



OFFICIAL REPORT
AITHISG OIFIGEIL

Meeting of the Parliament

Wednesday 27 February 2019

Session 5



The Scottish Parliament
Pàrlamaid na h-Alba

© Parliamentary copyright. Scottish Parliamentary Corporate Body

Information on the Scottish Parliament's copyright policy can be found on the website - www.parliament.scot or by contacting Public Information on 0131 348 5000

Wednesday 27 February 2019

CONTENTS

	Col.
PORTFOLIO QUESTION TIME	1
COMMUNITIES AND LOCAL GOVERNMENT	1
Criminal Justice Social Work (Demand for Services)	1
House Prices (Open Market Shared Equity Scheme Thresholds)	2
Sheltered Housing (Abuse of Residents)	4
Fire Safety (Domestic Properties)	4
Community Services (Funding)	6
Affordable Homes Target	7
SOCIAL SECURITY AND OLDER PEOPLE	8
Social Security Scotland (Diversity)	8
Social Security Charter	10
Men's Sheds	12
Draft Disability Assistance Regulations	13
Pension Credit (Entitlement)	14
Social Security Tribunals (Access to Representation)	15
Social Security Assistance (Erroneous Underpayments)	16
CARERS ALLOWANCE SUPPLEMENT	18
<i>Motion moved—[Mark Griffin].</i>	
<i>Amendment moved—[Shirley-Anne Somerville].</i>	
<i>Amendment moved—[Miles Briggs].</i>	
Mark Griffin (Central Scotland) (Lab)	18
The Cabinet Secretary for Social Security and Older People (Shirley-Anne Somerville)	21
Miles Briggs (Lothian) (Con)	24
Alison Johnstone (Lothian) (Green)	25
Alex Cole-Hamilton (Edinburgh Western) (LD)	27
Elaine Smith (Central Scotland) (Lab)	28
Fulton MacGregor (Coatbridge and Chryston) (SNP)	30
Jeremy Balfour (Lothian) (Con)	31
Johann Lamont (Glasgow) (Lab)	32
James Dornan (Glasgow Cathcart) (SNP)	34
Michelle Ballantyne (South Scotland) (Con)	35
Bob Doris (Glasgow Maryhill and Springburn) (SNP)	37
Brian Whittle (South Scotland) (Con)	39
The Minister for Public Finance and Digital Economy (Kate Forbes)	40
Pauline McNeill (Glasgow) (Lab)	42
JUSTICE	45
<i>Motion moved—[Daniel Johnson].</i>	
<i>Amendment moved—[Humza Yousaf].</i>	
<i>Amendment moved—[Liam Kerr].</i>	
Daniel Johnson (Edinburgh Southern) (Lab)	45
The Cabinet Secretary for Justice (Humza Yousaf)	47
Liam Kerr (North East Scotland) (Con)	50
John Finnie (Highlands and Islands) (Green)	52
Liam McArthur (Orkney Islands) (LD)	54
Jenny Marra (North East Scotland) (Lab)	55
Rona Mackay (Strathkelvin and Bearsden) (SNP)	57
Maurice Corry (West Scotland) (Con)	58
Fulton MacGregor (Coatbridge and Chryston) (SNP)	60
Kezia Dugdale (Lothian) (Lab)	61
Gordon Lindhurst (Lothian) (Con)	63
Shona Robison (Dundee City East) (SNP)	64
Donald Cameron (Highlands and Islands) (Con)	66
Humza Yousaf	68
Daniel Johnson	70

BUSINESS MOTION	73
<i>Motion moved—[Graeme Dey]—and agreed to.</i>	
PARLIAMENTARY BUREAU MOTIONS	75
<i>Motions moved—[Graeme Dey].</i>	
DECISION TIME	76
EATING DISORDERS AWARENESS WEEK 2019	88
<i>Motion debated—[Emma Harper].</i>	
Emma Harper (South Scotland) (SNP)	88
Brian Whittle (South Scotland) (Con)	92
Rona Mackay (Strathkelvin and Bearsden) (SNP)	93
James Dornan (Glasgow Cathcart) (SNP)	95
Neil Findlay (Lothian) (Lab)	97
Gillian Martin (Aberdeenshire East) (SNP).....	99
Alison Harris (Central Scotland) (Con)	101
The Minister for Mental Health (Clare Haughey).....	103

Scottish Parliament

Wednesday 27 February 2019

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

Portfolio Question Time

Communities and Local Government

Criminal Justice Social Work (Demand for Services)

1. Daniel Johnson (Edinburgh Southern)

(Lab): To ask the Scottish Government what discussions it has had with local authorities regarding any expected increase in demand for social work services over the next 12 months. (S5O-02909)

The Cabinet Secretary for Communities and Local Government (Aileen Campbell): The Scottish Government has regular engagement with the Convention of Scottish Local Authorities, including bilateral meetings between the Cabinet Secretary for Health and Sport and the COSLA spokesperson for health and social care, which consider a wide range of issues, including demand for social work services.

Negotiations on the annual local government finance settlement are conducted between the Scottish Government and COSLA on behalf of all 32 local authorities. In 2019-20, we are increasing our investment in social care and integration to exceed £700 million, underlining our commitment to support older and disabled people and to recognise the vital role that unpaid carers play.

Daniel Johnson: The presumption against short sentences is an important policy move, but it requires support from criminal justice social work. Can the Government tell the Parliament how many criminal justice social workers there are currently and whether any increase in demand for criminal justice social workers is anticipated because of the move towards a presumption against 12-month sentences? Was any increase in the demand for criminal justice social workers experienced with the move to the presumption against three-month sentences?

Aileen Campbell: I thank Daniel Johnson for the question and for highlighting an important issue around how we approach our criminal justice system and how we rehabilitate and support people. He points out that there will be a shift in how we approach that work more generally across all services—it will require a multi-agency approach. I do not have the specific figures that he

requested, but I will endeavour to get those figures and the details that he requires.

The social services workforce numbers 202,090, which is 7.7 per cent of all Scottish employment. Since 2008, the workforce headcount has increased overall by 2.6 per cent, so there has been an increase. I do not have details of the specifics beyond that, but I will endeavour to make sure that Daniel Johnson is furnished with those figures.

Because a cross-portfolio approach is being undertaken, it will require me to work with my colleagues across the Government, including Humza Yousaf and Jeane Freeman, on these issues, which impact on people's lives.

House Prices (Open Market Shared Equity Scheme Thresholds)

2. **Linda Fabiani (East Kilbride) (SNP):** To ask the Scottish Government what consideration it will give to revising the open market shared equity scheme thresholds in order to address varying house prices within local authority areas. (S5O-02910)

The Minister for Local Government, Housing and Planning (Kevin Stewart): New threshold areas and prices for the open market shared equity—OMSE—scheme were implemented in December 2018 following consultation with local authorities and COSLA. The new threshold prices are based on the most recent house price data that is available. They ensure that the scheme continues to be targeted at those who need help to access the affordable housing market and that all areas are able to benefit from a viable scheme with a reasonable number of purchases. We will monitor the impact of those changes, and threshold prices will be reviewed annually.

Linda Fabiani: In East Kilbride, the scheme is not targeted, therefore all areas are not taken into consideration. For many years, I have been writing to respective Scottish Governments about that in relation to the rent-to-mortgage scheme and now in relation to people who wish to get on the home-ownership ladder with help from what seems, on the surface, to be an excellent scheme.

