde, with locally based associations delivering 671 of those. That is backed by nearly £50 million of investment from the Scottish Government that will go towards meeting our ambitious target of delivering over 50,000 affordable homes across Scotland by 2021, backed by £3 billion of investment. I am delighted to say that since 2007, we have delivered over 76,500 affordable homes across Scotland.

**Stuart McMillan:** I welcome the vast investment that the Scottish Government will allocate to Inverclyde and how it will benefit many families and the local community. However, does the minister agree that alongside any new homes, both affordable and private, local authorities should consider when progressing their local development plans how those new homes will be serviced with improved infrastructure in order to guarantee positive outcomes for those new developments and residents?

**Kevin Stewart:** It is the responsibility of local authorities to address those issues through their local development plans in accordance with Scottish planning policy and the national planning framework. The Scottish Government is committed to promoting an infrastructure-first approach to the delivery of development and to supporting stakeholders in that process. Achieving better co-ordination of infrastructure planning delivery and the development plan process itself is a key part of our on-going planning review and a large part of our Planning (Scotland) Bill.

#### **United Kingdom Social Security Ministers (Meetings)**

8. **Linda Fabiani (East Kilbride) (SNP):** To ask the Scottish Government when it will next meet the United Kingdom Government ministers responsible for social security. (S5O-02276)

**The Minister for Housing, Local Government and Planning (Kevin Stewart):** The next formal meeting between the Scottish Government and UK Government ministers is the joint ministerial working group on welfare that is scheduled to be held on Monday 10 September. The previous meeting took place in Edinburgh on 14 June. In addition, Angela Constance and Jeane Freeman have had contact with the Secretary of State for Scotland, the Secretary of State for Work and Pensions and the Minister for Disabled People, Health and Work.

**Linda Fabiani:** I ask that at the next available opportunity Scottish ministers raise with UK ministers the question of the removal of both enhanced and severe disability premiums from universal credit. Will they ask them to explain why the UK Government thinks that it is acceptable that a constituent of mine who is registered disabled will lose more than £200 a month on transferring to universal credit, despite the so-called transition protection payment?

**Kevin Stewart:** I know that Ms Freeman has written twice to the UK Government regarding this issue—on 21 March and 16 May this year—sharing our serious concerns about the loss of income that disabled people have to endure when they are moved to universal credit.

The lack of transitional protection for people moving on to universal credit is completely and utterly unacceptable. Even the UK Government has now recognised that, but its offer of backdated transitional protection will be of little comfort to those who have had to live with the impact of missed premiums on their incomes and living standards.

On 7 June, in a written statement, Esther McVey confirmed that the Department for Work and Pensions would provide transitional protection for people in receipt of the disability premiums. Draft regulations recently published by the DWP have given some information about the plans for that transitional protection.

However, not only have people missed out on the premiums when they have moved to universal credit; many thousands of people who should have been entitled to the premiums when initially making the switch to employment and support allowance from incapacity benefit have not been receiving them due to administrative errors by the DWP.

I know that Ms Freeman recently met Independent Living Fund Scotland, which shared with her some of the stories of people whom it has helped receive upwards of £10,000 in missing premiums.

This is yet another disgraceful, shambolic situation that the UK Government has created. It is now time for the UK Government to fix it, so that the most vulnerable people in our society are protected and get the payments that they need and deserve.

**The Presiding Officer (Ken Macintosh):** Minister, I know that you are trying to be helpful by turning round to address the member, but if you could direct your remarks to the chair and through the microphone, everyone will pick them up, including the *Official Report* staff.

### Hate Crime

**9. Annie Wells (Glasgow) (Con):** To ask the Scottish Government what action it is taking to tackle hate crime. (S5O-02277)

**The Minister for Housing, Local Government and Planning (Kevin Stewart):** Last year, Angela Constance published an ambitious programme of work to tackle hate crime and build community cohesion. She also established an action group to take that forward. The action group is tackling a range of issues, including how to increase reporting, raise awareness and prevent hate crime from occurring. Last October, the Government ran the successful hate has no home in Scotland campaign to raise awareness of hate crime and how to report it. The Government is carefully considering Lord Bracadale's important recommendations on hate crime legislation, which were published on 31 May.

**Annie Wells:** Figures that have been released by the Crown Office and Procurator Fiscal Service this month show a massive spike in some forms of hate crime. Since 2010-11, sexual orientation hate crime has increased by 146 per cent, transgender identity hate crime has increased by 250 per cent and disability hate crime has increased by a shocking 1,100 per cent. Of course I acknowledge that the figures are in part due to increased reporting, but what action is the minister taking to ensure that those crimes are being tackled at their root and that real progress will be made?

**Kevin Stewart:** Annie Wells is right to highlight that there might be increased reporting, which is a good thing. However, we cannot be complacent on these issues. From a constituency member perspective, I have been perturbed to see the rise in hate crime against LGBT+ people in my area and have been in touch with the police there to make sure that all that can be done is being done.

Annie Wells can be assured that the Government will look carefully at the important recommendations that have been made by Lord Bracadale and our continued efforts—

**Jenny Marra (North East Scotland) (Lab):** On a point of order, Presiding Officer. The minister is referring to his constituency experience, but I say with respect that we are in the chamber to ask questions of the relevant Scottish Government ministers. It is my understanding that the vote on ministerial appointments will not take place until tomorrow at lunch time, but we find that the front bench is short of the cabinet secretary for this portfolio, and of the Minister for Social Security. Mr Stewart has already made reference to the fact that the previous cabinet secretary was dealing with the issues, and not him. I seek the Presiding Officer's guidance on whether it is more respectful

to Parliament for the ministers who are in charge of portfolios to show up to answer questions.

**The Presiding Officer:** Jenny Marra has expressed her view, but it is up to the Government to decide which ministers reply to parliamentary questions. In this case, the minister made it clear at the outset that he would answer all the questions and asked for members' indulgence. Please finish your answer, minister.

**Kevin Stewart:** If Annie Wells has any specific points that she would like to make, I am sure that the new ministerial team will be pleased to look at them. She can be assured that this Government will continue to have a zero-tolerance policy towards all hate crime. We encourage people to report it and we encourage the authorities to take action, as necessary, to deal with those despicable crimes.

### Immigration Status (Discrimination and Prejudice)

**11. Patrick Harvie (Glasgow) (Green):** To ask the Scottish Government what action it is taking to tackle discrimination and prejudice based on immigration status. (S5O-02279)

**The Minister for Housing, Local Government and Planning (Kevin Stewart):** This month, we launched the we are Scotland campaign, which challenges attitudes on migration. I outlined in my answer to Annie Wells's question the range of steps that we are taking to tackle hate crime.

In addition, at the end of last year, we published the "New Scots Refugee Integration Strategy 2018-2022", which supports the vision of a welcoming Scotland, and our "A Fairer Scotland for All: Race Equality Action Plan 2017-21", which is focused on ensuring better outcomes for ethnic minorities in Scotland. We are clear that any form of discrimination or prejudice is completely unacceptable and will not be tolerated.

**Patrick Harvie:** In answer to the previous question, the minister mentioned the Bracadale review. In paragraphs 4.72 to 4.76 of "Independent Review of Hate Crime Legislation in Scotland: Final Report" it is concluded that respondents had a clear view that there is offending behaviour "involving hostility" on the basis of immigration status and that there is

"no central collection of data in relation to the immigration status of victims of crime."

The review did not recommend a new statutory aggravation. I can understand why, as it said that that is already covered. Does the minister agree that we are not doing enough if we fail to collect the data on the immigration status of people who are victims of crime that is motivated by prejudice based on that status? Short of introducing a new

aggravation, what can the Government do to address that?

**Kevin Stewart:** I will not pre-empt the Government's response to Lord Bracadale's recommendations. I am sure that the Cabinet Secretary for Justice will look at the issue in some depth and will report back to Parliament on our exact response.

I reiterate that the Government has zero tolerance for any hate crime. A lot of what is going on out there is being fuelled by the United Kingdom Government's policies, including the "hostile environment" policy. It is being fuelled even further by some so-called newspapers, which try to blame migrants for everything, when those people have come to our country and have done extremely well in our society by earning, living among us and adding value in our cosmopolitan Scotland. Long may that continue.

### **Social Enterprise (Definition)**

**12. Dean Lockhart (Mid Scotland and Fife) (Con):** To ask the Scottish Government how it defines social enterprise for the purposes of providing public funding, support or other assistance to relevant organisations. (S5O-02280)

**The Minister for Housing, Local Government and Planning (Kevin Stewart):** Public funding is targeted in line with our strategic approach, which has been developed in partnership with the sector. Broadly speaking, social enterprises are businesses that trade for the common good. They seek to make profits, but are committed to reinvesting them in a social mission.

Although there is no legal definition, the Scottish social enterprise sector has set down the values and behaviours by which it recognises a social enterprise. That voluntary code of practice recognises five basic criteria for social enterprises. The code is referred to in "Scotland's Social Enterprise Strategy 2016-26", which was co-produced by the Scottish Government and the social enterprise sector, and was published in 2016 and set out our shared priorities for the 10 years from 2016.

**Dean Lockhart:** As the minister indicated, there is no legal definition of what constitutes a social enterprise in Scotland, which has led to confusion for many enterprises that operate in the field. Will the minister and the new cabinet secretary look at measures to clarify the definition of "social enterprise" in order to address that confusion?

**Kevin Stewart:** I am sure that the new cabinet secretary will look at that. Although there is no legal definition, it has to be said that that has not been a barrier to growth in the sector. The "Social Enterprise in Scotland Census 2017" recorded 400 more social enterprises operating in Scotland than

were recorded in 2015. The social enterprise sector in Scotland is thriving: it contributed £2 billion to the economy in 2017. However, we will look at what Mr Lockhart has said today.

## Homelessness

**The Deputy Presiding Officer (Christine Grahame):** The next item of business is a statement by the busy minister, Kevin Stewart, on ending homelessness together: actions recommended by the homelessness and rough sleeping action group. The minister will take questions at the end of his statement, so there should be no interventions or interruptions.

14:42

**The Minister for Housing, Local Government and Planning (Kevin Stewart):** Presiding Officer, thank you for the opportunity to set out our ambitious plans for ending homelessness in Scotland, following the work of the homelessness and rough sleeping action group.

Everyone needs a safe, warm and settled place that they can call home. Home is more than a physical place to live in; it is where we have roots and a sense of belonging. Home gives us our sense of wellbeing. It is the starting point for how we interact with our community and the wider world.

In a country such as Scotland, it is not acceptable for people to be rough sleeping or spending extended periods of time in temporary accommodation. We know that the effect of homelessness on people is devastating. That fact was brought home with the publication last week of a study into the links between health and homelessness, which showed poorer outcomes across the board for people who had experienced homelessness. That is why the First Minister established the homelessness and rough sleeping action group, in September last year, to recommend the actions and solutions needed to eradicate rough sleeping, transform the use of temporary accommodation and end homelessness in Scotland for good.

Everybody who is found to be homeless in Scotland is entitled to settled housing, and most people are provided with it. There has been a 39 per cent fall in the number of homelessness applications since 2008-09, largely due to the innovative and person-centred approach to prevention that is being taken at the local level. However, too many people still struggle to access the accommodation and services that they need.

We need to change how we, as a nation, look at homelessness. Homelessness is not about fault. Individuals do not choose to become homeless. That is why we must do more to ensure that our system works for those who are most vulnerable, recognising the importance of tackling homelessness as a core part of doing right by everyone in our society.

I believe that we can end homelessness in Scotland. There will always be those who require emergency housing and support as life's events throw challenges at them, but I want to see a homelessness system that makes that experience as brief and as simple as possible. The system should provide a safety net for people when they need it in their lives, in times of hardship and crisis, but it should also support them to move on and thrive as quickly as possible.

The homelessness and rough sleeping action group rose to the challenge that we set it. In November, we received its first set of recommendations on addressing rough sleeping over the winter. Those were implemented with £328,000 of investment by the Scottish Government and action group members, which enabled targeted support for people who were sleeping rough and helped to get them off the streets and keep them safe during challenging times over one of our coldest winters ever.

That was followed in March by the action group's recommendations on how to end rough sleeping for good. Recommendations on the transformation of temporary accommodation were submitted in May, and today saw the publication of the fourth and final set of recommendations, which set out how to end homelessness altogether.

The group has worked at remarkable pace while still involving and engaging many others, in addition to holding its regular meetings and doing significant amounts of work. In just nine months, it has produced four reports covering 70 recommendations that focus relentlessly on making improvements for people who are threatened with or are experiencing homelessness.

We have accepted, in principle, all the recommendations relating to areas that are in the direct control of the Scottish Government. In those areas in which there are actions for others—for example, councils or the United Kingdom Government—we will urge them to act and match our commitments. In particular, the six financial recommendations that were made on the funding of temporary accommodation will be developed further, in partnership with local authorities.

In addition, through the Glasgow homelessness network's "Aye we can" programme, the action group engaged with people who have first-hand experience of homelessness. They know what it is like to navigate the homelessness system and can, therefore, see where the barriers are. I cannot emphasise enough how important I regard that work to be.

I express my heartfelt thanks and appreciation to Jon Sparkes, the chair of the group, and to every member of the group for their commitment,

dedication and hard work. Some members of HARSAG are in the public gallery today. It is clear that the shared vision of each member of the group to end homelessness and their commitment to social justice—which is very much shared by the Scottish Government—were crucial to their ability to work with such pace and clarity.

The context for the 70 detailed recommendations is a vision of a whole-system approach whereby prevention of homelessness is paramount and the responsibility lies not just with local authorities but with all parts of the public sector. When homelessness occurs, rapid rehousing should be the default position, as that will avoid the need for time in temporary accommodation. Recognising that some people need more than just a house and have multiple complex needs that must be addressed alongside their homelessness, the action group has made it clear that the housing first model of intensive support should be available.

For people who require the emergency safety net of temporary accommodation, their time there should be as short as possible. It should be spent in accommodation that is of a high standard and in a location that minimises disruption to their daily lives.

Earlier today, I confirmed the Government's acceptance of the final set of recommendations, which set out actions to end homelessness altogether and address the wider risk factors for homelessness, including poverty, social security and migration policy.

This morning, I announced a significant allocation of £21 million from the £50 million ending homelessness together fund to support the transition to rapid rehousing and the housing first model. That includes a £1.5m contribution over two years from the health funding that was made available this year for addiction services, which demonstrates our commitment to joint working at a strategic level and to working across portfolios.

I am pleased that we have already begun the work that is required to take forward the recommendations of the action group. The homelessness prevention and strategy group, which I co-chair with the Convention of Scottish Local Authorities spokesperson, Councillor Elena Whitham, will oversee the development of the implementation plan, which will look at not only the action group's recommendations but those from the Local Government and Communities Committee's report on homelessness.

Local authorities are carrying out some excellent work across Scotland to prevent and tackle homelessness. We, along with local government, the third sector and wider public sector partners, have been working hard over many years to

prevent homelessness in Scotland, and I pass on my sincere thanks to everyone for their work.

All of that work is being done in the face of the UK Government's programme of welfare changes, which is making life harder for many people across our country. By the end of the decade, an annual £4 billion in benefits will be cut from Scotland, which will push people into debt and rent arrears. The use of food banks will increase and many more folk will be pushed into crisis. Although we are spending a record £125 million this year on welfare mitigation to protect people on low incomes, much of which is being spent on mitigating the awful bedroom tax, we need to be vigilant. Reports from the National Audit Office and Crisis—to name just two organisations—have pointed to the devastating impact of welfare cuts, which is leading to more homelessness. It is predicted that the level of homelessness will rise despite our efforts to mitigate the impact of such cuts. It is vital, therefore, that we continue to work in partnership with all local authorities and continue our engagement with the housing options hubs, because that has been key to embedding a preventative approach to homelessness.

Can we end homelessness in Scotland? Aye we can. However, it is important that we get it right and that we bed in change and improvement for the long term. We need to make the most of the current opportunity and ensure that all parts of the public and third sectors are aligned in their aims and activities. We need to develop a system that helps people who need it most, wherever they are.

I am proud to say that, when homelessness occurs, Scotland already has some of the strongest housing rights for homeless people in the world. We have strong foundations and, thanks to the action group, a compelling and positive vision for the future. I look forward to working towards ending homelessness and rough sleeping in our country for good.

**Graham Simpson (Central Scotland) (Con):** I thank the minister for advance sight of what turned out to be a particularly woolly statement. I also congratulate him on keeping his job.

The minister has committed to accepting the recommendations of the action group "in principle", but he has given little detail of what he means by that. There was nothing concrete in his statement—no bricks and mortar to help the homeless.

I agree with the minister that we can end homelessness, but we need more than warm words. I will ask some specific questions. HARSAG has spoken in the past about the housing first model. The phrase did not appear in today's recommendations, so I assume that rapid rehousing is the same thing. Can the minister say,

in detail, how he plans to roll out the housing first model across Scotland? Where will it be rolled out? How many units will there be? What will be the cost?

Recommendation 6 relates to the groups that constitute the highest proportion of people who get into rough sleeping. The report talks about people who are leaving public institutions and those with previous experience of institutions such as prison, mental health services and the armed forces. The last is particularly important given that the number of homeless applicants in Scotland who were formerly in the armed services increased by 11 per cent in the past year. Does the minister have any specific announcements that would help those most vulnerable people?