In East Kilbride, where house prices are higher than in the rest of South Lanarkshire, people have been even further disadvantaged by the fact that the threshold has now dropped. Will the minister look at that sooner rather than later—and certainly earlier than in a year's time?

Kevin Stewart: I thank Ms Fabiani for her question. I know that she has been tenacious on the subject on behalf of her constituents. Following the recent review, we increased the number of threshold areas from 28 to 38, reflecting the subdivision of larger threshold areas into individual

local authorities to better support local markets. The Lanarkshire threshold area was divided into North and South Lanarkshire. Although that has been beneficial for many people, it may not have been quite so beneficial for people in East Kilbride.

Increasing the number of threshold areas and prices to a great degree would be complex to administer and, in some cases, difficult for buyers to understand. It would also undermine the original principle of the scheme. However, I am more than willing to meet Ms Fabiani to speak about the situation that she has come across in her constituency. I will also continue to keep all these matters under review, because I want as many first-time buyers as possible to benefit from the scheme.

Michelle Ballantyne (South Scotland) (Con): I wonder whether the minister can tell me what by metric it is decided that properties in a given area should be subject to a golden share and how agreements to determine golden share properties are reached between the Scottish Government and local authorities.

Kevin Stewart: I am unable to give the member a direct answer—I would have to look at each individual local authority's agreement with the Scottish Government. If Michelle Ballantyne wants particular details, I will be happy to respond if she drops me a note to that effect. If she wants just a general overview, I am happy to write to her. I will talk to Ms Ballantyne at the end of this portfolio question time to see how she wants to approach the matter.

Pauline McNeill (Glasgow) (Lab): Has the minister considered putting more resources into improving the profile of the open market shared equity scheme, particularly given that it promotes existing homes, not just new homes? By contrast, the help-to-buy scheme seems to focus on first-time buyers and new homes. Does the minister agree that we need to promote existing homes as well as new homes for first-time buyers?

Kevin Stewart: I agree with Ms McNeill that we need to promote all the help-to-buy schemes, including OMSE, and we have budgeted £70 million for OMSE in 2018-19. Seventy-five per cent of the folk who are applying to that scheme are aged 18 to 35, and 99 per cent of them are first-time buyers, with the other 1 per cent coming from priority access groups. The average household income of those folk is £24,000. The scheme has benefited many people right across the country, and I am happy to continue to promote it as well as the other help-to-buy schemes that we have in place.

Sheltered Housing (Abuse of Residents)

3. Alison Harris (Central Scotland) (Con): To ask the Scottish Government what support is available for residents of sheltered housing complexes who experience sustained abuse by other residents. (S5O-02911)

The Cabinet Secretary for Communities and Local Government (Aileen Campbell): Abuse in our communities is unacceptable, and we recognise that tackling the issue requires a multi-agency approach. Individual landlords, councils and the police all have a responsibility to tackle antisocial behaviour in social housing. Councils can use antisocial behaviour orders to ban abusers from places or from contact with people; the police and the courts can deal with threatening or abusive behaviour; and, under current legislation, councils and other public bodies must act to support and protect adults who are at risk of harm.

Alison Harris: As the cabinet secretary will be aware, abuse can come in many forms. I have been contacted by elderly residents from a particular sheltered housing complex in the Falkirk area who have grave concerns about the level of support that their housing association is providing. They have been repeatedly subjected to mental and physical abuse by others in the complex, and some have become too frightened to leave their own homes.

Does the cabinet secretary agree that that should not be allowed to happen, and can she advise me on what I can say to those residents so that they feel free and safe from isolation?

Aileen Campbell: I appreciate Alison Harris's raising the issue, which will, I am sure, also be of interest to my colleague Christina McKelvie, who has ministerial responsibility for older people.

I would be happy to meet Alison Harris if that would assist her, because there might be different ways to approach the matter depending on whether a council property or an owner-occupied property is involved. The matter could be approached in a whole host of ways. Antisocial behaviour orders and the legislation that underpins them are one route by which people can raise concerns. Nonetheless, there are a number of complexities around how such behaviour manifests itself in our older population, and a lot of delicate handling and sensitivity will be required. I offer to meet Alison Harris in order to understand the context a bit more fully so that we can work with her to support her constituents.

Fire Safety (Domestic Properties)

4. Gil Paterson (Clydebank and Milngavie) (SNP): To ask the Scottish Government what plans it has to improve fire safety standards,

including requiring domestic properties to be equipped with smoke, heat and carbon monoxide alarms. (S5O-02912)

The Minister for Local Government, Housing and Planning (Kevin Stewart): The Scottish Government is committed to achieving improved fire safety. In June 2017, following the Grenfell tower tragedy, the Scottish Government took immediate steps to establish a ministerial working group on building and fire safety. The group has agreed a number of recommendations to improve building and fire safety, including lowering the height of buildings on which cladding must be non-combustible or must pass a full-scale fire test; extending the mandatory installation of sprinklers in flats, and in larger multi-occupancy dwellings and those in which care is provided; providing specific fire safety guidance to residents of high-rise domestic buildings; and the introduction of guidance for fire risk assessments. Those measures are in addition to the new minimum standard for fire and carbon monoxide detection for all homes, which will come into force in February 2021.

Gil Paterson: Does the minister agree that a single death from residential fire is one too many and that the improved standards will help to ensure that residents in my Clydebank and Milngavie constituency and, indeed, throughout Scotland will benefit from a high level of protection, irrespective of where they live and whether the home is private, social or new build? Does he agree that those standards should be promoted extensively by the Parliament and everyone else?

Kevin Stewart: I completely agree with Mr Paterson that one death from fire in Scotland is one too many.

Significant progress has been made in fire safety as we look to realise our vision for safer and stronger communities across Scotland with a long-term decrease in the number and rate of fatal fire casualties. However, none of us can be complacent about the matter. It has been proven that fire alarms save lives, and investments in them are among the most important investments that can be made to protect life and property. Through the improved standard for fire and carbon monoxide detection, we can ensure that everyone will benefit from the same high level of protection, whether they own their home or rent from a private or social landlord.

I thank Mr Paterson for talking about promotion. It is up to each and every one of us to promote the changes and to ensure that people adhere to the new standards that we are setting. I am happy to talk to any member about how we can help them to promote the scheme.

Community Services (Funding)

5. Elaine Smith (Central Scotland) (Lab): To ask the Scottish Government what funding it gives to local authorities for the provision of community services. (S5O-02913)

The Cabinet Secretary for Communities and Local Government (Aileen Campbell): The Scottish Government's 2019-20 budget will provide local government with overall funding totalling more than £11.6 billion. The vast majority of that funding is not allocated for individual services, as it is the responsibility of individual local authorities to manage their own budgets and to allocate the total financial resources that are available to them, including for the range of community services that they deliver, on the basis of local needs and priorities, having first fulfilled their statutory obligations and the jointly agreed set of national and local priorities.