**Kevin Stewart:** A 10-minute statement to Parliament does not give the opportunity to respond to all 70 of the recommendations that HARSAG has made.

Mr Simpson should recognise that, today, I am announcing £21 million of funding to allow rapid rehousing and housing first to be rolled out, first in specific areas and then across the country. Beyond that, we have brought together funding from other portfolios to make sure that folk who have addiction problems are dealt with in an appropriate manner and that funding follows the person.

As Mr Simpson is well aware, I have had numerous meetings with colleagues right across the Government and with stakeholders right across the country in order that we get our approach absolutely right. That means getting service provision aligned. He talked about folk who are leaving public institutions. As he will know, the care review is on-going, and I want to make sure that everyone who leaves care is given the appropriate opportunity to access housing. We are all corporate parents and have a duty—as we do to our own children, nephews and nieces—to get this right.

With regard to public institutions, Mr Simpson will be aware that the sustainable housing on release for everyone—SHORE—standards were put in place in the Scottish Prison Service in November 2017, if I remember rightly, to get it right for those who are leaving prison.

Mr Simpson talks of the need for more bricks and mortar. This Government is investing £3 billion to deliver 50,000 affordable homes, 35,000 of which will be for social rent, during this session of Parliament. That is the biggest housing programme for decades and certainly the biggest housing programme since devolution. If Mr Simpson wants to persuade his colleagues at the Treasury to release the purse strings to allow

more capital spend in Scotland, I am sure that I can oblige him by spending a little bit more.

**Pauline McNeill (Glasgow) (Lab):** On behalf of Labour, I would like to thank the working group chaired by Jon Sparkes for its incredible work on tackling homelessness.

Homelessness is a real crisis in our society, as witnessed every day on the streets of Scotland. The minister mentioned that this is the fourth year in a row that the number of children who live in temporary accommodation has risen by 9 per cent—those families spent an average of 204 days there. I would like the minister's assurance that those children and families will be a priority, given that the Government has had a decade so far to deal with that.

Rough sleeping on our streets is on the rise, people are dying on our streets and homelessness becomes a matter for someone every 18 minutes. In fact, homeless applications are up 1 per cent, contrary to what the minister outlined in his statement.

Does the minister agree that tackling homelessness must be an integral part of the poverty agenda and that it must become a priority for public health? The significant rise in those with mental health issues losing their tenancies tells us that it is about more than bricks and mortar. Will the minister tell me today to what extent he plans to have discussions with the new Cabinet Secretary for Health and Sport to ensure that those views are represented at the Cabinet table?

Finally, recent Unison research showed that 69 per cent of council workers identified that the lack of front-line staff is a key issue in bringing those services together. Will the minister outline exactly what resources he will ensure that local government services have to deliver homelessness services? The £21 million is welcome, but how will—

**The Deputy Presiding Officer:** You must conclude; you are well out of time.

**Pauline McNeill:** —he ensure that the rest of the recommendations are delivered?

**Kevin Stewart:** The number of homeless applications fell by 39 per cent in the past decade, and it is unfortunate that there has recently been a 1 per cent rise. I share Pauline McNeill's belief that no children should be sleeping in unsuitable temporary accommodation, which is one reason why I have already reduced the amount of time that families and pregnant women can spend in such accommodation from 14 days to seven days. I do not want anyone to be in unsuitable temporary accommodation. We must remember, however, that 80 per cent of families with children are in mainstream housing as temporary

accommodation, although I want to drive that percentage much higher. Obviously, I will have to co-operate with local authority partners to ensure that we make real differences on that. It is fair to say that many local authorities are doing very well in that regard and that one or two need to do a huge amount more.

On the intertwining of homelessness services with other services, homelessness is not just about housing, so it is absolutely vital that services are aligned to ensure that people are supported in their homes. That is why I have discussed with ministerial colleagues from across portfolios, including public health and mental health, which Ms McNeill mentioned, their commitment to driving forward the change that is required. Ms McNeill can be reassured that I will continue to do that with my new ministerial colleagues.

Ms McNeill asked about the £21 million. It is for transformational change and to allow the investment needed to move to the rapid rehousing and housing first approach in a number of areas. She asked about the future. The analysis by Crisis of the housing first pilot in Liverpool said that, after a point, the use of housing first actually becomes cost neutral. We could do more to learn about other examples of that approach. I am sure that Ms McNeill would be happy if I sent her further detail on it. During the summer, I intend to go elsewhere to see what has been done in other places and to test some of the things that have been said.

**The Deputy Presiding Officer:** When the front-bench members ask questions, we have longer questions and answers, but I now have 10 minutes and 11 questioners, so members can do the arithmetic. I want to get through everybody, so I ask for short questions and answers, please.

**Bob Doris (Glasgow Maryhill and Springburn) (SNP):** I welcome the substantial recommendations in the report on reforming the funding system for temporary accommodation, which is often high cost and low quality. The recommendations include the devolution of housing benefit and greater support for those who are homeless. How will the Scottish Government map out with COSLA how that will work in practice and when does the Scottish Government intend to make representations to the United Kingdom Government on that?

**Kevin Stewart:** I want to ensure that we understand fully the overall impact of the six recommendations on temporary accommodation and the finances for it. I have agreed to work in partnership with COSLA to gather robust financial data from local authorities, and officials will be working during the summer to gather the intelligence that will allow us to make an informed decision about the consequences of funding being

devolved. I assure members that I will keep them up to date on all that. I thank COSLA very much for its full co-operation as we move forward.

**Michelle Ballantyne (South Scotland) (Con):** The minister said in his statement that he accepts in principle all the recommendations and will take forward any that are in his power. On recommendation 3, although many organisations that I have met agree in principle with it—

**The Deputy Presiding Officer:** I am sorry, but please just get to the question.

**Michelle Ballantyne:** This is the question. Those organisations have expressed concerns about how recommendation 3 will be delivered financially and in terms of housing stock. Does the minister have any costings for that recommendation and does he have concerns about meeting the challenge?

**The Deputy Presiding Officer:** Can I have a short answer, please?

**Kevin Stewart:** I do not have recommendation 3 at my fingertips, but I can say to Ms Ballantyne that we will continue to talk to stakeholders to ensure that we can implement the recommendations. Some of that work will not be easy, but our partners in local government, housing associations, the third sector and right across the stakeholder group are up for it. Now is the time to take the action to achieve our ambition of ending rough sleeping and homelessness in Scotland, and we will report back to Parliament as we make progress. The Local Government and Communities Committee will undoubtedly carry out further scrutiny of our work in this area, and I look forward to that.

**Kenneth Gibson (Cunninghame North) (SNP):** I welcome the statement. What specific focus will the Scottish Government give to women who have been made homeless as a result of domestic violence?

**Kevin Stewart:** That issue is among those that have affected me most. I met a group of women from Fife who had put together an immensely powerful report on the situations that they faced, whereby they, rather than the perpetrators of the crimes against them, were punished. We need to look at the legislation that is in place with a view to making improvements, because some of the things that are happening are unacceptable.

The homelessness prevention and strategy group, which I co-chair, will look at all the recommendations of the action group and will drive forward the action plan. A number of the folk around that table will look closely at the situation that women and families who suffer domestic abuse have faced and how we can improve their situation in the future.



**Kezia Dugdale (Lothian) (Lab):** There are 560 more children in temporary accommodation than there were last year, and I have a constituent with an 18-month-old baby who is living in the most horrendous circumstances.

Given that 70 per cent of all unsuitable accommodation breaches were in Edinburgh, what direct conversations has the minister had with the leadership of the City of Edinburgh Council to address that scandal in our capital city?

**Kevin Stewart:** I regularly meet councillors from across the country, and I met the City of Edinburgh Council's housing convener just this morning at the launch of the most recent set of recommendations.

I have made it quite clear to local authorities that it is unacceptable to breach the time limits on unsuitable accommodation, and I will continue to drive home that message. I know that the City of Edinburgh Council has its own action group, which has cross-party support. Significantly, a number of the members of that group are the leaders of their groups on the council. I hope that, with their help, real change can be brought about in Edinburgh.

We are investing heavily in housing here in Edinburgh, but we also need to look at allocation. Although the council's allocation policy is right, in the sense that 73 per cent of allocations go to homeless people, housing associations in the capital could do better in that regard. I know that, in the very near future, Councillor Campbell will ask them for additional support and help, and she has support from me.

**Andy Wightman (Lothian) (Green):** I welcome the minister's statement. Given that tenants can be evicted via schedule 3 of the Private Housing (Tenancies) (Scotland) Act 2016 if their landlord or creditor intends to sell the property, or if their landlord wishes to use the property for a purpose other than providing someone with a home, such as renting it out on a short-term let, does the minister agree that private rented sector tenants need greater security than they currently have?

**Kevin Stewart:** As Mr Wightman knows, since I took office we have provided greater security for private sector tenants, and I will continue to look at the situation in the private rented sector to identify what more we can do. I am always willing to talk to Mr Wightman about such issues, and if he wants to discuss the matter further, I am happy to meet him.

**Alex Cole-Hamilton (Edinburgh Western) (LD):** Recommendation 5 covers provision for emergency accommodation for the migrant homeless population that has no recourse to public funds. Does the minister recognise that that population includes a particular group: women with insecure immigration status who are fleeing

domestic abuse, often with children? Such women are supported in our nation's capital by groups such as Shakti Women's Aid. Does the minister accept that generic provision of emergency accommodation for those women might be unsuitable? Will he look to provide a bespoke solution for them?

**Kevin Stewart:** There would be some difficulties around my giving a commitment in that regard today, because of the nonsense of the legislation on no recourse to public funds. It would be much better if members of this Parliament joined together to say that the UK Government's policies on no recourse to public funds are unacceptable and should be removed.

I have talked to the UK housing and homelessness minister about the issues. Ms Wheeler has said that she is determined to eradicate homelessness south of the border. However, one of the greatest challenges that we have in eradicating rough sleeping and homelessness here in Scotland is the no-recourse-to-public-funds situation.

My officials have had discussions with COSLA and we are working our way through the situation, to see exactly what we can and cannot do. I expect my officials to report back soon on the issues.

Beyond that, my colleagues in Government have written to numerous UK ministers to ask them to get rid of the policy, which is having an impact on many people whom we welcomed here and whom we should continue to support.

**Gail Ross (Caithness, Sutherland and Ross) (SNP):** How can the work of the homelessness and rough sleeping action group, alongside the Government's pre-existing work with local authorities, help to highlight and tackle rural homelessness?

**Kevin Stewart:** Although there is always a huge focus on urban areas, I want to ensure that all areas of our country benefit from our strong homelessness rights, so that people in rural areas have the same opportunities as those who live in cities.

Each local authority, rightly, works to its own local context, as the action group recognised. The focus should be on the prevention of homelessness, through person-centred housing options approaches. All 32 local authorities are involved in the housing options hubs, which promote and develop best practice, to improve services.

If there are specific problems in Caithness and Sutherland, I will be keen to hear from Ms Ross about them, because although we have heard

some voices from rural Scotland, we could do with hearing a few more.

**The Deputy Presiding Officer:** There are four more questioners, whom I would like to bring in. We must have crisp questions and short answers, so that everyone gets their shot. Mr Balfour, you set the bar.

**Jeremy Balfour (Lothian) (Con):** Social Bite, in Edinburgh, has committed to developing 800 homes for the housing first model. Supporting the individuals will cost a minimum of £6 million a year. Will the minister ensure that the Scottish Government underwrites local authorities' commitments to house and support recipients of housing support services, for as long as they need it?

**Kevin Stewart:** Local authorities are responsible for dealing with homelessness and spending their homelessness budgets. In Glasgow, for example, the homelessness budget is some £70 million a year. We are ensuring that we put in place moneys that can transform services. It is vital that we do that.

As I said, there is evidence that the housing first model is cost neutral, after implementation. We will support not just local authorities but Social Bite and others, to ensure that we get this right. I expect local authorities to use their current budgets in the best way that they can, to ensure that we move away from spending on unsuitable temporary accommodation—we spend a lot on that in certain cities, such as Edinburgh—and focus on delivering for people in their own tenancies.

**Ruth Maguire (Cunninghame South) (SNP):** Will the minister provide further detail on how the £21 million will be used to ensure that change is implemented both quickly and at scale?

**Kevin Stewart:** As Ms Maguire said, we are making available up to £21 million of the ending homelessness together fund to help councils and partners to develop housing first locally. We will work closely with them to ensure that the funding leads to necessary change, and to understand more about how we can ensure that housing first programmes are sustainable alongside the wider work of housing services in every local authority in Scotland. We will also work with local authorities as they develop their rapid rehousing transition plans by the end of the year.

**Jackie Baillie (Dumbarton) (Lab):** Labour provided £36 million to end rough sleeping in the first session of Parliament. The Scottish Government has so far provided £328,000. How much more will be allocated specifically to tackle rough sleeping and what action will the minister take to improve the measurement of rough sleeping?

**Kevin Stewart:** We have put £50 million into the ending homelessness together fund. This winter, we provided £328,000 to tackle rough sleeping, as Ms Baillie knows. However, it is not all about money; wrapped up in that £328,000 was personal budgeting, which gave folk on the front line the flexibility to provide for the needs of people whom they came across in the streets. That budget was £50,000—£25,000 each for Edinburgh and Glasgow. In fact, they only spent £17,000, but that made a huge difference to rough sleepers in both of those cities.

We will continue to look at such changes in delivery, many of which have worked. There will be full published analysis of that spend in the near future, which I am sure that members will want to look at very closely.

**The Deputy Presiding Officer:** Gordon MacDonald—briefly, please.

**Gordon MacDonald (Edinburgh Pentlands) (SNP):** What is the minister's view on the action group's key recommendations, which could mark a step change in eradicating rough sleeping and reducing homelessness?

**Kevin Stewart:** The key to all this is to get housing first absolutely right by ensuring not only that we give people houses, but that we give each individual the support that they require. There is commitment from officials and local government partners, from across the third sector and from all this Government, to make that work. Together, we can realise our ambition to end rough sleeping and homelessness in our country.

**The Deputy Presiding Officer:** Thank you. I am sorry to rush you, but I had to overrun by eight minutes to fit you all in. We really must have crisp questions and answers, because that cannot always happen. I will allow a slight break while members on the front bench change over for the next debate, but it will be very brief.

There is no time for wee pleasantries, as we are moving on. You can say hello to your friends—or your foes—later.

## Prescription (Scotland) Bill: Stage 1

**The Deputy Presiding Officer (Christine Grahame):** The next item of business is a debate on motion S5M-12958, in the name of Annabelle Ewing, on the Prescription (Scotland) Bill at stage 1. I call Joe FitzPatrick to move the motion.

*Motion moved,*

That the Parliament agrees to the general principles of the Prescription (Scotland) Bill.—[*Joe FitzPatrick*]

**The Deputy Presiding Officer:** I call Alison Di Rollo, Solicitor General for Scotland, to speak to the motion. You have nine minutes, Solicitor General.

15:18

**The Solicitor General for Scotland (Alison Di Rollo):** I am pleased to be here today on behalf of the Scottish Government to open the debate on the general principles of the Prescription (Scotland) Bill, which began as part of the Scottish Law Commission's ninth programme of law reform. I thank those who gave evidence, the convener and members of the Delegated Powers and Law Reform Committee and, in particular, the Scottish Law Commission, whose report included the draft of the bill, for its work. The bill will be taken forward by the new Cabinet Secretary for Justice and Minister for Community Safety following their formal appointment, subject to Parliament's approval tomorrow.

The Scottish Government welcomes the committee's support for the general principles of the bill and its recognition that the bill will provide clarity and legal certainty in those areas of negative prescription that have caused practical difficulties for creditors and debtors alike in Scotland.

The bill began as part of the Scottish Law Commission's ninth programme of law reform, and its aim is to increase clarity, legal certainty and fairness in the law of negative prescription. In civil law, that doctrine serves a vital function: it sets time limits for when obligations and correlative rights are extinguished. That serves the interests of individuals where, after a certain lapse of time, it is fairer to deprive one of a right rather than allow it to trouble the other; it also serves the public interest, because litigation begun promptly encourages legal certainty.

It is probably worth briefly revisiting the bill's intentions, which are to resolve issues with the law of negative prescription that have caused practical difficulty. Those are deemed to be worthy and welcome reforms to this aspect of the law. We

should perhaps bear that in mind when we debate the bill's principles this afternoon.

What does the bill do? By extending the five-year negative prescription period to cover all statutory obligations to make payment, the bill will significantly simplify the law in that area. Currently, the Prescription and Limitation (Scotland) Act 1973 lists specific categories of obligation that are subject to the five-year prescriptive period. Consequently, that list needs to be constantly updated if new obligations are to come under the five-year prescription. At the same time, there are statutory obligations that do not come under the five-year prescription but where there are no policy grounds to explain or justify that. There are exceptions to the new rule, such as taxes, council tax and Department for Work and Pensions overpayments—in other words, generally those statutory obligations of a public law nature.

Negative prescription is about the extinction of obligations after they become enforceable but it is difficult to say that there is an enforceable obligation unless we know whom to enforce against. In the case of seeking damages, it is, after all, only fair that, if a person does not know who was responsible for their loss, injury or damage, time should not run against them until they know, or can reasonably be expected to know, who was responsible. Section 5 will do just that. It makes little sense to postpone the start of prescription when the creditor becomes aware of the cause of their loss yet unaware of the identity of those responsible. The Scottish Government welcomes the committee's recognition that the new test proposed in the bill will achieve a fair balance between the interests of the creditor and those of the debtor.

While it seems fair to creditors to allow them some time to discover the identity of the person responsible for their loss or damage, it is also fair to defenders that time does not carry on indefinitely against them. An unusual feature of Scots law is that both the five and 20-year prescription for obligations to pay damages run from the same date—that is, the date of the loss. Another unusual feature is that the 20-year prescription can be interrupted, with the effect that the 20-year period starts again, so it is possible for a long time to pass before an obligation finally prescribes.

The bill will make the 20-year prescription, in relation to obligations to pay damages, commence on the date of the act or omission giving rise to the loss. It will also make the 20-year prescription a true long stop by preventing the period from being restarted. The committee, along with a number of those who gave evidence at stage 1, agree with the Scottish Government that such provision will increase legal certainty and clarity. The committee

also recognises the logic in allowing the prescription period to continue until proceedings finish, where that happens after the end of the 20-year period.

A good deal of time has been spent on what the bill does not do, as opposed to what it does. It simply maintains the exceptions that exist under Scots law. With respect to council tax and non-domestic rates, the bill does not seek to change the position as it is generally understood. Local taxes are vital sources of income for local authorities in the same way that other taxes are vital sources of income for the Scottish and United Kingdom Governments, and the Scottish Government does not want, as the SLC has indicated, to differentiate the treatment of local taxation payments from all other tax payments.

**Neil Findlay (Lothian) (Lab):** Will the Solicitor General take an intervention?

**The Solicitor General for Scotland:** I want to make progress at this stage, if that is all right.

The Convention of Scottish Local Authorities told the committee that it is rare for action to be taken to recover a debt that is more than five years old, but that any move to a five-year negative prescription period would—just like with the DWP—hurt the debtor most. Payments would either have to be recovered over a shorter period—and we must always remember that local taxes are recurring obligations that are due every year, so failure to make payment one year is likely to be compounded the following year—or councils would have to change the way they try to pursue and enforce payment, leading to substantially increased costs for councils, for the Scottish Courts and Tribunals Service and, more important, for the debtors themselves. The Scottish Government notes from the committee's report that the committee has agreed to write to all 32 local authorities for more information about such debts.

Reserved social security spending in Scotland is still decided on the basis of rules that are set by the DWP, and that includes how it decides to recover any overpaid benefits. The DWP has made it clear to the committee that, if there was no exception from the five-year prescription for obligations to repay reserved benefit overpayments, debtors would be placed in a worse position than they are in now, as the DWP would have to recover the money over a shorter period, meaning that larger amounts would require to be deducted from a debtor's benefits over a shorter period.

The Scottish Government does not have any jurisdiction over policy decisions concerning the operation of reserved benefits, and the committee is keen not to increase the financial hardship on

vulnerable people in our society. The DWP is in control of the matter, and the Scottish Government hopes that the committee will join it in recognising the impact that making reserved benefit overpayments subject to the five-year prescription would have.

**Mark Griffin (Central Scotland) (Lab):** Will the Solicitor General take an intervention?

**The Solicitor General for Scotland:** I am going to press on for now.

As well as the provisions that I have mentioned, the bill makes some miscellaneous provisions, which I want to mention briefly before time runs out. First, the bill allows for agreements to extend the five-year prescription by no more than one year in order to allow parties time to negotiate an end to their dispute without the need for protective proceedings. The committee recognises the merit in those agreements. Secondly, the bill adds to the definition of "relevant claim" in order to take account of claims that are made in sequestrations and company administration receiverships.

In concluding my opening remarks, I again thank the Delegated Powers and Law Reform Committee for its scrutiny of and support for the bill's general principles. The approach that is taken in the bill is not one of wholesale reform. Its aim is to focus on and address those particular areas that have caused difficulty in practice. The Scottish Government believes that the bill strikes a fair balance overall in redressing cases of unfairness for creditors and debtors while also serving the wider interests of fairness, justice and certainty.

In those circumstances, I move that the Parliament agrees to the general principles of the Prescription (Scotland) Bill.

**The Deputy Presiding Officer:** Thank you, Solicitor General. I know that you are not used to this, but the motion has already been moved by Mr FitzPatrick.

**The Solicitor General for Scotland:** Sorry, Presiding Officer. That was corroboration. *[Laughter.]*

**The Deputy Presiding Officer:** Oh, yes. I was all in favour of corroboration. It got me into a lot of trouble. *[Laughter.]*

I call Graham Simpson to speak on behalf of the Delegated Powers and Law Reform Committee.

15:27

**Graham Simpson (Central Scotland) (Con):** I thank Ms Di Rollo for stepping in today.

One of the responsibilities of the Delegated Powers and Law Reform Committee is to scrutinise Scottish Law Commission bills. They are

often seen as being quite technical, and members may think that our scrutiny is therefore quite turgid. As convener of the committee, perhaps I have just gone a little native, but I think that the Prescription (Scotland) Bill has proved to be a thoroughly interesting, important and thought-provoking piece of legislation.

I appreciate that many members might not have given much thought to the bill before today. They might have noted that it is a Scottish Law Commission Bill and thought that there is generally wide consensus among stakeholders on the need to reform the law and that any changes are fairly procedural and uncontroversial. Indeed, if they were asked to take part in this debate, they might have thought that they just needed to take their prescription and move on. They might even have thought that the bill is about the prescriptions that they get from their doctor. We have all had such prescriptions, but, thankfully, very few of us have had anything to do with the prescriptions that are covered in the bill.

There are some bills that we can really get stuck into—the Planning (Scotland) Bill, for instance. At first glance, the Prescription (Scotland) Bill did not appear to be one of those, but the DPLR Committee has had to wrestle with some important policy areas, such as council tax and social security benefits—policy issues with potential implications for our constituents, issues that affect some of the most vulnerable people in our society, and issues of justice for people who have suffered injustice.

I will give two examples that demonstrate why the bill is so important and why our committee was required to give it such robust scrutiny. Before I do, and for those members who are new to the legal term “prescription”, I can tell the chamber that I have found a handy way of thinking about it: it is the available time in which one is able to make a claim against loss. If someone has missed the deadline—the prescription period—their right is extinguished and, sadly, they are too late.

I turn first to the case of *Morrison v ICL Plastics*. As many members will remember with great sadness, the case stemmed from the tragic explosion at the Stockline Plastics factory in Glasgow in May 2004, in which nine employees were killed and which left many seriously injured. The case centred on a nearby business, David T Morrison and Co, which suffered significant damage from the explosion. However, when it sued ICL Plastics, which owned Stockline, for its loss, ICL defended the claim on the basis that it had already prescribed. In essence, Mr Morrison was told that he was too late to receive justice.

The case revolved around the interpretation of the existing legislation, the Prescription and Limitation (Scotland) Act 1973, and what the start

date was—the date on which the loss, injury or damage occurred. Morrison believed that the start date was in 2013, when he found out that the explosion was ICL’s fault, but ICL argued that the start date was in 2004, when Morrison’s had initially suffered the loss. The Supreme Court, by a majority of three to two, found in favour of ICL.

The committee recognises the impact that the Supreme Court’s decision had on the law of prescription. We therefore agree with the proposal in section 5, which allows the pursuer to know who caused the loss before the prescription period begins. That will mean that, in future, people who, like David Morrison, are trying to seek recompense for damage suffered due to negligence will not be told that it is too late to pursue the ICLs of this world. That is a welcome change to the law.

Another example might help to explain section 8, which covers the start date for the longer 20-year prescription period. Under the bill, that period will now start from the date when the act or omission that led to the loss occurred.

Fenella Mason, head of construction and projects at the law firm Burness Paull, gave the helpful illustration of a problem with a large infrastructure project such as—and I do not want to cause any undue worry to the current transport minister—the Queensferry crossing. Ms Mason asked the committee to assume that, back in 2008, one of the bridge’s engineers produced a defective design. As the structure did not open until 2017, and as it is not unusual for it to take 10 or 12 years for a problem to manifest itself, in that example the right of the Scottish Government to sue for damages could be lost.

The committee recognises that the start date for the 20-year prescription that is proposed in the bill might therefore result in some harsh cases. However, it was persuaded by the argument that evidence can deteriorate considerably over time, which in turn can lead to difficulties when compiling a case. As a number of witnesses said in evidence, we have to draw a line somewhere.

In the time available, I have not been able to mention the important welfare aspects that the committee wrestled with. We felt that they were of such significance that we wrote to the Social Security Committee, the Justice Committee, the Equalities and Human Rights Committee and the Local Government and Communities Committee to ask for their views on our work and whether they had anything to add. I am grateful to those committees for their helpful responses, particularly given the very tight deadline that we gave them. I am sure that some of my colleagues will pick up on those welfare issues in their own contributions.

I thank all those who contributed to the committee's scrutiny of the bill, whether in writing or by appearing before the committee during one of our evidence sessions. As members know, a committee's scrutiny is only as good as the evidence that it receives, so we are very grateful for the time and energy given to help us in our work.

I thank the Minister for Community Safety and Legal Affairs and her officials for the constructive way in which they engaged with the committee, and I thank the Scottish Law Commission for proposing the bill. The committee was a little concerned that the commission did not perhaps consult as widely as it could have done, and we have called on it to review its processes for future consultations.

I also thank my fellow committee members for their enthusiasm in grappling with the issues that the bill raises. Although there were a couple of areas on which we could not reach agreement, that work was a great example of parliamentary scrutiny, with the committee wanting to get the best legislation possible on the statute books.

I close with the words of William Gladstone, who said:

"Justice delayed is justice denied."

I hope that the provisions of the bill will ensure that justice might not be completely denied due to the passage of time. My committee and, indeed, all members, will welcome that. The bill will ensure greater fairness and equity in the civil justice system. I commend the committee's report to members.

15:35

**Alison Harris (Central Scotland) (Con):** First, I will simplify the meaning of "prescription". Prescription and Scots law on prescription encourage people to enforce their rights swiftly, and before it becomes too difficult for a person—or, indeed, an organisation—who is defending a claim to gather the appropriate evidence. As we heard from Graham Simpson, delay can cause the quality of vital evidence that might be available for use in a court case to diminish. The Prescription (Scotland) Bill aims to amend the law relating to the extinction of civil rights and obligations by the passage of time.

For negative prescription, the Prescription and Limitation (Scotland) Act 1973 established five-year and 20-year prescriptive periods. Twenty-year prescription applies to all obligations other than those that are specifically excluded from it by other provisions in the 1973 act. Five-year prescription applies to obligations on one statutory list and not to obligations on a second statutory list

in schedule 1 to the 1973 act. In practice, most obligations in Scots law end after five years.

If enacted, the bill would implement the Scottish Law Commission's recommendations on the law of prescription and amend the 1973 act in relation to negative prescription only. That means that a person has a certain timeframe in which to do something or it will become time barred. With positive prescription, the person needs the time to pass in order to claim the right to something.

The bill contains three main proposals in technical areas of law. However, what I am about to say is just a general guide.

Section 1 of the bill relates to obligations to pay damages and obligations under the law of delict. "Delict" refers to Scots law that relates to types of civil law, apart from breach of contract. It covers a group of wrongful behaviours in relation to a person who has been wronged and can obtain a legal remedy in the civil courts. It includes the common law of negligence and other specific types of delict, such as defamation and occupiers' liability. It is separate from the law of contract.

Section 2 will extend the scope of the five-year prescription to include certain obligations that are associated with contracts.

Section 3 sets out the general rule that statutory obligations to pay money are covered by the five-year prescription. However, there are some statutory obligations that are covered only by the 20-year prescription.

The committee not only took oral evidence; written evidence was also taken from the legal profession, academics, the welfare rights sector, the Scottish Law Commission and the then minister in charge of the bill, who was Annabelle Ewing MSP. All those who responded to the committee's call for written evidence and who gave oral evidence agreed that the bill is necessary. In its written evidence, Shepherd and Wedderburn LLP agreed, and said that

"the Bill will improve clarity, certainty and fairness"

and that

"overall resources will be more efficient and costs reduced. It is likely that advising clients on potential prescription will be less complex whilst still not straightforward."

Under the 1973 act, the five-year prescription applies to obligations on one statutory list and not to obligations on a secondary statutory list, as detailed in the act. The lists have been amended many times over the years, which makes the law extremely complex.

Section 3 of the bill will extend the five-year prescription to all statutory obligations to pay money, with some exceptions that will remain within the scope of the 20-year prescription. Those

exceptions are taxes and duties that are recovered by Her Majesty's Revenue and Customs and Revenue Scotland; council tax and non-domestic rates, as well as the sums that are connected with enforcement of obligations; the obligation to pay child maintenance; and sums that are recoverable under the legislation relating to social security benefits and tax credits.

There is some debate about those exemptions. For example, there appears to be some uncertainty under the current law about the prescription period relating to council tax and business rates debts. Under the current law, council taxes and business rates are probably covered only by the 20-year prescription, although there is no decided case on the point, which leads to some uncertainty in practice. It is not as clear cut as the time simply being five or 20 years, when we consider joint and several liability in situations in which people genuinely believe that they have paid but discover that a debt is outstanding and is significantly more than the original amount. Joint and several liability is a general principle of Scots law, but people do not always appreciate the meaning or severity of its implications.

The committee has recommended that the Scottish Government give further consideration to the exception for council tax and business rates, and that it provide a more detailed description of the public policy arguments for the exception, ahead of stage 2. The committee also recognises that there are wider policy considerations in the bill, particularly in relation to welfare rights.

Overall, the committee welcomes the greater certainty that the bill will provide for users of the law, agrees with the bill's aim of increasing clarity, certainty and fairness for the law on negative prescription, and considers that the bill, as drafted, generally meets its aims.

I thank the four committees that responded to the questions that were put to them on the wider policy areas, and I thank the committee clerks for the time, patience and effort that went into guiding the committee members through the bill.

15:41

**Daniel Johnson (Edinburgh Southern) (Lab):** In the light of the announced reshuffle of Government ministers, I begin by registering my thanks to Michael Matheson and Annabelle Ewing. Over the time that I have spent shadowing the justice brief, we have had some notable disagreements—on police governance, the British Transport Police merger and the repeal of the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012—but there have also been some clear areas of constructive engagement on the broad issue of prison reform,

on ensuring that the criminal justice system and the judicial system work and on the more specific circumstances around the Civil Litigation (Expenses and Group Proceedings) (Scotland) Bill. I thank both Michael Matheson and Annabelle Ewing and wish them luck in their new roles.

I also welcome Humza Yousaf—I am glad that he is here this afternoon on the front bench—and Ash Denham to their new positions, and look forward to engagement with them, be it constructive or, on occasion, critical, where that is needed.

I must admit that the Labour group was very excited to hear that there was going to be a debate this afternoon about prescription. Indeed, a queue lined up so that we could talk about medication, pharmacies and, on the 70th anniversary of the national health service, some very important health issues. When the truth was revealed about the debate, I am not sure that we had quite the same ease in filling the debate slots.

However, the issues around debt and the length of time for which it is reasonable to pursue debts are very important and have very real and human implications. We are therefore debating important issues this afternoon. In that regard, I thank the members and clerks of the Delegated Powers and Law Reform Committee for the stage 1 report, which provides a useful basis for the debate; and I thank the organisations that provided briefings to inform the debate. I also thank the Scottish Law Commission, whose work prompted the bill's introduction.

Prescription is a valuable principle in civil law that ensures that people who are aggrieved face a time limit for raising a claim in court, which is important because it encourages people to enforce their rights promptly. Without that, paper evidence could become lost, damaged or destroyed and witnesses might have died or become untraceable, or simply might not remember the facts of the case.

Above all, having no time limit might lead to people being pursued for debts for a length of time that anyone would consider to be unreasonable. It is against that principle that the bill seeks to reform prescription. I will focus my remarks on the discoverability test and the exceptions to the five-year period.

The discoverability test is used to determine when the prescriptive period starts. Recently, two important cases at the Supreme Court have altered interpretation of the test, one of which has already been mentioned in the debate—David T Morrison & Co Ltd v ICL Plastics Ltd and others. The other is Gordon and others v Campbell Riddell Breeze Paterson LLP, in 2017. Those rulings held that the five-year period started when

the pursuer knew, or should reasonably have known, that the loss occurred, regardless of whether they knew that it had been caused by fault or negligence.

The bill changes that test to meet three conditions: that the pursuer knew that the loss had occurred, that they knew that the loss was caused by another person's act or omission, and that they knew the identity of that person. Labour members believe that that is a reasonable and sensible compromise position that means that pursuers are not placed in a harsh situation in which their claim could be invalid before they even knew or had discovered that they had a claim.

There are two notable exceptions to the five-year prescription period, which members have acknowledged in the debate. Those exceptions are council tax and non-domestic rates. Other members might well have been contacted by constituents, as I have, about issues arising from council tax debt, when people are frustrated that councils that have failed to enforce actively a debt for several years suddenly come down on the debtor like a pile of bricks, even when the debtor had been paying what they thought was the correct amount for years. Citizens Advice Scotland told the committee that a five-year prescription period would force all creditors actively to pursue and enforce their debt, which would perhaps put off the need for such things as sequestration by councils.

We should not let policy be led by the inability of councils to enforce debts, nor should the law encourage in councils and public bodies inefficiency in actively pursuing those debts.