Elaine Smith: Is the cabinet secretary aware that, according to public sector trade unions, more than 31,000 local government jobs have been lost in Scotland since 2008? That means 31,000 fewer people providing services directly to their local communities, which has put growing pressure on those who remain in work and has resulted in community, library and leisure centre closures and reduced staffing and reduced hours in the services that remain open. As that undoubtedly has an impact on Government policy on issues such as health and wellbeing, loneliness and isolation, and obesity, how does the Scottish Government intend to audit the impact of community, library and leisure centre closures?

Aileen Campbell: The aspirations for the work of local and national Government are held jointly and are articulated through our national performance framework, through which we will ensure that we deliver on the key criteria. That includes wellbeing, and some of the issues that Elaine Smith mentioned in relation to libraries and leisure facilities undoubtedly contribute to the sense of wellbeing that we feel in our communities.

We have protected local government as best we can. We have provided councils with more resources overall and in revenue and capital terms. The budget, which was passed just a week ago, enhanced our offer to local authorities to help them to provide and support services and to respond to the needs of their communities. I do not think that the Labour Party came up with any proposals on how it would help to fund the services that Elaine Smith mentioned to ensure that people can continue to enjoy the facilities that are provided across our councils.

Kenneth Gibson (Cunninghame North) (SNP): A representative from the Convention of

Scottish Local Authorities told the Local Government and Communities Committee that

“it is evident that councils are collapsing in England and Wales. We would absolutely not want that level of cuts to Scottish budgets.”—[*Official Report, Local Government and Communities Committee*, 9 January 2019; c 15.]

Does the cabinet secretary share that view? What have Scottish ministers done to protect local government budgets in Scotland from what has happened in England under the Tories and in Wales under Labour?

Aileen Campbell: The member makes a very good point. We agree with COSLA’s analysis of what has happened to local authorities across England. Those authorities have faced real-terms budget reductions of 28 per cent between 2011 and 2018. In comparison, we have endeavoured to protect and treat fairly local government in Scotland.

I mentioned the total funding of £11.6 billion that goes to local government in Scotland, that we work in partnership to deliver the aspirations that are set out in the national performance framework, and that we have worked with our colleagues in the Green Party to ensure that we create a budget that works for the whole of Scotland.

While other parties criticise the budget in the face of what they are doing in other parts of the United Kingdom, we will continue to work hard in protecting and treating fairly local authorities by supporting the good work that they do in delivering for our communities across the country. Kenneth Gibson is absolutely right to say that we should never forget the difference in approach between this Government and those in other parts of the UK.

Affordable Homes Target

6. **John Scott (Ayr) (Con):** To ask the Scottish Government whether its target to build 50,000 new affordable homes will be met. (S5O-02914)

The Minister for Local Government, Housing and Planning (Kevin Stewart): We are making excellent progress towards our target of delivering 50,000, affordable homes—35,000 of which will be for social rent. The most recently published quarterly housing statistics show that, from April 2016 to the end of September 2018, we have delivered 19,400 affordable homes—11,825 of which are for social rent—which keeps us well on track to deliver our ambitious target over this parliamentary session. The Government can be very proud of its record on affordable housing, having now delivered more than 80,000 affordable homes since 2007.

John Scott: The minister will be aware that the Scottish National Party’s 2016 manifesto stated:

“Over the next parliament, we will invest £3 billion to build at least 50,000 more affordable homes.”

The minister says that the Government has delivered 19,000 homes, but it has not delivered 50,000 more affordable homes in the built environment. Can the minister give us the real figures on how many new affordable homes will be built over this parliamentary session? Will it be anywhere close to the 50,000 target?

Kevin Stewart: The majority of homes that will be provided through the affordable housing supply programme will be new builds, but the programme also includes rehabilitation projects, off-the-shelf purchases and homes for low-cost ownership from existing housing stock. To reflect that mix, we have always referred to the delivery of more affordable homes, because many local authorities have asked us for the flexibility to allow them to buy back stock in certain places, so that they have the right affordable social housing in their areas. I would have thought that Mr Scott would have liked that sort of localism, given that the Conservatives have been punting the idea for so long.

In Mr Scott’s constituency, we have completed projects through Ayrshire Housing, Hanover Housing Association and South Ayrshire Council such as Limonds Wynd, Doonholm Road, Lochside and many others in Ayr, and we are currently on site in Peebles Street, Whitletts primary school and James Brown Avenue. In Troon, the West of Scotland Housing Association has completed phase 1 of Earl’s Green, with phase 2 now going on. That is good news for Ayr and the whole of Scotland, which is benefiting from that ambitious housing programme.

The Presiding Officer (Ken Macintosh): I apologise to Mr Mason and the subsequent questioners—we did not make a lot of progress. I would encourage more succinct supplementary questions and answers.

Social Security and Older People

Social Security Scotland (Diversity)

1. **Ruth Maguire (Cunninghame South) (SNP):** To ask the Scottish Government what action it is taking to ensure that Social Security Scotland has a diverse workforce that represents our society. (S5O-02919)

The Cabinet Secretary for Social Security and Older People (Shirley-Anne Somerville): Social Security Scotland is working with a wide range of stakeholders to recruit a diverse workforce, with practical measures to broaden the applicant pool such as developing accessible job descriptions and adverts and removing barriers such as qualification requirements for entry-level roles. Moreover, unsuccessful candidates are

being offered feedback to support and encourage them to reapply for future roles. Social Security Scotland has also undertaken outreach activities to promote jobs to the wider community and to provide practical support to potential applicants in the areas where the roles are based.

Ruth Maguire: A notable commitment in the social security charter is the involvement of

“those with lived experience in measuring performance”.

How will success be measured in respect of recruiting a diverse workforce?

Shirley-Anne Somerville: Ms Maguire is quite right to point to the social security charter, as it embeds absolutely everything that this Government and the agency is doing on social security. The agency is working to publish data on its workforce to ensure transparency and drive continuous improvement in its selection process. However, although we have seen progress in those areas, we are never complacent, and we are always open to doing more—for example, to work with stakeholder organisations and others—to review the progress that we have made to date and to see what more can be done to improve. I and the agency are committed to that process.

Jeremy Balfour (Lothian) (Con): How many of the people working at the agency previously worked in the Department for Work and Pensions, and what percentage of the new workforce do they make up?

Shirley-Anne Somerville: The agency does not collect statistics on people’s last place of employment, but we ensure that every person who comes through the door is committed to our established agenda of fairness, dignity and respect. Every person is assessed on their ability to carry out that agenda, and that assessment happens through the application, recruitment and induction processes as well as through continuous professional development. I am proud that everyone who has chosen to work for our agency is carrying out that agenda.

Anas Sarwar (Glasgow) (Lab): How many members of the executive advisory board are from a minority background, and what steps is the cabinet secretary taking to increase diversity on the panels, in the leadership of Social Security Scotland and in the associated commission?

Shirley-Anne Somerville: Although the agency is moving in the right direction on this matter, we still have work to do. I must pay tribute to Anas Sarwar for his work on the issue, particularly in the coverage that he gave to it a couple of weeks ago, and I am happy to correspond directly with him on this and ensure that he is put in touch with the agency so that he can carry on these conversations. Although we have taken steps to

address some of the areas, there is quite clearly more that we can do, and we are open to having those discussions.