The Government's argument is that the exception retains the status quo, but that does not persuade me or my Labour colleagues. The bill, unsurprisingly, is about changing the status quo where necessary, so the justification to exempt council tax and business rates should be based on the merits of the case, not on the basis that it has always been so.

Prescription is an important principle that is in need of reform. We are happy to support the bill at stage 1, but Labour members look forward to further debate and to seeing how it can be improved at future stages.

15:47

**Liam McArthur (Orkney Islands) (LD):** Like Daniel Johnson, I start by acknowledging the contribution that was made by the new justice secretary's predecessor, Michael Matheson, and by Annabelle Ewing. I am sure that the new justice secretary will have advised his predecessor that despite his move to the transport portfolio, he has not got rid of me yet, because I will beat a path to

his door first on ferries and thereafter on many other issues. I look forward to working with Humza Yousaf in his new role.

I am conscious that unlike most colleagues in the chamber, except Daniel Johnson, I do not have the advantage of having listened to the stage 1 evidence. That is never ideal and—as Graham Simpson acknowledged—we are discussing a highly technical bill, so it makes me rather nervous. I am sure that the justice secretary feels that, too.

Nonetheless, having read the committee's report—I pay tribute to the work that was done by the committee—and the many briefings from stakeholders, for which I am more than usually grateful, I wish to raise a small number of points in this brief contribution to the debate.

First, it is worth my while to confirm that the Scottish Liberal Democrats welcome the bill, which is a welcome attempt to modernise and to bring greater clarity to the law on prescription. It seems to be self-evident that establishing a cut-off point for claims to be raised or rights to be asserted has the advantage of providing certainty, so that individuals and businesses have some prospect of being able to organise their affairs and to plan for the future. Even prospective pursuers will benefit from the enforced discipline of making timely claims. The Law Society pointed out that

“many years after the fact, evidence will have deteriorated or disappeared and relevant individuals may no longer be traceable, or indeed have passed away.”

Although that does not preclude the possibility of unfairness arising in individual cases, the principle that underlies the bill appears to be sound.

I will touch on a couple of specifics. I note the lively debate around whether council tax and business rates should be exempt from the five-year prescription. In its briefing, the Law Society outlined half a dozen reasons why it believes that that is not justifiable and might produce unfair results. Although I think that councils, like others, should be required to do everything possible to pursue debts in a timely fashion, I struggle to accept that the 6 per cent penalty charge that attaches to unpaid council tax would act as a disincentive on the collecting council. I cannot see a council adopting a strategy, which is what it would have to be, to deliberately delay collections in order to rack up penalty charges. The Law Society seemed to acknowledge that, and it undermined its own argument when admitting that

“uncollected sums are quite small and if the council has not sought to enforce within 5 years, there may be little practical appetite to pursue them many years later.”

I have more sympathy with the concern of the Convention of Scottish Local Authorities that introducing a five-year prescription would



“dis-incentivise payment and would lead to a decline in in-year collection.”

That said, I note that the committee was unable to reach an agreed position on that—I also note Daniel Johnson’s comments on the matter—and that the committee is looking for further rationale for the exception in advance of stage 2. That seems to be a sensible strategy. Like other members, I will look with interest at the forthcoming responses.

In relation to the discoverability test, the bill’s proposal to start the five-year period only when a pursuer knows that they have suffered a damage, injury or loss, that it was the fault of someone else by act or omission, and that they can identify that party, offers on balance more upsides than downsides, particularly for legal certainty.

I want to flag a concern that was highlighted by the Law Society, again, about the treatment of existing obligations that might be affected by the new law. In a bill that is aimed at delivering clarity, the confusion around claims that are prescribed under existing law but not under the new law is unhelpful. I hope that the Government will be able to address that at stage 2.

For now, I thank the committee and those who gave evidence, and confirm that the Scottish Liberal Democrats will support the bill at decision time.

15:51

**Stuart McMillan (Greenock and Inverclyde) (SNP):** I am delighted to speak in the debate, and I place on record my thanks to Michael Matheson and Annabelle Ewing. In particular, I appreciate Annabelle Ewing’s dedication when giving evidence to the DPLR Committee not just on the bill but on previous occasions.

I welcome the bill and, as a committee, we recommend it to Parliament. Paragraphs 52, 56 and 57 of the committee’s report provide a clear indication that the bill is a step forward, that it will provide clarity of understanding and that stakeholders are generally content with its proposals.

For something that started off as a fairly technical bill, it certainly came to life when we received evidence from Mike Dailly of the Govan Law Centre. We have already heard some commentary on that, and I am sure that Mr Findlay will touch on it in his speech.

The convener and the Solicitor General have touched on the technical nature of the bill, which has been helpful. I will touch on a couple of other areas.

The Scottish Law Commission has brought forward three bills in recent years. I previously

suggested that there could be the potential for more than one small technical area of legislation to be brought together, where possible, to make progress in dealing with outstanding issues. I still believe that that would be beneficial on occasion. However, the bill highlighted a different scenario regarding the SLC’s consultation process.

As the bill is technical, the examination of some areas, such as welfare rights, might not have been fully pursued. That became evident once we started our deliberations, which the executive summary of our report highlights. Although the welfare rights sector was contacted during the SLC’s consultation, it was only as we undertook our work that we established some issues that affect the sector. Therefore, I firmly believe that our recommendation that the SLC

“reviews its consultation processes with a view to giving policy considerations a greater level of attention when deliberating on law reforms”

highlights something that would be beneficial.

Section 3 of the bill and its exemptions are the main focus of our report and considerations. We could not agree on whether the exemption for council tax and business rates was appropriate. With councils clearly wanting the status quo but Mike Dailly suggesting that the period for council tax should be cut—and with very little other evidence—we had to try to test what was being suggested. We believe that our action in writing to COSLA and the Society of Local Authority Lawyers and Administrators in Scotland, as well as to four other committees of this Parliament, was the right thing to do to test any new evidence. COSLA’s response was helpful but, as we indicate in the report, it was not signed off politically, so our decision to write to all 32 councils was also the correct thing to do. Attempting to establish the exact debt situation, broken down into five-yearly periods, will be advantageous for further understanding of and deliberation on that section of the bill.

However, COSLA’s response indicated that, if the collection period was reduced from 20 years to five years, higher instalments would have to be applied, which would have a detrimental effect on the debtors, who are the people we all want to protect.

Ultimately, we all want the bill to be right, and I am sure that we all have a great deal of sympathy for Mike Dailly’s arguments, but a few things need to be considered. First, is this the correct bill to attempt to change that part of the law?

Secondly, why should the bill hamper the ability and flexibility of local authorities when they collect unpaid council tax? A reduction from 20 years to five years would be vast, so what would the effects be? I hope that the committee’s letter to the

councils will provide some information to help with that. As the minister indicated in her reply to the committee's report,

"the 20 year prescription will no longer be capable of interruption by a relevant claim or acknowledgment and will therefore act as a true long stop."

I am delighted that this technical bill is being recommended to progress and look forward to the next stages of the bill's journey through the Parliament.

15:55

**Bill Bowman (North East Scotland) (Con):** I thank my colleague Graham Simpson, the convener of the Delegated Powers and Law Reform Committee, and the committee clerks for their work on the bill. Having substituted on the committee for my colleague Alison Harris while the bill was being discussed, I am grateful to be able to add my voice today.

The bill enjoys support inside and outwith the Parliament, and the convener recognises the general contentment among stakeholders. The Law Society of Scotland summed the bill up by noting that it would modernise and bring greater clarity to our law of prescription.

It will do so through a series of changes to the five-year and 20-year prescription periods. It is not an attempt at wholesale reform but rather aims to address specific issues that have caused, or might cause, difficulty in practice. More fundamentally, it aims to bring clarity, certainty and fairness while balancing the law between creditors and debtors.

With that in mind, the committee has recognised the need to address various issues before the bill reaches stage 2, such as cases involving council tax, benefit overpayments and situations in which 20-year prescription can mean harsh results for individual cases.

The committee was split on whether council tax should be exempt from the five-year rule. The disagreement came down to balancing perceptions of fairness with public policy. No one wants to see individuals treated unfairly, but we have a public duty to treat taxpayers fairly by recovering their money, because that serves a wider public good. I hope that the issue receives the attention and review that it deserves as the bill progresses.

That process is already under way. The committee will write to local authorities to ascertain how many still have council tax and business rates debts outstanding after five years and how often payment has been sought using the 20-year prescription. I welcome that engagement, but we must ensure that the process is kept on track and that responses are acted on.

In a similar vein, more discussion is needed about whether overpayment of benefits should be subject to five-year or 20-year prescription. Avoiding overpayments is the best solution, but, when it happens, there is again the question of fairness versus the wider public good. Some people regard 20 years as too long, but, to paraphrase a clever man, time is relative. Public finances do not obey neat demarcations of time and we must retain flexibility in safeguarding public money.

On the 20-year rule, there will always be a need for longer prescription periods, even though we recognise the problems that they can create, such as with gathering evidence after a number of years. The bill balances that necessity by strengthening the hand of defenders through much earlier prescription starting points in many cases and by preventing court proceedings from resetting the clock on the 20-year period. That measure, in particular, is a welcome boost, as it offers greater certainty to defenders.

Certainty is a fundamental point. People must be able to live their lives without fear that they will be open to lawsuits for evermore. Even if individual cases might throw up some unwelcome developments, there is a wider public interest in legal certainty that must be served. Of course, as the Law Society points out, individual cases can also be better served by claimants taking early action.

People have a right to claim what is lawfully theirs, but they also have a right not to be dragged through the courts to settle decades-old debts. The reforms before us help achieve that through increased clarity and better balance between parties. However, as we move towards stage 2, I hope that ministers will pay heed to the concerns that have been raised by the committee and will seek to address them in a manner that carries the Parliament with them. That will allow the bill to continue to focus on the substantive issues and ensure the continuation of the broad support that we see here today.

**The Deputy Presiding Officer:** I would appreciate it if the last two speeches in the open debate came in at just under four minutes, please.

16:00

**Mark Griffin (Central Scotland) (Lab):** We welcome the bill. The new discoverability test, which requires a person to be aware that their loss, injury or damage was caused by a person's act or omission and to know that person's identity before the five-year period starts, is fairer than the current law.

The bill seeks to simplify prescription and ensure—with few exceptions—that all debts that

arise from personal contracts or statute are covered by the five-year rule, but it is disappointing that the Government has been persuaded to exempt certain statutory creditors. The exemption from five-year prescription of council tax and benefit payments under United Kingdom legislation, which makes them subject to the 20-year prescription, will leave people vulnerable to high penalties many years after they were incurred, even when those people might not have been aware of them. Given the six-year prescription that covers council tax debt and benefit overpayments in England and Wales, the bill fails to provide simplicity, fairness and clarity, particularly for those who will access devolved and reserved benefits.

When I tried to intervene on the Solicitor General, I did not want to catch her out in unfamiliar surroundings; I genuinely wanted to seek clarity about the debt that will be transferred from the UK Government to the Scottish Government. The devolution of social security powers to the Parliament means that the debt that is associated with historical claims will also be transferred. Maybe the Solicitor General will cover, in concluding, what system will apply to the debt that is transferred from the UK Government to the Scottish Government if the bill is passed.

Mike Holmyard from Citizens Advice Scotland told the Delegated Powers and Law Reform Committee that the position was unfair, and he gave examples of problems with obtaining adequate evidence from debtors and local authority collection systems. He explained that the way in which council tax is collected exacerbates the difficulties that debtors have in understanding their council tax debt. CAS advisers see clients who have built up debts over 10, 11 or 12 years because their council does not appear to have taken any action to collect those debts. The clients do not understand how a council can go from making no effort to collect payments over a long period to taking drastic action to recover the debts. Similar issues arise in relation to benefit overpayments under UK legislation.

A divergence between devolved benefits and reserved benefits would result from how section 3 of the bill interacts with section 66 of the Social Security (Scotland) Act 2018. The combined effect of the two provisions is that five-year prescription would apply to devolved social security benefits but 20-year prescription would apply to reserved social security benefits.

We welcome the bill, but we will look again at some areas of it at stage 2.

16:03

**Tom Arthur (Renfrewshire South) (SNP):** I join colleagues across the chamber in paying tribute to Annabelle Ewing. I had the privilege of being the parliamentary liaison officer to Michael Matheson and her earlier in the parliamentary session. I wish her the very best and I congratulate him on his new post.

I welcome the opportunity to speak in support of the bill at stage 1. As the bill originates in the work of the Scottish Law Commission, it is—naturally—more technical than many other matters that we debate in the chamber. Given that the Delegated Powers and Law Reform Committee was also appointed as the lead committee, the proposals that the bill contains are situated closer to the consensual end of the spectrum of political debate.

However, given the implications that the law of prescription has for a range of areas, the bill has provoked some broader questions, particularly on the recovery of debt by public bodies. The two areas of contention that emerged from the committee's deliberations are reflected at paragraphs 111 and 144 of the committee's stage 1 report and concern council tax and benefits respectively. I will focus my remarks on the issue of debt to local authorities.

Currently, the prescription period as it applies to council tax and non-domestic rates is uncertain. It is probable that the 20-year prescription period applies, but there is no decided case on the point that could offer more certainty, as has been noted. I believe that there is consensus in seeing the bill as an opportunity to bring clarity, but there is contention as to whether the period of prescription should be five or 20 years. Both the advocates of five years and those advocating 20 years have offered strong arguments.

Those who advocate a five-year prescription period include the Law Society of Scotland and Mike Dailly from the Govan Law Centre. The Law Society contends that a 20-year period is unfair. Its reasoning is set out in paragraph 86 of the committee report, which states that

“non-payment of council tax attracts a high penalty charge so that the value of the debt grows over time, and”

there are

“situations where people in good faith believe that they have paid their council tax yet are chased for the debt many years later, particularly in situations where joint and several liability applies.”

Mike Dailly argues that the position in Scotland should equate with that in England, where action to recover council tax debt must be initiated within six years. Mr Dailly offered a further nuance to his position by suggesting a compromise through having—I quote from paragraph 90—

“five year prescription with an exceptional circumstance test to establish whether there had been deliberate behaviour on behalf of the debtor to create delay in enforcing debt.”

Those who advocate retention of 20-year prescription include SOLAR and COSLA, although COSLA’s response to the committee had not been politically endorsed. Both organisations highlight the importance of local taxation to councils and the need for a legal regime that allows effective collection of debt. A further argument that the committee considered was on there being parity between local and national Government with regard to the prescribed period for debt recovery.

Although I am sympathetic to the arguments that have been made by the Law Society and Mike Dailly, I am not yet convinced that the bill that is under consideration today is the appropriate vehicle for delivering significant reform of local authority debt collection. There are three reasons that have led me to that view. First, there has so far been insufficient consultation with relevant stakeholders regarding the implications of any reform. However, as my colleague Stuart McMillan said, efforts have been undertaken in that regard.

Secondly, on a practical level, the process of council debt recovery is normally commenced swiftly, and the consequential issuance of a summary warrant creates, in effect, a 20-year prescription period. It should be noted that that compares favourably with the English equivalent—a liability order—which, as an instrument of English law, is indefinite due to the lack of prescription in that jurisdiction.

Thirdly, I believe that there is a risk of the bill going beyond its SLC-inspired remit and trespassing into policy areas that should be the concern of other committees in the Parliament beyond the DPLR Committee.

Time limits me from going into further detail on benefits, but I look forward to hearing the Government’s response to the issues that have been raised in the debate.

16:08

**Neil Findlay (Lothian) (Lab):** I welcome the new ministers—although I think that they have left the chamber—and I thank the outgoing ministers for their public service. I thank the Solicitor General and the convener of the DPLR Committee for setting out the positions of the Government and the committee on the bill and for highlighting some of the key issues.

There have been welcome changes on discoverability and other technical aspects, as we have heard during the debate. However, I want to focus on how the bill and the issues around it will impact on people.

In a past life, I worked for six years as a front-line housing officer in the social housing sector. I worked with tenants, housing associations and councils, and I took a great interest in the welfare rights side of the job. I tried to ensure that people received their entitlement and that the council or housing association was paid the rents and housing benefit that it was owed.

That job was a tremendous apprenticeship for going into politics, as I saw people’s lives in the raw. By going in and out of people’s houses every day and helping them deal with financial pressures, I gained an understanding of the stresses and strains that are put on families and communities. I gained an understanding of the crushing impact that debt can have on relationships and on mental and physical health and general wellbeing.

In cases of extreme debt, I had to invoke an eviction process that, ultimately, meant that people lost their homes. Housing officers in Scotland are faced with that awful dilemma every day. That is very grim and the worst part of the job, and it is also evidence of a failure of policy.

In my experience, many debts came on the back of problems in the benefits system that meant that people had their benefits stopped or reduced or that overpayments accrued through errors in the system.

I say that against the backdrop of the bill and, in particular, the exemption from five-year prescription of council tax and overpayments of reserved benefits, which means that people will be subject to a 20-year prescription period and possibly higher penalties after that debt is discovered. People might not be aware of that debt. They might have long since disposed of any files or records that they had at home that would help them address the debt when they discover that they have it. A six-year prescription period covers council tax and overpayments in England and Wales, but it will be 20 years in Scotland.

The Scottish Government took the correct action when it wrote off historical poll tax debts after almost 30 years. Under the proposed system, if it is enacted, people will have council tax debt hanging over them for up to 20 years. Let us think about that.

If the benefits system were starting from scratch and the UK Government proposed a six-year debt recovery period in England but a 20-year period in Scotland, there would rightly be an outcry, but that is what is being proposed in the bill. Mike Dailly from the Govan Law Centre made a very positive contribution to the committee’s proceedings, as did CAS and the Child Poverty Action Group. All of them share my belief that the law in Scotland on prescription for council tax and reserved benefits

overpayments should be brought more into line with the law in England and Wales, and my Labour colleagues have said that today.

We believe that a five-year prescription period would bring Scotland more in line with what happens in England and Wales. If we do not see any movement on that point during the bill's progression, we will bring forward an amendment on it at stage 2.

16:11

**Gordon Lindhurst (Lothian) (Con):** In a debate of this nature, it may seem that my right to say anything interesting by this stage has been extinguished by prescription. Let me start by mentioning my entry in the register of interests as a practising advocate.

Prescription might seem to be a boring lawyer's topic—those lawyers with their pedantic pronunciations. It is, of course, an ancient topic known to legal systems the world over, and it hardly needs to be mentioned that the Romans with their usucapio and other rules were the basis of much of present-day European thinking on the matter.

When I was at Heidelberg University, I remember a professor teaching us about the subject and telling a story to illustrate its meaning. He told of purchasing a bottle as a student—I will let others guess what was in it. He gave only a receipt to the shopkeeper and did not actually pay for it at that stage. As a student, he thought what a convenient arrangement that was. However, he said, it would not be convenient if, more than 40 years later, the shopkeeper came calling and demanded payment of the bill for that bottle. The professor's point was simply this: an agreement should not be left as if forgotten and forgiven, only to be trundled out years later and a demand presented, when circumstances, situations and even fortunes might have completely changed.

Eleanor Roosevelt once said:

“Justice cannot be for one side alone, but must be for both.”

Prescription is about that balance of justice, which seeks to be fair to both parties. It sets a limit to the time beyond which a right cannot be relied upon—in vox pop, “use it or lose it”. Those are well established and widely accepted principles in the legal systems of the world, past, present and—one would hope—future.

As the professor's illustration indicates, the question of prescription is one that applies across a wide breadth of human life and experience. I did a short trawl through Scottish case law of the past couple of centuries. A huge number of issues were covered, ranging from salmon fishing rights to

boundary disputes to every other conceivable form of commerce. I certainly will not bore the Parliament with a tale of each and every one of those cases.

However, the subject even featured in a case relating to the interpretation of the Temperance (Scotland) Act 1913—the case of *Macfarlane v Lanarkshire County Council* of 1921, which is *Session Cases* 664. The case related to a poll conducted and the question of whether it had taken place on a market day, which would have been prohibited under the act. The Lord President commented:

“to shut all licensed premises in the area on the day of a poll which is concerned with a question of licensing policy is an intelligible precaution against influence; while to shut them on a market day is to cause needless inconvenience and annoyance. The Act of Parliament is framed in view of both these considerations.”

**Neil Findlay:** Has the member lifted Stewart Stevenson's speech today?

**Gordon Lindhurst:** What can I say? I have been found out. No, not on this occasion, Mr Findlay.

There is a need to balance the rights and obligations of creditors and debtors, which is what the bill aims to achieve. It also aims to achieve desirable clarity in the current prescription regime, because fairness requires that and not just the balancing of interests. It is that particular aspect of clarity on which the current law has been found to be wanting in a number of respects. The bill is to be welcomed, for we all need to know where we stand when it comes to our rights and obligations, and we need to know within a reasonable time. Any lack of clarity in prescriptive rules is undesirable.

There are of course points that need to be looked at carefully, and those have been covered by my colleagues, members of the committee and others who have spoken. There is an issue with the section 5 discoverability test. There can be complexity in relation to multiple defenders, particularly where the burden of proof is being placed on the pursuer rather than the defender. There is a question in relation to heritable rights at 20-year prescription where the land register has failed to correctly reflect rights and obligations. Finally, there is the point that Mr Findlay eloquently raised and talked about—perhaps in a speech lifted from Mr Stevenson—to do with recovery of taxes and obligations to the state. The question that he raised was why there should be a longer period for that than there is in relation to private individuals.

16:17

**The Solicitor General for Scotland:** I do not want to turn this into a mutual appreciation society, but I add my thanks and tributes to the outgoing justice ministers and the members of the DPLR Committee, who have obviously given close and intelligent consideration to the bill. At first sight, the bill seems technical and dry, but it is anything but that. We can see from Neil Findlay's positive contribution that the bill is about improving Scotland's statute book. It is black-letter law and technical to that extent, but it matters. I am delighted that the bill has been given the amount of scrutiny that it clearly has had. I thank all members for their contributions to what is an important and valuable debate, which has confirmed that there is support across the chamber for the general principles of the bill, and that is surely to be welcomed.

Issues have been raised, however. In essence, it is a matter of balancing the rights and interests of various parts of society, and it is clear that balancing exercises have been carried out from the genesis of the bill in the Scottish Law Commission right through to its consideration today. All the issues that have been raised—I will touch on just two or three of them in the time allowed—will of course receive the close consideration that they deserve.

The first matter to mention, which Daniel Johnson, Graham Simpson and others referred to, is the fact that the bill does not change the position in relation to council tax. So far as the aim has been expressed, it is simply to maintain the status quo. How did we get to that considered position? The exception maintains the status quo with regard to council tax debt. Following the publication of one of the first drafts of the bill, the Scottish Law Commission immediately received representations from local authorities. Among the points that they made was that the policy reasons that justify excepting taxes that are payable to HMRC and Revenue Scotland apply equally to taxes that are payable to local authorities. It was acknowledged that there would be few cases in which it would take more than five years to collect such local taxes, but the point of principle was made well, and the SLC, in taking an overview of the situation, was persuaded by the arguments—

**Daniel Johnson:** Given that the situation is different south of the border, has any evidence been gathered on whether the six-year prescription period for local authorities in England has had negative consequences?

**The Solicitor General for Scotland:** I do not think that such a comparative exercise has been done. The scope of the bill does not go that wide. As Tom Arthur mentioned, the purpose of the bill is to amend, reform and clarify the law on

prescription in Scotland; it is not to bring about wholesale reform of debt recovery and the arrangements for the collection of taxes and revenues. Therefore, the answer to Mr Johnson's question is no.

We know that more than £2 billion-worth of council tax debt is owed across Scotland, £1.2 billion of which relates to debts that are more than five years old. It is likely that making the prescription period for those debts five years would force a change in the way in which councils recover the debt, which would be to the detriment of the debtor, about whom Neil Findlay has spoken so passionately. In its letter to the DPLR Committee, COSLA made it clear that a greater impetus would be given to local authorities to secure repayment within the reduced period. There are competing issues, and arguments can be made on both sides, but the Scottish Government, in common with the Scottish Law Commission, is satisfied that the exemption for council tax debt is justified.

I turn briefly to the exception to the five-year prescription period for social security. Again, it is a question of maintaining the status quo, which is that 20-year negative prescription applies. In England and Wales, the analogous legal concept is limitation rather than prescription, so the debt might still be active after that time. It is crystal clear from the DWP's evidence to the committee that making reserved benefit overpayment subject to the five-year prescription period would impose greater hardship on the most vulnerable members of society. That is a key message, which has been delivered to the SLC and the DPLR Committee repeatedly, and it is part of the balancing exercise that I have mentioned. I am sure that the committee, as it outlined in its report, is keen to ensure that greater hardship is not imposed on the most vulnerable in our society.

**Neil Findlay:** That might be the DWP's position, but it would be highly unusual if it was the argument of Citizens Advice Scotland, the Govan Law Centre and the Child Poverty Action Group that we should have a harsher regime for poor and vulnerable people in Scotland. I find that very difficult to believe.

**The Solicitor General for Scotland:** Mike Dailly and other consultees have expressed their views. This is a complex, nuanced matter on which there are different shades of opinion. However, there is no question but that the consultation process resulted in the view being expressed that removal of the exception would cause greater hardship. I repeat that we are talking about a series of balancing exercises, as the DPLR Committee and the SLC are aware, and the Scottish Government is satisfied that the right balance has been—

**Neil Findlay:** Will the Solicitor General take an intervention?

**The Solicitor General for Scotland:** I must press on.

I turn to an issue that Daniel Johnson and Tom Arthur mentioned, and of which Alison Harris gave a helpful explanation—discoverability and joint and several liability. The Scottish Government consulted the SLC on joint and several liability, the law on which the bill will not change.

I am heartened to hear universal approval of the clarity that the proposed new discoverability test will bring. The test will improve the position of creditors generally in relation to latent damages. It is significant that Brodies LLP, in its submission to the committee, was clear in its view that

“the reform of s11(3)—

of the 1973 act—

“will be welcomed since it clarifies the essential facts which a party must be aware of before a 5 year prescriptive period starts to run in respect of an obligation to pay damages.”

The bill remedies a defect that Morrison v ICL Plastics brought about, and I am heartened by the consensus across the chamber that that is to be welcomed.

There are many more issues in this technical but fascinating bill. I simply thank members again for their speeches in the debate. It is clear that many if not all members support the general principles of this important bill: to provide fairness, clarity and certainty to those areas of the law of negative prescription that have caused practical difficulties in its operation.

The bill is an opportunity for this Parliament to protect those who have a claim from running out of time in which to proceed with it, to change the current situation of possible perpetual liability to claims, including for those who have historical council tax debt, and to make clearer which obligations prescribe after five years.

## Complaint Against Mark McDonald MSP

**The Presiding Officer (Ken Macintosh):** The next item of business is consideration of motion S5M-12943, in the name of Clare Haughey, on the Standards, Procedures and Public Appointments Committee’s fifth report in 2018, “Complaint against Mark McDonald MSP”. I call Patrick Harvie to speak to and move the motion on behalf of the Standards, Procedures and Public Appointments Committee.

16:26

**Patrick Harvie (Glasgow) (Green):** The Standards, Procedures and Public Appointments Committee has considered and reported on a complaint from James Dornan MSP about Mark McDonald MSP. The complaint related to the conduct of Mark McDonald towards a member of James Dornan’s staff.

In examining information relating to the complaint, the Commissioner for Ethical Standards in Public Life in Scotland was made aware of Mark McDonald’s conduct towards another staff member and decided that that was relevant to the complaint under consideration.

The commissioner investigated the complaint and concluded that Mark McDonald failed to treat one staff member with respect and that his conduct towards her involved sexual harassment; that he also failed to treat a second staff member with respect; and that both behaviours were in breach of the code of conduct for members of the Scottish Parliament.

The committee’s deliberations are set out in the committee’s report. Details of the investigation by the Commissioner for Ethical Standards in Public Life in Scotland can be found in the report’s annexes.

The committee unanimously endorsed the commissioner’s conclusions and we consider that the breaches justify the imposition of sanctions on Mark McDonald. The committee looked at the full range of sanctions available to the Parliament and agreed that any sanction should send a clear signal about the seriousness of Mark McDonald’s conduct but should not have a financial impact on his staff nor unduly impact on his ability to represent his constituents.

Before I move the motion on behalf of the committee, I want to comment on the confidentiality requirements in the complaints process, which are a requirement of the code of conduct for MSPs.

We previously expressed our disappointment that details of the complaint were shared with the media by James Dornan MSP. To make matters worse, following the commissioner's investigation and before the report had been distributed to the committee, it appears that the report's findings were shared with the media.

We consider it unacceptable that the confidentiality requirements have been flouted more than once during the course of this complaint. That is disrespectful to the process, to the staff members involved and to the committee and the Parliament. Proper processes must be observed to ensure a robust outcome. The commissioner and the committee must be able to carry out their work without external interference. The committee intends to look into the breaches of confidentiality in due course.

In conclusion, the committee recommends that the Parliament: excludes Mark McDonald from proceedings of the Parliament for a period of one month, to take place from 3 September to 2 October 2018 inclusive; withdraws his salary for a period of one month to coincide with his exclusion from proceedings of the Parliament; withdraws his right of access as a member to the Holyrood parliamentary complex for the period of one month to coincide with his exclusion from the proceedings of the Parliament; and withdraws his rights to any representational, ceremonial and related privileges until dissolution.

On behalf of the committee, I move,

That the Parliament notes the Standards, Procedures and Public Appointments Committee's 5th Report, 2018 (Session 5), *Complaint against Mark McDonald MSP* (SP Paper 362), and agrees to impose the sanctions recommended in the report that the Parliament excludes Mark McDonald from proceedings of the Parliament for a period of one month, to take place from 3 September to 2 October 2018 inclusive; withdraws his salary for a period of one month to coincide with his exclusion from proceedings of the Parliament; withdraws his right of access as a Member to the Holyrood Parliamentary complex for the period of one month to coincide with his exclusion from the proceedings of the Parliament, and withdraws his rights to any representational, ceremonial and related privileges until dissolution.

**The Presiding Officer:** Thank you, Mr Harvie. The question on the motion will be put at decision time.

## Scottish Parliamentary Corporate Body Motion

**The Presiding Officer (Ken Macintosh):** The next item of business is consideration of motion S5M-12953, in the name of Andy Wightman, on witness expenses. I call Andy Wightman to move the motion on behalf of the Scottish Parliamentary Corporate Body.

16:30

**Andy Wightman (Lothian) (Green):** Today, the Scottish Parliamentary Corporate Body invites the Parliament to agree to revise the witness expenses scheme. The corporate body has oversight of the scheme, which is administered by the committee office. The witness expenses scheme was agreed by the Parliament in 2000, and its focus at that time was on witnesses giving evidence during proceedings of the Parliament under the Scotland Act 1998 and standing orders.

The commission on parliamentary reform has led to a renewed focus on strengthening the Parliament's public engagement and drawing evidence from a wider range of people. To support that, the committee office has conducted the first review of the witness expenses scheme since it was introduced in 2000. The revised scheme seeks to achieve two aims: first, to make the scheme more accessible to those who need it and, secondly, to strengthen the financial processes that underpin the scheme.

The revised scheme introduces a set of underlying principles and rules to clarify the purpose of paying expenses to witnesses. Those emphasise that expenses are primarily for those who would otherwise find it difficult to participate. The rules will be set out clearly for claimants and will be based on a set of principles that include inclusivity, accessibility, honesty, objectivity and sustainability. Significantly, the proposed changes include what can be claimed by carers and for carers, as well as enabling claims for hiring videoconferencing facilities.

Other changes focus on strengthening the financial processes that underpin the scheme. The approvals process will be streamlined so that, once a committee has agreed to hear from a particular witness, the authority to approve individual claims will lie with the group head of committees and outreach, who will also be able to set a threshold for expenses above which claimants will need to obtain prior approval. The corporate body will monitor the introduction of the revised scheme to ensure that it is working as intended.



I move,

That the Parliament determines that:

- (a) allowances and expenses in respect of the matters set out in column (1) below be paid or payable, as the case may be, in accordance with Rule 2.6.2 or 12.4.3 of the Standing Orders, as the case may be, to a person who attends proceedings of the Parliament for the purpose of giving evidence or who produces documents in his or her custody or under his or her control;
- (b) said allowances and expenses be at the rates set out in column (2) opposite the respective entries in column (1);
- (c) the rates set out in column (2) be updated in accordance with column (3);
- (d) said allowances and expenses be applied in accordance with the set of underlying principles and rules detailed below;
- (e) the SPCB be directed to issue revised guidance and provide claim forms in connection with the payment of such allowances and expenses; and
- (f) that the qualifying date for such expenses and allowances be 2 July 2018.

#### ANNEXE A – OVERVIEW OF CLAIMABLE EXPENSES

The below rates are reviewed annually and may be revised. Any changes will take effect from 1 April.

##### Current Scheme (2017/18)

##### Accommodation (not including food/drink)

Overnight Stay £118.75 per night

##### Updated scheme (2018/19)

##### Overnight expenses

(including accommodation, food/drink) £156.00 per night

##### Current scheme (2017/18)

##### Subsistence (including overnight)

Less than 5 hours Nil  
5 to 10 hours £6.29 max  
Over ten hours £13.61 max

##### Updated scheme (2018/19)

##### Food and drink (not overnight)

Less than 5 hours No change  
5 to 10 hours No change  
Over 10 hours No change

##### Current scheme (2017/18)

##### Travel by public transport

Standard fares Paid at cost

##### Updated scheme (2018/19)

##### Travel by public transport

Standard fares No change

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##### Current scheme (2017/18)

##### Travel by private transport

Taxi Paid at cost  
Car 45p per mile  
Motor Cycle 25p per mile  
Pedal Cycle 21p per mile

##### Updated scheme (2018/19)

##### Travel by private transport

Taxi No change  
Car No change  
Motor Cycle 24p per mile  
Pedal Cycle 20p per mile

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##### Current scheme (2017/18)

##### Loss of earnings

Paid employment £237.51 per ½ day max  
Self-employment £237.51 per ½ day max

##### Updated scheme (2018/19)

##### Loss of earnings

Paid employment No change  
Self-employment No change

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##### Current scheme (2017/18)

##### Caring costs

Childcare £8.45 per hour max

Unpaid primary carers: replacement care cover for dependents for up to 7.5 hours N/A

##### Updated scheme (2018/19)

##### Caring costs

Childcare No change

Unpaid primary carers: replacement care cover for dependents for up to 7.5 hours To be paid at cost

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##### Current scheme (2017/18)

##### Other

Photocopying 13p per sheet  
Postage Paid at cost  
Video conferencing N/A

##### Updated Scheme (2018/19)

Photocopying No change  
Postage No change  
Video conferencing To be paid at cost

## ANNEXE B – WITNESS EXPENSES SCHEME PRINCIPLES AND RULES

### SCHEME OVERVIEW

In submitting a claim, the claimant shall:-

- (i) act in accordance with the Scheme Principles; and
- (ii) comply with the Rules of the Scheme.