Social Security Charter

2. Bill Bowman (North East Scotland) (Con):

To ask the Scottish Government what measures it is taking to meet the commitment in the social security charter for the “system ... to be efficient and deliver value for money.” (S5O-02920)

The Cabinet Secretary for Social Security and Older People (Shirley-Anne Somerville):

We are committed to funding social security to ensure that we deliver a service that is based on dignity and respect, that is an investment in the people of Scotland and that provides clear value for money for the public purse.

Affordability and value for money are key considerations in our decision-making process. All resource commitments and investment decisions are subject to the development of robust business cases that fully consider evidence-based option appraisals and value for money in line with the Scottish public finance manual. We produce forecasts of benefits to support policy development, evaluation, delivery costs and financial management and we consider the implications for each system change and the impact on the whole of the Scottish budget.

Bill Bowman: The Scottish Government is consulting on the job grant, which is stated to be for youngsters and specifically for people aged between 16 and 24. Dundee, which is in my region, has the lowest employment rate in Scotland and significant numbers of older people who are out of work. The situation is worsening, with recent company closures at Michelin and McGill’s and further possible redundancies following the Scottish National Party’s council budget cut, and it is evidenced in the worrying statistic that one in 10 people in Dundee has never held a job. Taking that into account, can the minister explain the fairness of discriminating against the older job market by offering the grant solely to younger people?

Shirley-Anne Somerville: The proposed job grant is but one aspect of the work that the Government undertakes, particularly under my colleague Jamie Hepburn, to support all those who are seeking to return to the job market or who need additional support to move on. I am disappointed that the job grant is being viewed in such a manner, but if the Conservatives were genuinely interested in broadening it or in another proposal, I would have expected to see the details of that during the Scottish budget process. However, I did not see them. If the member genuinely has a proposal that he wants the Scottish Government to look at, I look forward to

seeing the details of it and in particular how he would choose to fund it.

Shona Robison (Dundee City East) (SNP): I think that the cabinet secretary will be waiting quite a while for that.

The charter was co-produced by people with lived experience of the system and promises to treat everyone with dignity and respect. Will the cabinet secretary outline in more detail how that approach differs from that taken in the United Kingdom social security system, which has of course been severely criticised by the United Nations?

Shirley-Anne Somerville: Shona Robison is right to point to the concerns that the UN—most recently, through the special rapporteur on extreme poverty and human rights—has expressed about the Department for Work and Pensions system and its impact on individuals. I refer Ms Robison to the charter, which I know she is aware of as a member of the Social Security Committee. It is a direct response to ensure that, in Scotland, we never get into a position where social security is seen as anything but a human right, we treat everyone with dignity and respect and people get the payments that they are entitled to.

Mark Griffin (Central Scotland) (Lab): Sending £6 million to the DWP to administer carers allowance and giving up any ability to change any of the rules on the allowance does not seem to be value for money. Will the cabinet secretary rule out any agency arrangements for disability benefits and will she end the agency arrangements for carers allowance at the earliest possible opportunity?

Shirley-Anne Somerville: We will look carefully at any agency agreement that we undertake, but I gently remind the member that it is because we undertook an agency agreement with the DWP that we were able to begin paying the carers allowance supplement only a matter of weeks after the Social Security (Scotland) Act 2018 received royal assent. We would not have been able to do that if we had waited until we had put in place a carers allowance programme and the delivery mechanism for it. The choice was simple: we either did it with the agency agreement—through which the DWP continues to pay carers allowance and we make an investment of £33 million in the carers allowance supplement—or we did not do that. We made sure that the money went into carers' pockets as quickly as possible, which was the right decision.

The Presiding Officer: Question 3 was not lodged.

Men's Sheds

4. Finlay Carson (Galloway and West Dumfries) (Con): To ask the Scottish Government how it supports men's sheds. (S5O-02922)

The Minister for Older People and Equalities (Christina McKelvie): The Scottish Government supports the national men's sheds movement in a variety of ways. We provide core funding to the Scottish Men's Sheds Association, which supports individual men's sheds on a wide range of practical issues, such as start-up, health and safety and asset management.

We also support local shed development. We are currently running a series of regional events to support local partners and shedders alike, and to encourage a place-based partnership approach to tackling social isolation and loneliness, and to improving mental and physical health. I should say that the Scottish Men's Sheds Association has been a key stakeholder in the development of the social isolation and loneliness strategy. I hope that that will encourage others to get involved in their local men's shed or to add to the 164 that we currently have in Scotland.

Finlay Carson: The men's sheds movement has been established for many years. Dalbeattie Men's Shed in my constituency of Galloway and West Dumfries, has more than 50 members and is a unique place where men can come together and socialise with a purpose. The approach has a positive impact on men's mental health and wellbeing.

Shedders are an autonomous bunch, with each shed being run by the men themselves, with their own rules and policies. Can the Scottish Government confirm to shedders in Dalbeattie and throughout Scotland that there will be no change to self-rule if funding is allocated directly from the Scottish Government in the future?

Christina McKelvie: I am aware of Dalbeattie Men's Shed, as well as the Rhin's Men's Shed in Stranraer, which I think has an event coming up to which my colleague Emma Harper is going.

We absolutely agree that the men's sheds movement should maintain its autonomy and independence. I am happy to work with the Scottish Men's Sheds Association on the issues. If there is a specific issue with Dalbeattie Men's Shed, I will be happy to listen and to work with the association and Finlay Carson to deal with it.

Liam McArthur (Orkney Islands) (LD): The minister is aware of the contribution of groups such as Orkney Men's Shed to tackling not just social isolation, but mental ill health. What discussions has she had with her health colleagues about the possibility of attracting

funding from health boards to support local men's sheds?

Christina McKelvie: That is an interesting perspective from which to look at the issue. We work closely with a lot of community partnership organisations, including Age Scotland, Glasgow Caledonian University, the community ownership support service, local authorities and the third sector. If there is merit in speaking to my health colleagues on the matter, I am happy to hear about it. I can see the benefit in doing that, because social isolation and loneliness can exacerbate a mental health issue or be the cause of it. If there are ways to work together to minimise mental ill health, I am happy to hear about them.

Draft Disability Assistance Regulations

5. Jeremy Balfour (Lothian) (Con): To ask the Scottish Government by what date it will publish its draft regulations for disability assistance. (S5O-02923)

The Cabinet Secretary for Social Security and Older People (Shirley-Anne Somerville): People who rely on disability benefits have consistently told us that what matters most to them is that they are paid the right amount of money on time, so the most important consideration will be to ensure a safe and secure transition of all the benefits from the Department for Work and Pensions. The timetable and delivery schedule will be announced in due course, and the publication of draft regulations will be subject to that timetable and delivery schedule.

Jeremy Balfour: I thank the cabinet secretary for her non-answer.

I hosted a meeting with many leading third sector disability organisations recently, and we all welcome the Scottish Government's consultation on disability regulations. However, will the cabinet secretary acknowledge that the Scottish Government is, by not providing a clear date or timescale for publishing the draft regulations, causing unnecessary suffering and concern to many vulnerable people who are in receipt of disability benefits? Is this really how the Scottish Government wants to lead on the principle of treating Scottish people with dignity, fairness and respect?

Shirley-Anne Somerville: A lot of disabled people speak to me about the absolutely inhumane and degrading treatment that they suffer at the hands of the DWP, day in and day out. That is why we are determined to ensure that, when we deliver our disability benefits through Social Security Scotland, there will be a radically different approach taken, in which people are treated with dignity, fairness and respect.