### PRINCIPLES OF THE SCHEME

The Principles of the Scheme are:

#### Inclusivity

The Scottish Parliament aims to promote engagement and participation to support and strengthen the work of the Parliament and to enhance parliamentary democracy at home and abroad.

In striving to meet this aim, the Parliament recognises that individuals have different needs which impact on their ability to participate equally in the work of the Parliament and its committees.

The principle of inclusivity shall therefore be the paramount principle of the Scheme.

#### Accessibility

In supporting equal participation in the committees' work through the payment of witness expenses, due regard shall be had to the following—

- (i) whether the claimant has been invited to participate in an individual or professional capacity. If participating in a professional capacity, whether the body being represented, or individual representative, is able to recoup the expenses incurred from their own professional allowances scheme, entitlement or taxation relief;
- (ii) whether the claimant has any individual need(s) that, if not met by a claim for expenses, may otherwise have a negative impact on their ability to participate equally in the work of committees.

#### Honesty

All claims under the Scheme shall be made in good faith. In this regard, the claimant shall ensure that any claims submitted relate solely in respect of their attendance of parliamentary activities and are not submitted in order to gain financial or other benefit for the claimant, or any other person.

#### Objectivity

With regard to the principle of inclusivity, the claimant, in submitting a claim for expenses under the Scheme, shall be satisfied that the amount and type of claim(s) represent value for money and were incurred having due regard to—

- (i) the claimant's individual needs; and
- (ii) the efficiency and effectiveness of the claimant's ability to participate in relevant proceedings.

#### Sustainability

The Scottish Parliament aims to reduce the need to travel and develop and promote the use of sustainable travel by people working in and visiting the building.

When deciding on whether transportation options to attend parliamentary activities represent value for money, claimants shall also give regard to ways in which they may

be able to minimise the carbon footprint of their participation. In this light, claimants may have regard to:

- (i) low-carbon transportation options; or
- (ii) providing evidence by more sustainable means, such as by video conference or submitting any written evidence electronically.

### RULES OF THE SCHEME

1. The payment of expenses shall be at the discretion of the Group Head of Committees and Outreach and all claims under the Scheme shall be assessed on an individual basis.
2. All expenses claims made under the Scheme must be evidenced by original receipts or vouchers (as applicable).
3. Payment of expenses under the Scheme may be made in advance of proceedings with approval of the Group Head of Committees and Outreach.
4. Claims must be received by the clerking team within 28 days of the date on which the proceedings took place in respect of which the claimant makes a claim under the Scheme.
5. Claims for loss of earnings in respect of self-employment must be evidenced by a certificate from an accountant or a copy of the claimant's previous year's tax.
6. Travel and accommodation shall be incurred at standard rates, unless previously agreed with the Clerk to the Committee.
7. Claims totalling more than the upper limit set by the Group Head of Committees and Outreach must receive prior approval of the Clerk to the Committee.
8. Private transport should only be used where it is more economical in the circumstances, or where travel by public transport is otherwise inappropriate.

**The Presiding Officer:** Thank you. The question on that motion will also be put at decision time.

## Business Motions

16:32

**The Presiding Officer (Ken Macintosh):** The next item of business is consideration of four business motions. Motion S5M-12985 sets out a business programme and motions S5M-12987 to S5M-12989 are on stage 1 timetables.

*Motions moved,*

That the Parliament agrees—

(a) the following programme of business—

Tuesday 3 September 2018

2.00 pm            Time for Reflection  
*followed by*      Parliamentary Bureau Motions  
*followed by*      Topical Questions (if selected)  
*followed by*      Scottish Government Business  
*followed by*      Business Motions  
*followed by*      Parliamentary Bureau Motions  
 5.00 pm            Decision Time  
*followed by*      Members' Business

Wednesday 4 September 2018

2.00 pm            Parliamentary Bureau Motions  
 2.00 pm            Members' Business  
*followed by*      Portfolio Questions:  
                          Economy, Jobs and Fair Work;  
                          Finance and the Constitution  
*followed by*      Scottish Government Business  
*followed by*      Business Motions  
*followed by*      Parliamentary Bureau Motions  
 5.00 pm            Decision Time  
*followed by*      Members' Business

Thursday 5 September 2018

11.40 am          Parliamentary Bureau Motions  
 11.40 am          General Questions  
 12.00 pm          First Minister's Questions  
*followed by*      Members' Business  
 2.30 pm            Parliamentary Bureau Motions  
 2.30 pm            Scottish Government Business  
*followed by*      Business Motions  
*followed by*      Parliamentary Bureau Motions  
 5.00 pm            Decision Time

and (b) that, in relation to First Minister's Questions on 6 September 2018, in rule 13.6.2, insert at end "and may provide an opportunity for Party Leaders or their representatives to question the First Minister".

That the Parliament agrees that consideration of the Damages (Investment Returns and Periodical Payments) (Scotland) Bill at stage 1 be completed by 21 December

2018.

That the Parliament agrees that consideration of the Human Tissue (Authorisation) (Scotland) Bill at stage 1 be completed by 1 March 2019.

That the Parliament agrees that consideration of the Transport (Scotland) Bill at stage 1 be completed by 8 February 2019.—[*Joe FitzPatrick*]

*Motions agreed to.*

## Parliamentary Bureau Motions

16:33

**The Presiding Officer (Ken Macintosh):** The next item of business is consideration of three Parliamentary Bureau motions, S5M-12990 to S5M-12992, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau.

*Motions moved,*

That the Parliament agrees that the Digital Government (Scottish Bodies) Regulations 2018 [draft] be approved.

That the Parliament agrees that the Land and Buildings Transaction Tax (First-Time Buyer Relief) (Scotland) Order 2018 [draft] be approved.

That the Parliament agrees that the Land and Buildings Transaction Tax (Group Relief Modification) (Scotland) Order 2018 [draft] be approved.—[*Joe FitzPatrick*]

## Point of Order

16:33

**Neil Findlay (Lothian) (Lab):** On a point of order, Presiding Officer. Yesterday at 5 o'clock, when the media's focus was on the reshuffle, NHS Lothian released on its website the latest report into the manipulation of waiting times in Lothian. It is a damning report, which highlights a culture of bullying of staff, unacceptable manipulation of waiting times, poor governance and much more, all of which impact on patient care. Can you advise whether the Government has asked to make a statement tomorrow on that very important report? Many constituents are waiting on that, because they do not want to see the report being buried on a day when the Government was trying to bury bad news while its reshuffle was going on.

**The Presiding Officer (Ken Macintosh):** I thank Mr Findlay, who has made his point. He will be aware that he can raise those matters through his business manager, who is perfectly at liberty to bring that to the attention of the bureau at any time.

## Decision Time

16:34

**The Presiding Officer (Ken Macintosh):** There are four questions to be put as a result of today's business. The first question is, that motion S5M-12958, in the name of Annabelle Ewing, on the Prescription (Scotland) Bill, be agreed to.

*Motion agreed to,*

That the Parliament agrees to the general principles of the Prescription (Scotland) Bill.

**The Presiding Officer:** The next question is, that motion S5M-12943, in the name of Clare Haughey, on a complaint against Mark McDonald MSP, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

**For**

Baillie, Jackie (Dumbarton) (Lab)  
 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)  
 Balfour, Jeremy (Lothian) (Con)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bowman, Bill (North East Scotland) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Corry, Maurice (West Scotland) (Con)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinrossshire) (SNP)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dugdale, Kezia (Lothian) (Lab)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Findlay, Neil (Lothian) (Lab)  
 Finnie, John (Highlands and Islands) (Green)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)  
 Golden, Maurice (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Gray, Iain (East Lothian) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harper, Emma (South Scotland) (SNP)

Harris, Alison (Central Scotland) (Con)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Glasgow) (Lab)  
 Kerr, Liam (North East Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lochhead, Richard (Moray) (SNP)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 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)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, Tom (North East Scotland) (Con)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Rumbles, Mike (North East Scotland) (LD)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Wells, Annie (Glasgow) (Con)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wightman, Andy (Lothian) (Green)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

### Abstentions

Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)

**The Presiding Officer:** The result of the division is: For 101, Against 0, Abstentions 6.

*Motion agreed to,*

That the Parliament notes the Standards, Procedures and Public Appointments Committee's 5th Report, 2018 (Session 5), *Complaint against Mark McDonald MSP* (SP Paper 362), and agrees to impose the sanctions recommended in the report that the Parliament excludes Mark McDonald from proceedings of the Parliament for a period of one month, to take place from 3 September to 2 October 2018 inclusive; withdraws his salary for a period of one month to coincide with his exclusion from proceedings of the Parliament; withdraws his right of access as a Member to the Holyrood Parliamentary complex for the period of one month to coincide with his exclusion from the proceedings of the Parliament, and withdraws his rights to any representational, ceremonial and related privileges until dissolution.

**The Presiding Officer:** The next question is, that motion S5M-12953, in the name of Andy Wightman, on witness expenses, be agreed to.

*Motion agreed to,*

That the Parliament determines that:

- (a) allowances and expenses in respect of the matters set out in column (1) below be paid or payable, as the case may be, in accordance with Rule 2.6.2 or 12.4.3 of the Standing Orders, as the case may be, to a person who attends proceedings of the Parliament for the purpose of giving evidence or who produces documents in his or her custody or under his or her control;
- (b) said allowances and expenses be at the rates set out in column (2) opposite the respective entries in column (1);
- (c) the rates set out in column (2) be updated in accordance with column (3);
- (d) said allowances and expenses be applied in accordance with the set of underlying principles and rules detailed below;
- (e) the SPCB be directed to issue revised guidance and provide claim forms in connection with the payment of such allowances and expenses; and
- (f) that the qualifying date for such expenses and allowances be 2 July 2018.

**ANNEXE A – OVERVIEW OF CLAIMABLE EXPENSES**

The below rates are reviewed annually and may be revised. Any changes will take effect from 1 April.

**Current Scheme (2017/18)****Accommodation** (not including food/drink)

Overnight Stay £118.75 per night

**Updated scheme (2018/19)****Overnight expenses**

(including accommodation, food/drink) £156.00 per night

**Current scheme (2017/18)****Subsistence** (including overnight)

Less than 5 hours Nil  
5 to 10 hours £6.29 max

Over ten hours £13.61 max

**Updated scheme (2018/19)****Food and drink** (not overnight)

Less than 5 hours No change  
5 to 10 hours No change  
Over 10 hours No change

**Current scheme (2017/18)****Travel by public transport**

Standard fares Paid at cost

**Updated scheme (2018/19)****Travel by public transport**

Standard fares No change

**Current scheme (2017/18)****Travel by private transport**

Taxi Paid at cost  
Car 45p per mile  
Motor Cycle 25p per mile  
Pedal Cycle 21p per mile

**Updated scheme (2018/19)****Travel by private transport**

Taxi No change  
Car No change  
Motor Cycle 24p per mile  
Pedal Cycle 20p per mile

**Current scheme (2017/18)****Loss of earnings**

Paid employment £237.51 per ½ day max  
Self-employment £237.51 per ½ day max

**Updated scheme (2018/19)****Loss of earnings**

Paid employment No change  
Self-employment No change

**Current scheme (2017/18)****Caring costs**

Childcare £8.45 per hour max

Unpaid primary carers: replacement care cover for dependents for up to 7.5 hours

N/A

**Updated scheme (2018/19)****Caring costs**

Childcare	No change
Unpaid primary carers: replacement care cover for dependents for up to 7.5 hours	To be paid at cost

**Current scheme (2017/18)****Other**

Photocopying	13p per sheet
Postage	Paid at cost
Video conferencing	N/A

**Updated Scheme (2018/19)**

Photocopying	No change
Postage	No change
Video conferencing	To be paid at cost

**ANNEXE B – WITNESS EXPENSES SCHEME PRINCIPLES AND RULES****SCHEME OVERVIEW**

In submitting a claim, the claimant shall:-

- (i) act in accordance with the Scheme Principles; and
- (ii) comply with the Rules of the Scheme.

**PRINCIPLES OF THE SCHEME**

The Principles of the Scheme are:

**Inclusivity**

The Scottish Parliament aims to promote engagement and participation to support and strengthen the work of the Parliament and to enhance parliamentary democracy at home and abroad.

In striving to meet this aim, the Parliament recognises that individuals have different needs which impact on their ability to participate equally in the work of the Parliament and its committees.

The principle of inclusivity shall therefore be the paramount principle of the Scheme.

**Accessibility**

In supporting equal participation in the committees' work through the payment of witness expenses, due regard shall be had to the following—

- (i) whether the claimant has been invited to participate in an individual or professional capacity. If participating in a professional capacity, whether the body being represented, or individual representative, is able to recoup the expenses incurred from their own professional allowances scheme, entitlement or taxation relief;
- (ii) whether the claimant has any individual need(s) that, if not met by a claim for expenses, may otherwise have a negative impact on their ability to participate equally in the work of committees.

**Honesty**

All claims under the Scheme shall be made in good faith. In

this regard, the claimant shall ensure that any claims submitted relate solely in respect of their attendance of parliamentary activities and are not submitted in order to gain financial or other benefit for the claimant, or any other person.

**Objectivity**

With regard to the principle of inclusivity, the claimant, in submitting a claim for expenses under the Scheme, shall be satisfied that the amount and type of claim(s) represent value for money and were incurred having due regard to—

- (i) the claimant's individual needs; and
- (ii) the efficiency and effectiveness of the claimant's ability to participate in relevant proceedings.

**Sustainability**

The Scottish Parliament aims to reduce the need to travel and develop and promote the use of sustainable travel by people working in and visiting the building.

When deciding on whether transportation options to attend parliamentary activities represent value for money, claimants shall also give regard to ways in which they may be able to minimise the carbon footprint of their participation. In this light, claimants may have regard to:

- (i) low-carbon transportation options; or
- (ii) providing evidence by more sustainable means, such as by video conference or submitting any written evidence electronically.

**RULES OF THE SCHEME**

1. The payment of expenses shall be at the discretion of the Group Head of Committees and Outreach and all claims under the Scheme shall be assessed on an individual basis.
2. All expenses claims made under the Scheme must be evidenced by original receipts or vouchers (as applicable).
3. Payment of expenses under the Scheme may be made in advance of proceedings with approval of the Group Head of Committees and Outreach.
4. Claims must be received by the clerking team within 28 days of the date on which the proceedings took place in respect of which the claimant makes a claim under the Scheme.
5. Claims for loss of earnings in respect of self-employment must be evidenced by a certificate from an accountant or a copy of the claimant's previous year's tax.
6. Travel and accommodation shall be incurred at standard rates, unless previously agreed with the Clerk to the Committee.
7. Claims totalling more than the upper limit set by the Group Head of Committees and Outreach must receive prior approval of the Clerk to the Committee.
8. Private transport should only be used where it is more economical in the circumstances, or where travel by public transport is otherwise inappropriate.

**The Presiding Officer:** Finally, I will put a single question on three Parliamentary Bureau

motions. The question is, that motions S5M-12990 to S5M-12992 be agreed to.

*Motions agreed to,*

That the Parliament agrees that the Digital Government (Scottish Bodies) Regulations 2018 [draft] be approved.

That the Parliament agrees that the Land and Buildings Transaction Tax (First-Time Buyer Relief) (Scotland) Order 2018 [draft] be approved.

That the Parliament agrees that the Land and Buildings Transaction Tax (Group Relief Modification) (Scotland) Order 2018 [draft] be approved.

## National Health Service at 70

**The Deputy Presiding Officer (Christine Grahame):** The final item of business today is a members' business debate on motion S5M-11441, in the name of Ash Denham, on the NHS at 70. The debate will be concluded without any question being put. I call Ruth Maguire to open the debate.

*Motion debated,*

That the Parliament celebrates that 5 July 2018 will mark 70 years since the launch of the NHS; notes what it sees as the continuing importance of having a publicly-owned, funded and operated health service, which is universally available and free at the point of need; acknowledges the reports of gross inequalities in healthcare for the general population prior to its foundation, which was spearheaded by Aneurin Bevan; salutes the continuous hard work and contributions of NHS staff throughout the years; believes that this has made it possible for the NHS to provide an invaluable and life-changing service through care and treatment that has saved and improved the lives of millions of people across Scotland; notes the view that the public, NHS boards, partners in health and social care and the voluntary sector, professional bodies and unions should take the opportunity to look back and celebrate 70 years of achievement of the NHS in Edinburgh and across Scotland and welcome the difference that it has made to people's lives, and appreciates what it believes is the ongoing commitment to the founding principles of the NHS.

16:37

**Ruth Maguire (Cunninghame South) (SNP):** It is a pleasure to introduce this debate to celebrate the 70th birthday of the NHS in Scotland, and I look forward to hearing members' speeches from across the chamber.