When we publish the consultation on disability benefits, I am sure that people who have experience of the current DWP system will see a marked and welcome difference between what we propose and what they are suffering at the moment.

Ruth Maguire (Cunninghame South) (SNP): As many members did, I welcomed last year's announcement that there will be no private sector involvement in the disability assessment process. Will the cabinet secretary say why it is vital that we take a different approach from the United Kingdom Government's often cruel and humiliating assessment regime?

Shirley-Anne Somerville: Ruth Maguire is right to point out the cruel aspects of the assessment process. That is one of the areas to which the Government will make key changes, as we have announced, in order to ensure that there is no private sector involvement, and that the new assessment process is fairer and is based on standards, rather than on case volumes.

The agency will undertake the assessments and provide a flexible service, including home visits when required. It will also ensure that the assessment process works effectively for people, whatever their condition or disability. When we build our system on a culture of dignity and respect, that will flow through the attitude of the assessment staff and ensure that those who have to apply to Social Security Scotland will be supported through that process, rather than be treated in the inhumane and undignified manner that they are treated day in and day out by the DWP.

Pension Credit (Entitlement)

6. Bill Kidd (Glasgow Anniesland) (SNP): To ask the Scottish Government what the impact will be on older people in Scotland of the United Kingdom Government's use of universal credit to limit entitlement to pension credit. (S5O-02924)

The Cabinet Secretary for Social Security and Older People (Shirley-Anne Somerville): We fundamentally disagree with the UK Government's decision to make that policy change, which is expected to leave pensioners as much as £7,000 a year worse off simply because they have a younger partner. Thousands of couples in Scotland are expected to be hit by the policy over the coming years, and the UK Government expects 15,000 couples across the UK to be affected this year alone. I have written to the UK Government about the matter, outlining my concerns and asking for clarity on the impact that it will have.

Bill Kidd: Independent analysis from the Scottish Parliament information centre has found

that 10 per cent of households in Scotland that claim pension credit are likely to be affected. Does the minister agree that that severe and unfair cut is wide in its reach and affects many families who will have little or no means to adjust to the sudden drop in their income?

Shirley-Anne Somerville: I completely agree with Bill Kidd. Once the policy is in place, the affected families will find themselves much worse off than they could have anticipated. They will no longer be entitled to claim pension credit, and will instead be forced to claim universal credit, which is much less generous for couples.

We know already that universal credit is causing problems for people who are claiming the benefit—members across the chamber will see that in their surgeries and mailbags—and that its introduction has led to an increase in rent arrears and has forced people into hardship. In the past couple of weeks, even the Secretary of State for Work and Pensions has admitted that universal credit has led to an increase in hardship and the use of food banks.

Social Security Tribunals (Access to Representation)

7. Iain Gray (East Lothian) (Lab): To ask the Scottish Government how it will ensure that social security claimants have access to representation at tribunals. (S5O-02925)

The Cabinet Secretary for Social Security and Older People (Shirley-Anne Somerville): We recognise that allowing people to have access to a representative at a tribunal hearing is an important aspect of the rights-based approach. The procedural rules for the Scottish social security chamber ensure that individuals can be represented, and allow them to be accompanied by a supporter at their hearing.

Iain Gray: The problem is, of course, access to someone who can provide that support. The Scottish Legal Aid Board's decision to cut its making advice work programme has meant that across the Lothians and the Borders 12 experienced and highly skilled front-line workers are about to lose their positions. That will leave my constituents with almost no access to anyone with the experience to represent them at tribunals. Will the cabinet secretary get SLAB to reverse its decision?

Shirley-Anne Somerville: I recognise that a difficult decision not to continue funding for some Scottish Legal Aid Board projects had to be taken, but the Scottish Government continues to provide £2.7 million to fund 27 advice projects across the country. SLAB has always been very clear, in its communications, that rolling funding was never intended, and that the funding should not be seen

as core funding for the organisations that run the projects.

However, we will do everything that we can from within Social Security Scotland to ensure that individuals have help with their appeals, including information and signposting to organisations that will be able to assist them further, and that that is built into the process of the agency as it makes its determinations.

Social Security Assistance (Erroneous Underpayments)

8. Alison Johnstone (Lothian) (Green): To ask the Scottish Government how it will minimise erroneous underpayment of devolved social security assistance. (S5O-02926)

The Cabinet Secretary for Social Security and Older People (Shirley-Anne Somerville): Our focus is on paying the right people the right money at the right time.

Social Security Scotland has put in place a range of robust measures to prevent errors from occurring. Those include clear pre-claim guidance for clients to ensure that we have all the right information from the outset, and clear technical guidance for our staff, alongside on-going training and support to help them to make the right decision the first time. We also ensure that we have a robust checking process for applications.

If we make an error, we will put it right and we will learn from our mistakes, thereby ensuring that we continually strive to improve our service.

Alison Johnstone: We are advised that claimant error mostly involves people failing to keep the Department for Work and Pensions aware of a deterioration in a functional need. I appreciate the cabinet secretary's comments about pre-claim guidance, but what specific support will be given to help people to complete their applications fully and accurately and, importantly, to keep Social Security Scotland up to date with their needs? What quality assurance will be put in place to monitor official errors?

Shirley-Anne Somerville: Alison Johnstone is quite right to point out that the vast majority of underpayments of personal independence payments and disability living allowance in the reserved benefits system are caused by people who are already on a benefit failing to report an increase in their care or mobility needs and, therefore, losing out.

The solution to that will in large measure come down to the culture in the agency, which will build up trust between the agency and recipients of payments so that they are encouraged to come forward and feel supported by the agency, which is there to ensure that they get the money to which

they are entitled. That is an important aspect of the underpayments work that we are committed to undertaking.

Carers Allowance Supplement

The Deputy Presiding Officer (Linda Fabiani): The next item of business is a debate on motion S5M-16012, in the name of Mark Griffin, on the carers allowance supplement.

14:42

Mark Griffin (Central Scotland) (Lab): I thank carers for the tremendous work that they do every single day, caring for loved ones.

Tomorrow, the Scottish Parliament will consider its first set of instruments to uprate a devolved social security benefit, the carers allowance. Unlike the passing of the best start grant and funeral expense instruments, that moment should not simply pass us by. It should be a moment when new powers are used for real change for people in Scotland. These are critical regulations that will boost the incomes of carers, but an increase of 2.4 per cent, which is equivalent to September's consumer price index rate, simply does not go far enough. That is why we are challenging the Government to abandon the CPI and re-adopt the retail price index for uprating Scottish social security payments, making it clear that our new powers will be used to invest in the people of Scotland, with carers afforded the dignity and respect that they deserve.

The Minister for Public Finance and Digital Economy (Kate Forbes): Will the member take an intervention?

Mark Griffin: I would like to make a little more progress. I will take a question from the member later.

Our motion builds on the call that the national carer organisations made in their submission during the passage of the Social Security (Scotland) Bill, in which they said:

"this should be linked to the retail price index not consumer price index."

Added to that, voices across the third sector support the motion. Health and Social Care Alliance Scotland, the Scottish Council for Voluntary Organisations, Energy Action Scotland and Marie Curie, to name a few, have been in touch to say that they support using RPI.

Used by Labour to uprate social security, RPI is generally more generous and, crucially, takes account of housing costs. The change to CPI, the rate that the Government is offering now, was one of George Osborne's first welfare cuts in 2010.

Jeremy Balfour (Lothian) (Con): How much would it cost to implement the Labour Party's plan this year and the following two years?

Mark Griffin: The Scottish Parliament information centre has modelled that and estimated that it would cost £3 million, a point that I will come to later in my speech. However, it is about more than the cost of uprating carers allowance; it is about a principle in social security when we look at the whole range of devolved benefits and how we uprate them to make sure that they keep up with the cost of living.

That change to the CPI—the rate that the Government is now offering—was one of George Osborne's first welfare cuts in 2010. It seems that the Scottish National Party Government is entirely content with that, displaying dogmatic support for the CPI in its motion, and arguments lifted straight from a George Osborne budget. The RPI is no panacea—no measure is—but in this case, carers are being short-changed, because the Government is using the cheapest possible option.

Kate Forbes: I agree with Mark Griffin's point about carers being important. However, it is less than a week since stage 3 of the budget; why was this not a Labour Party ask in the budget?

Mark Griffin: As I said, this issue is much wider than a single-year budget. It is about the full range of devolved benefits and about setting a precedent for using the cheapest option to uprate devolved social security benefits as we go on. At this point, Labour is saying, "No—we are not happy with that. Carers and everyone who relies on social security deserve better."

When it comes to peak rail fares, surprisingly, the SNP is happy for those to be uprated by the RPI. The public sector pay increase will be 3 per cent, figures released today show that bus fares have risen by 3 per cent and council tax bills look set to rise by 4.8 per cent, so why are we giving carers just 2.4 per cent?

According to the Scottish Trades Union Congress, the switch to using the CPI for social security uprating has cost people billions. The policy sits on the same shelf as the benefits freeze, with the impact accumulating every year. It is a cut to save the Government money at the expense of people in need and it is responsible for pushing families, carers and disabled people to food banks as they struggle to make ends meet

The cabinet secretary knows it. Her own briefings confirm that in Scotland the Tory-led coalition's uprating policies will have slashed £1.9 billion from incomes by 2021. Time and again, SNP speakers rightly call out the Tory Government for cuts to social security amounting to £3.9 billion in Scotland by 2021. They will lose all credibility when they use that figure now, since they whole-heartedly support George Osborne's change from the RPI to the CPI, which, again according to the cabinet secretary's own briefing,

has contributed significantly to £1.9 billion of those cuts.

We can use our powers to support 82,000 carers with an extra £33 each next year and depart from that Tory cut. The Government rightly points out that the supplement, supported right across the chamber, is an uplift that is truly appreciated by carers. However, ministers surely do not think that that is the limit of the support that we can offer to carers. After all, next year the supplement will still be £150 short of the extra £600 that the First Minister promised in 2015.

SPICe calculates that a move to the RPI would cost £3 million next year. Our motion proposes that it is paid through the supplement, because we recognise that that would be the only way to do it. That is because the SNP's deal with the DWP, costing an estimated £6 million next year, means that we cannot change any part of the underlying carers allowance until at least autumn next year.

That means that we cannot block the aggressive recovery action against those who have been overpaid, help recipients to access full-time education or—as Marie Curie points out—extend the time for which carers receive the allowance when their loved one sadly dies or goes into hospital long term.

I want to point out one final quirk of the decision to stick with the agency arrangements. The Government proposes that the earnings threshold for the carers allowance should rise by just £3 next year. That means that a carer who earns a penny more than the £123 cliff-edge risks losing their allowance entirely. That is out of step with increases in the national and real living wages and is clearly a disincentive to carers working. The SPICe analysis shows that a carer who earns the national living wage would be allowed to work a maximum of 15 hours a week—20 minutes less than they were allowed to work this year—before losing their allowance altogether. What advice would the cabinet secretary give to a carer who had to go to their employer and ask to reduce their working hours, failing which they would lose their carers allowance? That is not right: it is too high a burden on Scotland's carers, in an area in which carers and organisations have repeatedly demanded change.

We have powers to take a different path, and to show that social security is an investment in the people of Scotland. Now is the time to set the precedent and re-adopt RPI in Scotland's social security system.

I move,

That the Parliament rejects the use of the Consumer Price Index to uprate Carer's Allowance and the earnings threshold; agrees that social security is an investment in the people of Scotland and that, therefore, the Retail Price

Index (RPI) should be used, and believes that ministers should use their powers under the Social Security (Scotland) Act 2018 to uprate the full sum of Carer's Allowance and the supplement in line with RPI to underline the commitment to deliver a Scottish social security system based on dignity and respect.

The Deputy Presiding Officer: Thank you. I point out that we are already over the time that has been allocated for the debate so far, so that will have to come off the time allowed for other speakers. I call Shirley-Anne Somerville. You have up to five minutes, cabinet secretary.

14:51

The Cabinet Secretary for Social Security and Older People (Shirley-Anne Somerville):

The Scottish Government's financial commitment to carers is clear. Through the carers allowance supplement we have already put an extra £442 a year into the pockets of over 77,000 carers. That is an increase of 13 per cent in carers allowance, and an investment of over £33 million through that benefit alone. In five years' time, carers in Scotland will be receiving approximately £491 a year more than those outwith Scotland, due to our supplement. We have also committed to the introduction of a young carers grant and will introduce a new payment for carers who are responsible for more than one disabled child.

All that money has been provided in the context of the new provisions on social care support and carers' rights in the Carers (Scotland) Act 2016, which came into force last year. The Government has fully funded the implementation of the 2016 act, including providing an additional £10.5 million in 2019-20 to enable local government to meet the projected increase in demand for support under its provisions.

Claudia Beamish (South Scotland) (Lab):

When the uplift was announced by the First Minister in 2015, at a time when I was co-convenor of the cross-party group on carers, it was said to be worth £600 per annum. However, as the cabinet secretary knows, at the time of the supplement's launch in 2018 it was worth £442 per annum. Does she accept that there is still a long way to go to meet the First Minister's commitment?

Shirley-Anne Somerville: I ask Claudia Beamish and other Labour members who will take part in the debate, this question: if they are concerned about the amount of the carers allowance supplement, where were they during the budget process? Where were their proposals on that? A week has passed since the budget process, during which I saw no serious proposals from anyone in the Labour Party—on carers or anything else.

The response to the carers allowance supplement has been hugely positive. We know that we are doing the right thing in making the increase, and when it comes to uprating we will do the right thing, too. Our proposal is based on evidence and internationally accepted good practice. The measure that we propose is the one that accurately reflects the cost of living: the consumer prices index.

I agree with the Conservative amendment, in that we should always keep alternative methods under review. Therefore I give Miles Briggs and all other members my full reassurance that we already do that. For example, we have considered using the measure CPI plus housing costs—CPIH—which is also recommended by the Office for National Statistics. CPIH is similar to CPI in how it is calculated, but it includes additional items. However, in seven of the past nine years, CPIH inflation has been lower than CPI, so using CPIH would have delivered a lower increase to carers.

Using CPI, from April this year, Scotland's carers will see their carers allowance increase from £64.60 per week to £66.15 per week. That approach is in line with the agency agreement that we have set up with the DWP to deliver carers allowance on our behalf. The agreement enabled us to get much-needed increases into carers' pockets as early as last summer—a matter of weeks after the Social Security (Scotland) Act 2018 received royal assent—through the introduction of the carers allowance supplement.