There is no one in Scotland who has not benefited from the NHS in some way or another—either by being treated themselves or through the care provided for a loved one. It has become an integral part of Scottish society. On this anniversary, it is appropriate for us to reflect on the transformative effect that the NHS has had in Scotland, none of which would be possible without those who make the NHS the incredible service that it is today: the porters, the surgeons, the nurses, the catering staff, the cleaners, the ambulance drivers, the paramedics and so many more. We owe a great debt of gratitude to current and past NHS staff, and I thank them all.

In celebrating 70 years of incredible service, we must also remember the circumstances that led to its creation. In the early 20th century, there was no centralised health service, treatment was expensive and health provision was inconsistent; investigations into public health exposed high levels of poverty and low levels of public health across Scotland; and a doctor's visit could cost as much as 10 per cent of an annual income. It is right that we acknowledge the commitment of the Labour Government and particularly Aneurin



Bevan in establishing the nationwide NHS to end those conditions. Their commitment to creating a collective health service, free at the point of need and paid for through taxation, was revolutionary.

The Beveridge report was a main driver of the changes, but we can also look to highly influential reports undertaken in Scotland. The Dewar committee report led to the establishment in 1912 of the Highlands and Islands medical service, which provided state-funded medical care for those who were unable to afford it a full three decades before the establishment of the NHS, and the Cathcart report advocated radical reform of healthcare provision in Scotland, putting general practitioners at the heart of medical care.

**David Stewart (Highlands and Islands) (Lab):** Does the member share my view that, where the Highlands and Islands lead, the rest of Scotland follows?

**The Deputy Presiding Officer:** You had better say yes, Ms Maguire. *[Laughter.]*

**Ruth Maguire:** I am a Highland girl, so I would say that—yes.

Those reports created a consensus that action had to be taken to improve the state of Scotland's health well before the introduction of the NHS in 1948.

Bevan was right when he described putting the welfare of the sick before every other consideration as

“the most civilised thing in the world”,

but I do not think that the impact that the NHS has had on Scotland, nor its impact on world medicine, could have been imagined. In its 70 years, the Scottish NHS has achieved some remarkable accomplishments. Over these past decades, Scottish medical academics and practitioners have been at the forefront of medical discoveries and the development of new treatments that have been truly world class and world changing.

Glasgow developed the first practical ultrasound and the Glasgow coma scale, both of which were exported to the world. Edinburgh was the home of the United Kingdom's first successful kidney transplant and is where the dangers of thalidomide were exposed. Aberdeen was the home of the first MRI scan, and the first keyhole surgery took place in Dundee. NHS practitioners in Dumfries, Aberdeen and Dundee were early pioneers of screening for cervical cancer, and Edinburgh established a UK first in screening for breast cancer. Scotland was the home of Sir James Black, who won the 1988 Nobel prize for medicine for his drug discoveries relating to heart disease and stomach ulcers.

Staying true to the vision of improved public health, Scotland has twice acted as a world leader, being the first UK nation to introduce a smoking ban and the first country in the world to introduce minimum unit pricing for alcohol. Under this Scottish National Party Government, the Scottish patient safety programme has been internationally recognised as the first national system to systematically improve the safety and reliability of hospital care, while the diet and obesity strategy continues in that vein of progressive action.

As we look back, we can see just what a transformative impact the NHS in Scotland has had on the lives of those living here, but also on the lives of millions of people around the world. The Government is entrusted by the electorate to look after NHS Scotland and guarantee it for the next generation, and it is a responsibility that must not be taken lightly. I am proud that this SNP Government has delivered on that promise to the electorate, overseeing major improvements in the NHS and in public health.

The Scottish Government has prioritised health throughout its time in office, successfully protecting the front-line health budget, keeping the NHS publicly owned and free at the point of need, scrapping prescription charges, protecting free eye tests and ensuring continued free personal care for the elderly. Recognising that the NHS cannot provide a world-class service with an imaginary Brexit dividend, we have invested a record amount in the NHS. Scotland now has the highest number of NHS workers on record so that people can see a doctor to get the medical treatment that they require and so that their loved ones are cared for properly by nurses and midwives. We have delivered the highest GP to patient ratio in the UK so that people can get access to a GP when they need it. We have rewarded our NHS workers, making them the best paid in the UK.

The NHS has undergone many changes as it has faced challenges over the years. We must always seek ways to improve the NHS and must never shy away from our responsibilities. The SNP is committed to meeting those challenges to retain our NHS's reputation as one of the world's leading health services.

As we reflect on 70 successful years, we can see why the NHS is held in such high regard in Scotland. It has delivered a revolutionary service that is free of charge at the point of need, creating a healthier and fairer Scotland, and it is a source of great pride as an innovative, world-class service. It is right that we celebrate it now and take this time to imagine how much further we can go in the next 70 years.

16:44

**Brian Whittle (South Scotland) (Con):** I draw members' attention to my entry in the register of members' interests. I have a close family member who is a healthcare professional with the Scottish NHS.

I congratulate Ash Denham on securing time in the chamber to celebrate the 70 years of our most treasured institution.

I take this opportunity to welcome the new front-bench members, led by Jeane Freeman, the new Cabinet Secretary for Health and Sport, and to wish them well in their new appointments. I also take the opportunity to thank Shona Robison for her time as cabinet secretary. I know that we did not always agree on everything, but no one could deny her commitment to the post. On a personal level, I thank her specifically for all her help with constituency cases, some of which were delicate and complicated. That is an element of the job that is not often mentioned or seen by the public, but she was always willing to help finding solutions. I wanted to put that on the record today.

This is the second debate on the NHS in as many days in the chamber, such is the positive strength of feeling and support for our NHS and its staff, who deliver what is—and this is sometimes forgotten in the heat of debate—a world-renowned service. It is without doubt held up as a shining light in health delivery by countries around the world, and we are, quite rightly, recognising the incredible work that our NHS staff do on a daily basis, both in yesterday's debate and again in this one.

I have looked back to 1948, when the NHS came into being. At that time, Oor Wullie was on his upturned bucket, offering weekly cheer, along with the Broons. In sport—I have to mention sport—Hibs won the league, Rangers won the cup, East Fife won the league cup, Henry Cotton had just won his third British open at Muirfield, and Cathie Gibson from Motherwell was about to head off to the London Olympics, where she became the only British swimming medallist. It made me think that the more things change, the more they seem to stay the same. In 1948, there was a recognition that major change was needed to look after the health of the nation and to tackle health inequalities. Here we are, 70 years later, with all the incredible developments in treatments and procedures, still debating the self-same issues.

This morning, Lewis Macdonald and I chaired a conference entitled "Next steps for integrated health and social care in Scotland—governance, workforce planning and improving delivery of care". That is a wonderful title, I have to say, but maybe we needed to shorten it a bit. What came out loud and clear is that major change is under

way and that further change is required. People are wrestling with the implementation of the integration joint board policy. It is also clear that prevention must move further up the agenda if current health inequalities are to be tackled.

This morning, I raised the point that the first step in developing a preventable agenda is looking after the health of our healthcare professionals. The Convention of Scottish Local Authorities has said that healthcare professionals will forgo their own health to deliver care to others—that is the nature of those who decide to go into the care of others in our NHS. However, if we are to strive for a healthier nation, we require those whom we charge with delivering that policy to themselves have the opportunity to have an active, healthy lifestyle. Currently, nurses, midwives and other healthcare workers are, on average, unhealthier than the rest of the population as a result of the workload that they willingly accept to ensure the good health of others.

In celebrating 70 years of the NHS, we should be looking ahead to the next 70 years, to ensure that sustainability and the very basis of the NHS, which is free healthcare at the point of need. We will have to accept change; in fact, we will have to drive the change that the healthcare profession itself is asking for. I look forward to continuing the debate with the Scottish Government's new health team.

16:48

**David Stewart (Highlands and Islands) (Lab):** I congratulate Ash Denham on securing the debate, and on her elevation to the ministerial ranks, and I say well done to Ruth Maguire for stepping up to the plate—I presume at the last moment. I also welcome Jeane Freeman, Clare Haughey and Joe FitzPatrick to their new roles and I wish them every success. White smoke has been much in evidence in the past few days.

I also want to place on record my thanks to Shona Robison, particularly for the help that she and Maureen Watt have given me in the work that I have carried out on diabetes.

My colleague Anas Sarwar has asked me to pass on his apologies. He is speaking in London this evening to a Westminster all-party parliamentary group on Islamophobia.

Nye Bevan launched the NHS at the Park hospital in Manchester, where the first ever patient was 13-year-old Sylvia Beckingham, who was treated for a liver condition. It was a big event in her life but an even bigger event in British history. It was the birth of a national icon and institution. No one could have predicted how Nye Bevan's infant would grow, whether it would survive its

early days and develop into adulthood, or whether it would mature into old age.

However, the NHS—our NHS—is turning 70 years old, and its story is impressive. The uniting of all the hospitals and doctors' surgeries into a state-run service was ground breaking in the western world. In the 1960s, the first heart and liver transplants took place, and the first kidney transplant took place in Edinburgh royal infirmary. In the 1970s, there was the first test-tube baby, and computerised tomography scans revolutionised the way that doctors examined patients. Breast cancer screening was introduced in the 1980s. In the 2000s, there was a new emphasis on public health, with measures such as the smoking ban.

Nye Bevan and the Labour Party successfully founded the NHS in the teeth of strong opposition. Three score and 10 years later, the Labour Party is still defending it. I am proud to belong to a party with that 70-year-old pedigree, but I am prouder still of the NHS's hard-working front-line staff—the junior doctors, nurses, midwives, consultants, GPs, allied health professionals, porters and receptionists.

Despite the hard work and commitment of those front-line staff, we face a number of challenges: our ageing population, the pressure on social care, the need for robust workforce planning now and post-Brexit, and a growing mental health crisis. Those public health challenges may look modern but, under the surface, the root causes are the same. Poverty, social deprivation and inequality are significant contributors to poor health expectations, and the least well-off are most at risk.

Inequality in health was a serious issue at the birth of the NHS, and it remains a serious issue today. Life expectancy in the UK has stalled and, in the past 50 years, the chasm between the health outcomes of the rich and the poor has widened. Is it not an outrage that, in our 21st century society, individuals' health expectations are intrinsically linked to their postcode?

In reality, innovation will be the key to the future of the NHS, so we must ensure that good ideas are embraced with open arms. For example, flash glucose monitoring with FreeStyle Libre monitors has revolutionised the management of glucose for individuals with diabetes. I have supported Diabetes Scotland's campaign for monitors to be available across all Scotland's health boards and to fight the postcode lottery.

In England, five NHS trusts are trialling a step into health programme, which utilises the transferable skills of armed forces veterans and encourages them into the NHS workforce.

There are also exciting developments in the fight against superbugs, with the use of ultraviolet C light to sanitise surgical tools in 60 seconds using the nanoclave cabinet that was designed by the tech firm Finsen Technologies. Such pioneering initiatives and technological research must be encouraged if we are going to steward the NHS through the next 70 years in the 21st century.

Nye Bevan's words from the start of the NHS are as applicable today as they were then. He said:

"The NHS will last as long as there's folk left with faith to fight for it."

16:52

**Emma Harper (South Scotland) (SNP):** I congratulate my colleague Ash Denham on securing this historic, significant and celebratory debate, and Ruth Maguire on eloquently outlining historical information on the formation of the NHS.

This is a personally significant debate for me. I proudly direct members to my entry in the register of interests. I started my nurse training in 1984 and am very proud to be a nurse. In fact, I have three sisters who are also nurses. Between us, the Harper sisters have almost 140 years of NHS nursing experience.

Ash Denham's motion

"salutes the continuous hard work and contributions of NHS staff throughout the years".

I am keen to focus on celebrating the staff who have cared, contributed and collaborated for 70 years, from the phlebotomist who often has sick, tired and peripherally shut-down patients and yet still manages to find a vein to take blood, to the radiographers who show empathy and care and are discreet in obtaining mammograms. That is our NHS.

On my first Saturday in the operating room at Dumfries and Galloway royal infirmary as a new staff nurse, I had a patient with a ruptured aortic aneurysm. I was brand new, but Christina Marshall and John Carnochan kept me right, and the whole team was fantastic. The patient survived through having lots of fresh frozen plasma and lots of red blood cells. I accompanied the patient to the intensive care unit. A surgeon, assistant surgeons, an anaesthetist, lab technicians, blood donors, phlebotomists, floor nurses, scrub nurses, anaesthetic nurses, ICU and radiology technicians were all involved in that one case. There were 13 experts. That is our NHS. There is comfort, care, collaboration and experts.

I have worked in NHS Scotland and NHS England and I spent 14 years as an economic migrant working at the Cedars-Sinai Medical Center in Los Angeles as a transplant nurse and

nurse educator. That experience of working in private healthcare in the USA truly showed me how essential and amazing our NHS is. I know from first-hand experience what an awful and frustrating conundrum it is for people who cannot afford to get sick, cannot afford to be injured or cannot afford their medication. When I was in the USA, health insurance cost me \$800 every month—600 quid. However, that did not cover my type 1 diabetes, so I had to pay for my insulin, my syringes, my test strips and my blood-testing machine.

David Stewart pointed out that we now have more blood testing and development technology in our NHS, which is fantastic. We are so lucky to have our NHS.

We need to protect not just the health service, but our free prescriptions and every single person who works in our NHS. People who work in our NHS experience trauma, tragedy and triumph every day. It is important to remember that although the NHS has been in existence for 70 years, it is not a collector's item; it is not old and it is not a thing of the past. Our NHS has never rested on its laurels but is an ever-changing, ever-improving and ever-growing dynamic health service. That is the triumph of our NHS. It often seems that change comes as slowly as a turning big oil tanker, but the people in the NHS know that performance improvement and best practice are constantly evolving.

Our NHS is a national treasure that is constantly improving and adapting, and I want to ensure that we continue to support it. I thank Shona Robison for her contribution, hard work and excellence as Cabinet Secretary for Health and Sport. We have a new team, whom I welcome to the front bench, and I look forward to working with Jeane Freeman, Clare Haughey and Joe FitzPatrick in the future. *[Applause.]*

**The Deputy Presiding Officer:** I am not allowed to applaud. It is a great shame, because I sometimes want to applaud.

16:57

**Alison Johnstone (Lothian) (Green):** I, too, begin by congratulating the new health front-bench team, and I look forward to working with them to improve Scotland's health. I thank Shona Robison for her clear commitment to improving our national health. Her door was always open: I am sure that the new cabinet secretary's will be, too.

There is so much to be proud of in our NHS and I am delighted that we are marking its 70th year by paying tribute to all the staff who make it the incredible service that it is, and who make it such an important part of our national life. The roots of the NHS in Scotland go even further back: to the

Dewar committee of 1912, which helped to establish the highlands and islands medical service in 1913. Dr Annie Tindley's research has helped us to discover the importance of the Dewar report, and when we celebrated the Dewar centenary with a debate in Parliament, it led us to question how care and treatment in rural areas could be better supported today.

There is much that we can learn from the history of our health service. Although it is vital that we support innovation in our healthcare and treatment, we must never stop looking back at the collective endeavour and values that were the health service's foundation. Members have rightly highlighted the incredible advances that we have seen in medical treatment since the NHS began. If we want to build on those and ensure that every generation looks forward to better health than the last, we have to renew that sense of collective care and ambition in other aspects of our public life.

In recent years, we have seen, for the first time in a long time, life expectancy in the UK begin to fall. It is not a coincidence that it has happened in an age of austerity. Professor Danny Dorling is clear that "the politics of austerity" are the most plausible reason for that troubling trend. Professor Michael Marmot links it to the UK Government's spending record and states that its

"social expenditure is among the most miserly of Western European countries".

The impact seems to be most severe in areas of high deprivation, which have suffered deindustrialisation and are now being hit by another round of welfare reform.

I am sure that we are united in believing that our life expectancy should not depend on where we are born. However, our health is still being damaged by economic inequality and many other forms of discrimination and prejudice. Martin Luther King said:

"Of all the forms of inequality, injustice in health is the most shocking and the most inhuman."

However, we still see severe health inequalities in Scotland, but not only between the richest and poorest parts of the country.

The links between poverty and mental health are so clear. The impact of damp and cold housing and poor diet on our health are so obvious. If we do not fix those problems, our NHS takes the strain. Above all, as others have said, we can never give up the principle that healthcare must be free at the point of need. In Scotland, we have made the decision that vital social care should also be free at the point of need. On ending charges for personal social care, Shona Robison listened and she should be applauded for making that position a reality.

I believe that we could still go further by ending charges for other care, but I have no doubt that the changes that this Parliament has pushed for will have long-term benefits for our collective health and our NHS. Let us not forget that minimum unit pricing for alcohol has now been introduced, too.

It is right that, at times, we call for change within the NHS itself. I reflect on the Nuffield Foundation's view that while the NHS in England has been hampered by multiple reforms, marketisation and competing priorities, the NHS here has benefited in some ways from a consistent approach to improvement and from openness to collaboration. I heard with alarm the news that the private healthcare firm Virgin Care won £2 million of public money by suing NHS England. We have to make sure that our NHS and the public are protected from corporate interests.

The prospect of leaving the European Union raises real concerns, too. The new cabinet secretary must be absolutely resolute in defending the NHS in Scotland.