Elaine Smith (Central Scotland) (Lab): Will the cabinet secretary explain why RPI is used in relation to rail fares but CPI is to be used in relation to carers?

Shirley-Anne Somerville: There are historical areas where it is particularly used, but its use is discouraged by the Office for National Statistics. I will come on to that point. We are setting up a new system and it is important that we listen to that good practice and advice.

When we take over full delivery of carers assistance, we will work with stakeholders to agree a mechanism to uprate it, and that will, of course, be done with members of the Parliament. I will be happy to discuss any ideas and hear the views of all the parties and all members as our social security system develops. What I will not do is agree to use something that experts consider to be a poor measure of inflation.

The CPI is used for the Bank of England's inflation target. The Office for National Statistics describes the CPI as

"A measure produced to international standards and in line with European regulations."

By contrast, here is what the Office for National Statistics says about the retail prices index, or RPI:

“Overall, RPI is a very poor measure of general inflation, at times greatly overestimating and at other times underestimating changes in prices and how these changes are experienced.”

Not only is RPI widely regarded as an inappropriate measure of inflation, it has been viewed as such for over five years. In 2013, the UK Statistics Authority, which is the arm’s-length body that oversees the Office for National Statistics, said that the RPI had been

“assessed against the Code of Practice for Official Statistics and found not to meet the required standard for designation as National Statistics.”

The consensus among economists and statisticians is that the RPI does not meet international standards. That opinion is shared by many, but not by my parliamentary colleagues in the Labour Party.

The Deputy Presiding Officer: Will you come to a close, please?

Shirley-Anne Somerville: I appreciate that a discussion has to be had about levels of benefits. That is right and proper. The place for that discussion is during the budget process, which we have just been through, and during which Labour was not to be seen. It is vital that we keep decisions on the uprating of benefits separate from decisions on benefit levels. Our aim in choosing an uprating mechanism is to ensure that the benefit levels that we agree on will maintain their value over time, and the CPI is the best mechanism to do that.

I move amendment S5M-16012.3, to leave out from “rejects” to end and insert:

“welcomes the immense contribution that carers make to society, caring for family, friends and neighbours; recognises that the introduction of the Carer’s Allowance Supplement (CAS) has increased financial support to carers by 13% and put an extra £442 a year in people’s pockets in 2018-19, which is an investment in carers of over £33 million; further recognises the Scottish Government’s use of the Consumer Price Index (CPI) as an uprating mechanism, which, in 2019-20, will increase CAS to £452.40, which is an investment of around £37 million in carers; notes that CPI is used as the Bank of England’s inflation target; further notes that the Office for National Statistics deems the Retail Price Index (RPI) a very poor measure of inflation; acknowledges that RPI lost its status as a National Statistic in 2013; further acknowledges that there is a consensus among economists and statisticians that RPI does not meet international standards, and agrees that the Scottish Government should not use RPI as a measure to uprate benefits for these reasons.”

The Deputy Presiding Officer: I call Miles Briggs. You have up to four minutes.

14:56

Miles Briggs (Lothian) (Con): We should all be concerned about the wellbeing of Scotland’s carers and the support that we provide for them, so I welcome the Labour Party bringing this debate to the chamber. As an MSP, I have attended the Scottish young carers festival every summer. The festival provides a chance for young carers to have a break from their caring role, meet other young carers, take part in consultation and, perhaps most important, just have fun. I am always amazed that those young Scots often do not see themselves as young carers; they just say that they care for their mum, their dad, their brother or their sister.

In Scotland, there are at least 759,000 carers aged 16 or over, and 29,000 young carers. The value to the taxpayer of the care that is provided by carers in Scotland is estimated to be equivalent to £10 billion a year. It is important that we remind ourselves that three out of five of us will become carers at some stage in our lives, and that one in 10 of us is already fulfilling a caring role. How we support carers in Scotland today and in the future is therefore incredibly important. It is vital that we get our social support system right and that it is fit for purpose. That is why we called for and supported the introduction of the carers allowance supplement and why we on the Conservative benches support a wider look at how we support Scotland’s carers and the challenges that they face.

The useful briefing that Marie Curie provided before today’s debate, which has been mentioned already, outlines that many people who care for someone with a terminal illness are not identified as carers so they do not get the support that they may be entitled to, including access to benefits. There are many opportunities to identify carers who are supporting someone at the end of their life, and the identification of those carers clearly needs to be improved. I welcome initiatives that provide information and reach out to identify carers, such as the pop-up hub for carers last week at the Royal infirmary of Edinburgh.

Scottish Conservatives want carers to be supported so that they can live healthy, fulfilling lives, and we want the crucial role that they play in our communities to be both recognised and valued. For that to happen, a range of good-quality support needs to be on hand for carers at the right time and in the right place.

My amendment calls on ministers to

“investigate the use of alternative methods of uprating”.

Every party in the Parliament has made a commitment to deliver a Scottish social security system that is based on dignity and respect and which recognises the immense value that carers

bring to our society. We on the Conservative benches want to look at how we can further support and thank Scotland's carers. Scottish Conservatives have long campaigned on behalf of carers on measures such as the increase in the carers allowance and our campaign for local authorities to give carers short breaks. SNP ministers should be open to looking at different methods of uprating benefits.

It is also important that we see the issue in the wider context of the benefits system and the wider package of support for carers in Scotland. Many young carers groups in my Lothian region have raised with me the delay to 2020-21 in delivering free bus travel to those in receipt of the young carers grant. I believe that ministers can look at that and that they should make it more of a priority.

My amendment asks ministers to investigate

"the use of alternative methods of uprating the full sum of Carer's Allowance as well as the Carer's Allowance Supplement".

Scottish Conservatives believe that it is important that we get that right and that we take a considered and long-term approach to such issues. My amendment would give Parliament the opportunity to do just that.

I move amendment S5M-16012.1, to leave out from "rejects" to end and insert:

"agrees that social security is an investment in the people of Scotland; believes that, in the context of delivering better support to unpaid carers, Ministers should investigate the use of alternative methods of uprating the full sum of Carer's Allowance, as well as the Carer's Allowance Supplement, to underline the commitment to deliver a Scottish social security system based on dignity and respect, and recognises the immense value that carers bring to Scottish society."

15:00

Alison Johnstone (Lothian) (Green): We cannot thank carers in Scotland enough, yet it remains the case that people who care are undervalued and underpaid. Despite the fact that unpaid carers save the Scottish economy some £10.8 billion annually, there remains a vast mismatch between the value of care and the support that carers receive. Three out of five of us will become carers at some point in our lives, yet the value of the work that carers do is not fully recognised. Carers benefits do not recognise the enormous contribution made by unpaid carers.

In 2016, the Scottish Greens stood on a manifesto commitment to campaign for an increase in carers allowance to £93.15 per week, which would be £96.90 per week today. We will support the Labour motion, which calls for the use of an uprating mechanism that is more generous to carers.

I appreciate that the Scottish Government made a manifesto commitment to increase carers allowance to the same level as jobseekers allowance. That is progress, and I welcome it, but I will continue to urge the Government, and indeed the Parliament, to go further.