I am glad to celebrate the achievements and ambitions of the NHS today. Our society does not always feel like a caring place, but every day there are patients in our waiting rooms and hospital beds who know that they can trust the nurse or doctor whom they will see, wherever they are and whatever treatment they need. The efforts of thousands of healthcare professionals, researchers, administrators and support staff make that treatment possible: we must never underestimate how much we all rely on them.

17:01

**Annie Wells (Glasgow) (Con):** I welcome the front-bench health team to the chamber and I thank Ash Denham for securing the debate. It is absolutely fantastic to have the opportunity to contribute to a debate that celebrates a national service that is renowned across the world. I, too, give my heartfelt thanks to every member of the NHS's hard-working staff, who work tirelessly under extremely pressing conditions.

We all have personal experience of the NHS. One that will always stick in my mind was when, eight years ago, we got the call that we would never have expected, to say, "I think it's time to come up and say goodbye to your dad." We went up to the hospital and the staff who were looking after my dad said that they were not giving up, but they wanted to give us the opportunity to say our final farewells. It was only through their expertise, their determination and their extremely hard work that we managed to keep my dad and have an extra three years to spend with him, for which I will always be truly grateful.

I am also extremely grateful to have a debate that allows us time to reflect on what the NHS represents to us as a nation and to celebrate all that it has to offer. Over the past 70 years the NHS has transformed the health and wellbeing of our nation, delivering huge medical advances and allowing people to live longer lives.

Officially formed in 1948 and pioneered by the Labour MP and then health secretary Nye Bevan, the NHS brought hospitals, doctors, nurses, pharmacists, opticians and dentists together for the first time under one umbrella to provide services for free at the point of delivery.

In Scotland, the service was set up by a separate act passed a year earlier to reflect the country's established medical traditions as well as its links to esteemed medical schools and ancient universities. Since then, we have seen many milestones in Scotland. I, too, wish to highlight those great successes, as many others have done. In 1960, the UK's first successful kidney transplant took place right here in Edinburgh at the royal infirmary. In 1980, the world's first clinical service for MRIs was launched at Aberdeen royal infirmary. In 1989, keyhole surgery was used for the first time in the UK at Ninewells hospital in Dundee.

Fast forward 70 years from its inception and we can see how much things have changed and the positive impact that the NHS has had on our population's health. Some 140,000 staff are now employed by NHS Scotland. In 2016-17 alone, it performed 1.5 million hospital procedures and conducted around 17 million GP consultations.

There are growing demands, and it is important to reflect on those, too. In the years since the NHS was set up, demographic and health trends have changed significantly. On top of increasing costs, there is a growing demand for the NHS's services, meaning that more people wait longer to be seen. The pressure on staff is a huge concern and it is thanks to the huge passion of those who work in the NHS that the quality of care has remained at its current level. I again stress the importance of supporting our hard-working NHS staff.

As it celebrates its 70th birthday, the NHS faces many challenges around Scotland. Today is not the day to discuss those challenges, but I make the very important point that, for our society to flourish as a whole, building a sustainable NHS that is fit for the future must be a top priority. The correct resources and a fresh vision for the future must be outlined. At some point in their lives, everyone in Scotland will use a service that is provided or funded by the NHS, and we owe it to all our citizens to ensure that the NHS that they experience is of the highest standard at all times.

17:05

**Jackie Baillie (Dumbarton) (Lab):** I join other members in congratulating Ash Denham on securing debating time and on her promotion, which explains her absence from the chamber this afternoon. I thank Ruth Maguire for standing in at incredibly short notice and for the content of her speech.

I join other members in welcoming to their new positions the new Cabinet Secretary for Health and Sport, Jeane Freeman, and her team, Clare Haughey and Joe FitzPatrick. They can be sure that I will beat a path to their doors about, among other things, the Vale of Leven hospital, which, incidentally, was the first hospital to be built after the creation of the NHS.

I thank Shona Robison and Maureen Watt for their contributions to the NHS and to the Scottish Government.

The NHS is, arguably, Labour's greatest achievement and probably the greatest achievement of any Government. The 1945 Labour Government had a radical vision and it acted quickly to deliver it. The creation of the welfare state and of the NHS was delivered at a time of severe post-war austerity, and it signalled the kind of country that we wanted to be. As Aneurin Bevan said,

"no society can legitimately call itself civilised if a sick person is denied medical aid because of lack of means."

On 5 July 1948, our NHS was born. People did not need to pay for their healthcare if they were ill and they were not penalised as a result of ill health; instead, the cost was shared by all. Equality and social justice were the founding bases of the NHS and there were three core principles at its heart: that it met the needs of everyone, that it was free at the point of delivery and that it was based on clinical need, not the ability to pay.

Although those principles hold good today, there have been some challenges. Medicine has changed dramatically over the years, which is a positive thing. We are all living longer and some diseases have been completely eradicated, which is great. However, we are not necessarily healthier and more of us present at our hospitals. Although there might be more money and staff, we treat many more people than ever before. That causes considerable strain, which we see in the unfilled vacancies that exist because we do not have enough doctors and nurses, and in the increasingly long waiting times. In my area, people wait in pain for orthopaedics and ophthalmology services for more than 52 weeks. We also see that strain in the longer cancer waiting times. Hundreds of patients are let down by the system; we know

that the longer they wait, the bigger the impact on their mortality.

Across a range of areas, there are huge challenges, and I will not point to them all. I recognise that our NHS staff do a tremendous job for which we cannot begin to thank them enough, but they are overworked and understaffed. We cannot expect them to do ever more with declining resources, which is a concern that is shared by members across the chamber.

Despite the challenges and the changes in medicine, Bevan's vision has stood the test of time. At the centre of his vision was the NHS and, 70 years on, it remains at the centre of the life of our nation. It is a unique institution not just in Scotland but in the UK, and it is still a uniquely powerful engine of social justice that we all value and will continue to value in the years to come.

17:09

**Sandra White (Glasgow Kelvin) (SNP):** I thank Ash Denham for securing the debate and congratulate Ruth Maguire on stepping in with a well-delivered speech.

I want to take this opportunity to thank Shona Robison for all the work that she did in her time as cabinet secretary. It has already been said that her door was always open and I am sure that that will also be true with the new team. I wish Shona Robison well in her future role and I welcome Jeane Freeman to her new role. It will be a challenge but I am sure that she and her team—Joe FitzPatrick and the others—will rise to it. I look forward to working with them.

I found Emma Harper's contribution to be very moving. It rang true with me. My contribution might not be the same because I do not have the same experience as Emma Harper, but it will be slightly similar. I am not as old as the NHS, but I remember my grandmother and mother talking about the time when they could not afford medical care. They could not afford a doctor because people had to pay for it. Sometimes whole closes or whole streets chipped in with money to pay for a doctor. I am sure that the same thing happened in villages. The community would pull together, and that was never more true than for maternity care.

We think of the number of women who died during childbirth because they could not afford a doctor or midwife, so it was very important that community-spirited people gave money to get doctors to come so that other people did not have to go to moneylenders. That seems to be pretty unbelievable now, especially when we look at what we have got, so that is why it is important that we celebrate the NHS and make sure that privatisation does not creep in. Emma Harper

talked about her first-hand experience in her emotional contribution and I think that there is nobody who would not have been moved by it.

We must ensure that healthcare remains free at the point of delivery, and that it is available to all. We must ensure that privatisation is never achieved and is never an option, and that people never have to scrape and borrow money so that they receive healthcare. That is a very important message.

We have certainly moved on since 1947, when the NHS started in Scotland, albeit in smaller way, and 1948 when it started in the rest of UK. The improvements that have been made to public health through the NHS are fantastic. I am sure that people of 70 years ago would not have believed how it would move on during those years. There is no comparison between what went on then and what is going on now.

We have many other public health strategies for tobacco, obesity, alcohol, diets and so on, and they all improve our health further, and that is fantastic.

I know that I am running out of time. However, on a personal note, I have nothing but praise for the NHS. The treatment that a member of my family received when they were taken very ill was second to none. The intensive care staff were fantastic; nothing was too much trouble for them. They provided a one-to-one service. I also never heard the NHS staff complain once, even when we were asking questions like, "What is that machine for? What is that other machine for?" They would just tell us. They were absolutely fantastic and I have nothing but praise for them.

The other point that I want to make is about aftercare, which we do not talk enough about. The aftercare that we received was unbelievable, and it is still going on now. We have phone calls, appointments and people coming to the house. It is fantastic.

It should go without saying that I and many of us here are indebted to the many people who work in the health service, and I thank them very much.

**The Deputy Presiding Officer:** I have to say to Ms White that I have just realised that I am older than the NHS, so there we go.

**Members:** Never!

**The Deputy Presiding Officer:** I am afraid so, guys.

17:14

**Jeremy Balfour (Lothian) (Con):** In the short time that I have, I would like to talk about three words that I think define the NHS, and give three

personal examples of the role they have played in my life.

The first word is innovation. As we have heard from other speakers, things such as kidney transplants and cutting-edge technology have been developed through our NHS here in Scotland and in the UK.

Fifty-one years ago, I was born with just one finger. When I was six months old, Douglas Lamb, a consultant at the Princess Margaret Rose hospital in Edinburgh, decided to innovate by cutting that finger to give me two fingers. That procedure had never been done before, but that innovation allowed me to be able to do much more than I could have with just one finger. Beyond Mr Lamb, who is, sadly, no longer with us, there were occupational therapists, physiotherapists, auxiliaries and nurses who were so beneficial to my life that I am able to stand here today. To people such as Mr Lamb and those who are willing to take a risk to help someone, we say thank you.

The second word is caring. The NHS is caring and compassionate. I have experienced that on numerous occasions in my life. As a 13-year-old, I had to go through a scoliosis operation, and, even after all this time, I remember the time that the nurses spent with me the night before.

Presiding Officer, let me take you to a Saturday afternoon eight years ago, when my little girl was born asleep. It was the worst moment in my life. However, I remember not only the pain of her loss but the care and love that was given by the midwives, nurses and auxiliaries to me and my wife. That care and compassion defines our NHS, and we should say thank you for it.

The third word is dedication. Doctors in the NHS go the extra mile. Presiding Officer, let me take you forward from that dark period of our lives to a different time, seven years ago. My wife had been through a difficult pregnancy. We were expecting twin girls, who would have to be taken into special care at the Simpson's maternity unit here in Edinburgh, and we had to wait until two spaces were available there. On the morning that it was announced that those spaces were available, our consultant, Shona Cowan, had just worked a 24-hour shift. She went home for a short sleep and came back on her day off to deliver my two girls. That is going the extra mile, and that is what doctors, nurses, auxiliaries, physiotherapists and everyone in the NHS do on a daily basis.

Across the chamber, although we have political differences and divides, all of us can unite in saying, "Happy birthday, NHS."

**The Deputy Presiding Officer:** Thank you, Mr Balfour. That was difficult for you, but it was an extraordinary speech. The experiences that members have shared today must mean a lot to

people in the NHS. I know that I should not say these things, but I am all upset.

I call Jeane Freeman to close for the Government. I have to call you minister just now, Ms Freeman, as you have not yet been voted into your new post by the Parliament.

17:18

**The Minister for Social Security (Jeane Freeman)** : I thank all the members who have spoken for the spirit in which they have done so. In particular, I thank Emma Harper, Sandra White and Jeremy Balfour for being willing to share with us such deeply personal but very important experiences and stories that encapsulate what the NHS means to so many people across Scotland.

I am absolutely delighted that my first words in this chamber as cabinet secretary-designate for health and sport are to pay tribute to the work of NHS staff, past and present, on the occasion of the NHS's 70th birthday. Subject to parliamentary approval of my appointment, I would like to say on my own behalf and on behalf of my colleagues in the health team how much we look forward to continuing the work of those who have gone before us and working to secure the precious NHS that we have in Scotland.

Jackie Baillie was right to remind us of the importance of the Labour Government acting on the founding vision of an NHS. However, it was not an easy birth. We must remember that it was, in many ways, resisted by those who feared that it would work against their personal interests and by those who did not see the value of the collective investment that we have made together over the generations in something as vital to our daily life as our health.

Sandra White talked about life before the NHS, and I well remember my mother and father describing the situation before there was a national health service. My grandfather was a herbalist, which was one of the ways in which he would provide some degree of healthcare and support in his village. The introduction of the NHS had a huge impact on all their lives but, as Sandra White said, it had an impact particularly on the lives of women.

The NHS is an essential part of all our lives. That is true for members of this Parliament and for every person in the country, and it has been true for 70 years. The NHS has provided world-class medical care to successive generations. It has adapted and evolved during that time, but it has always remained true to its founding principle of being free at the point of delivery.

Members have mentioned many of the achievements of our health service in Scotland,

and I will add one of my own. The Caledonian pain control technique, which was developed at the Golden Jubilee national hospital, has been effective across the country in reducing pain for many people who have gone through elective orthopaedic surgery, and it has made a significant difference to their hospital stay. I was reminded only the other day that not more than a few years ago, part of our debate on health would always have focused on infection. So much work across our health service has been done to challenge and eradicate—or minimise, where it is not possible to eradicate—hospital-acquired infection.

The NHS has always faced challenges, from its earliest days until the present. David Stewart, Emma Harper, Alison Johnstone and others were right to talk about its history of innovation. I am proud that the Scottish Government invests in the innovation centre at Clydebank, specifically to encourage and turn into practice innovative ideas that will make a practical difference to patients and to those who work in our health service.

Demand on services continues to rise, and so—rightly—do expectations. There is no doubt that the ways in which we deliver health and social care in Scotland must continue to evolve and improve in order to deliver safe, affordable and sustainable services in the future. Our services must continue to meet those expectations.

Our health and social care delivery plan sets out our shared framework for delivering on the challenges that face us, and work is well under way at national and regional levels. Health boards and their partners across health and social care are coming together to develop and implement proposals that will increase the pace of improvement and focus our efforts on what is needed for better care, better health and better value.

A cornerstone of that plan is the “what matters to you?” programme, in which we focus on what matters to patients. Between the publication of the delivery plan and the end of 2018-19, we expect there to be a 7 per cent reduction in acute unscheduled bed days across Scotland—that is about 280,000 bed days. That will be a huge step in the right direction for patients and staff. Only this morning, I witnessed and learned something about the initiative that is being taken in Edinburgh—at the Edinburgh royal infirmary and at GP practices across the city—to focus on the “what matters to you?” programme. In doing so, the speed of healthcare will be improved and the number of unscheduled and other visits to accident and emergency will be reduced.

The latest published data from February shows that, since August 2016, across Scotland, the number of days spent in hospital by people whose



discharge was delayed has reduced by over 15 per cent.

I am in absolutely no doubt that there is scope for further improvements. Our focus on prevention, integration and closer collaboration in order to deliver improved population health is one of the central themes of the delivery plan. I recognise all the challenges that members have so thoughtfully and, if I may say so, maturely described.

It is my firm belief that, as one member said, if we can work collaboratively across parties and this chamber, where it is possible to do so, there are many problems and issues that we can collectively solve. We will, of course, continue to disagree politically on some matters, and that is fine.

**Maurice Corry (West Scotland) (Con):** Does the cabinet secretary-designate agree that the NHS staff in Scotland who serve as reservists in the armed forces have provided the most magnificent support to our armed forces, in many conflict zones throughout the world, since the NHS in Scotland was born?

**Jeane Freeman:** I certainly do. Indeed, our NHS staff provide significant and important services in many different settings, not least in our Scottish Prison Service and elsewhere.

Over the past 70 years, we have made huge strides in public health. I am very proud of the fact that we are leading the way on minimum unit pricing of alcohol. It is a bold policy that shows our commitment to public health, and it is a policy that we stuck with through many difficult trials and tribulations.

Looking ahead, the development of an agreed set of public health priorities is now complete, producing priorities for the whole public sector. Work is well under way with the Convention of Scottish Local Authorities and the Society of Local Authority Chief Executives and Senior Managers to develop the new public health body that will direct public health improvement across the country.

Alongside our constant quest for improved services, we know that we can only make a difference to people's lives as a result of the dedicated, skilled and talented staff who work in our health service. Every achievement and success over the past 70 years would not have happened without their hard work and commitment. That is why we announced on Monday that agenda for change staff who work in the health service in Scotland will be offered at least a 9 per cent pay rise over the next three years, which is the highest pay uplift across these islands. That will cover around 170,000 staff, including nurses, midwives, allied health professionals, paramedics, porters and others. It is a recognition of the value that we place on their

work and I hope that it will see an increase in our ability to recruit and retain the staff that we need in order to continue to provide not only innovation but high-quality, compassionate services.

As a Government and—I am certain—as a Parliament, our task as we go forward is to ensure that, when we pass on this vital, compassionate service to future generations, it has a clear direction and a solid foundation, grounded in a workforce that is valued and gives value back to the service throughout the working lives of each person in it.

Let me conclude by paying tribute to Shona Robison and Maureen Watt and to their predecessors, but in particular to Ms Robison and Ms Watt for their work for our health service and as fine public servants. Lastly, I say a very sincere, deep and well-meant thank you, from across this chamber and from this team, to all our health and social care staff and volunteers across Scotland for their hard work, their dedication and above all the care and the compassion that they deliver every single day. We owe them a huge debt of gratitude and we will not forget that.

**The Deputy Presiding Officer:** I thank all members for their contributions.

*Meeting closed at 17:29.*



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