Greens have long called for a lower hours-of-care threshold and, importantly, for more flexibility. Surely one person caring for two people and reaching that threshold should receive carers allowance. I know that the previous cabinet secretary was not unsympathetic to those calls and I look forward to the current cabinet secretary's response to them.

I am pleased that the Scottish Government has taken up the call in the Green 2016 manifesto for a young carers grant. The First Minister responded to that call quickly.

Anas Sarwar (Glasgow) (Lab): Will the member give way?

Alison Johnstone: I have only four minutes. I would like to make progress.

Evidence suggests that it is the most financially vulnerable young people who are most likely to have caring responsibilities. The grant will entitle young carers to support worth £300 per year and will contribute to ensuring that young carers can take part in activities such as going to the cinema or perhaps having some driving lessons. We must ensure that the 29,000 young people in Scotland who care are properly and fully supported and that their education and personal development are prioritised.

Carers UK's caring and family finances inquiry found that 70 per cent of carers were £10,000 a year worse off, and that one in three had seen a drop of £20,000 a year in their household income, as a result of caring. Being a carer can lead to additional financial costs such as an increase in household bills. That is why we urgently need to examine increasing the value of social security payments to carers. The carers allowance top-up is a good first step, but more can be done.

As part of its work on preparing for the delivery of carers assistance, I would like to see the Scottish Government doing all that it can to properly understand the financial impact of caring on carers and what the devolved social security system can do to help.

We also have to look at how we value particularly intensive forms of care. Current rules allow payments only in respect of one cared-for person, but we know that thousands of Scots care for more than one person, which brings additional costs. The Government intends to act in respect of people who care for more than one disabled child, which is welcome, but let us take a broader view

and consider everyone who cares for more than one person. It is also unfair that, under current UK rules, people who care for more than one person but who do so for less than 35 hours miss out entirely.

I raise again the issue of take-up. There is a particular issue with the take-up of carers allowance, which Mark Griffin mentioned. Some people do not even realise that they are a carer; they do not see themselves as a carer in a formal sense. Take-up of the best start grant suggests that we can do more to increase take-up, so I would be interested to hear the cabinet secretary's comments on that issue, too.

Without carers, independence and quality of life for many are reduced and the burden on our health service is increased. Carers do one of the most important jobs in our society and members of the Scottish Parliament have a duty to ensure that all carers—paid and unpaid—are valued and have the support that they deserve.

15:04

Alex Cole-Hamilton (Edinburgh Western) (LD): I thank the Labour Party for securing time for this debate. It is important that we recognise the input and contribution that our unpaid carers make to our society. I recognise that the Labour Party raises the issue time and again, and it is right to challenge us in this way. On any given day, there are 171,000 carers in Scotland who work more than full time. We could not hope to pay them a salary for the work that they deliver; instead, the state relies on—and, arguably, exploits—their love for their family members and those around them and the caring responsibility that they feel naturally exists in their relationships. It is absolutely right that the Labour Party keeps raising the issue.

The hostile environment that exists in public policy is very real when it comes to carers. On identification, only 9 per cent of carers who present at general practitioners actually recognise their caring status. The situation is worse for young carers, particularly because children who grow up knowing only one reality often do not recognise that they are different from anyone else, so it is absolutely vital that we get to them. People often have to jump hurdles when trying to get an official diagnosis for the relative for whom they care, and no support is triggered until that diagnosis is forthcoming. Once the diagnosis exists, people then have to navigate the difficult and opaque benefits landscape.

We should be able to unite across the chamber on this issue. My party and the SNP had a very similar policy on the issue going into the Scottish Parliament elections in 2016 in seeking to uplift the carers allowance to the level of jobseekers

allowance, which is why we will support the SNP amendment. On 10 September last year, we finally got that uplift over the line, giving carers the significant uplift of an additional £452 per year.

I have sympathy with what Labour is trying to do through its motion, but I believe that shifting from the CPI to the RPI would amount to only a small amount of money per individual. We have to look at the whole package of support that we offer. If we want to give our carers more money, which we probably aspire to do, we should give them meaningful uplifts beyond the rate of inflation. We should also look at the paucity of respite care, as less than a quarter of full-time carers receive any respite support. That is not because they do not know about it; it is because it does not exist in many parts of the country, or because the cost is beyond their financial reach or the amount that their local authority has agreed that it will support them for.

I thank Marie Curie for the briefing that it gave us for the debate—it always gives us briefings on the support that it offers carers. I support Marie Curie's call for an extension of the payment threshold after the person who is being cared for has died. We often forget what a tumultuous and devastating time it is for the carer when they lose the person they have been caring for. However, on top of that, the state expects them to go back to normalcy and to restart full-time employment or whatever. We need to go far beyond the eight-week payment extension after the cared-for person dies to the full six months that Marie Curie suggests. That would give carers the opportunity to get back on their feet and re-establish a working life.

I thank Labour for taking the time to give us the debate today. I understand what Labour is trying to do, but I think that we need to look at the issue in the round. I look forward to working with the Labour Party in the coming weeks and months to establish common ground in this area.

The Deputy Presiding Officer: We move to the open debate. We are already over time, so I ask members to aim for speeches of three and a half minutes, please.

15:09

Elaine Smith (Central Scotland) (Lab): As thousands of carers across Scotland struggle on a daily basis to maintain their living standards and a decent quality of life, yet again the Scottish Government is not using the full powers that are available to the Parliament. In this debate, we need to be clear about the fact that the UK Government's decision to move from using the RPI to using the CPI has resulted in a real drop in

income for those households that can least afford it.

The cabinet secretary's amendment asserts that there is a consensus among economists and statisticians that the RPI is not a reliable measure, but members should note that, in a report published only last month, the House of Lords Economic Affairs Committee said:

"We disagree with the UK Statistics Authority that RPI does not have the potential to become a good measure of inflation. With the improvements to RPI that we set out ... we believe RPI would be a viable candidate for the single general measure of inflation."

It does not sound from that as though there is a consensus against using the RPI.

The TUC does not agree with the Scottish Government, either. In a recent report that warned about "pickpocketing statistics", it pointed out that the evidence that is cited by the UK Government, and now the Scottish Government, in support of CPI use is very weak. As we know, housing costs are an important part of the expenditure of everybody in Scotland, yet they are not included in the CPI calculations, whereas the RPI includes them. The TUC said:

"RPI is based more tightly around the spending patterns of workers than CPI, since it excludes most expenditure by pensioners dependent on state pensions, tourists and the ultra wealthy."

Further, the fact that the RPI and the CPI use different statistical methods matters, as the TUC pointed out.

The key finding of a detailed report by Dr Mark Courtney is that almost 80 per cent of the difference between the RPI and the CPI is caused by the fact that the CPI underestimates the change in the cost of living that workers face. The rising cost of living and financial pressures on households are adding to the unacceptable gap between rich and poor in this country. There is a gap between those who can afford to provide and eat three meals a day and those who cannot; between those who can clothe their families and those who cannot; and between those who can afford to travel to visit frail relatives and those who cannot.

For carers who already work long hours providing essential support and care, a small increase in income is very significant, so I disagree with what Alex Cole-Hamilton said. As that income accumulates year on year, it can make the difference in better food, a warmer home or the ability to take part in community activities.

Overall, it seems that organisations that take our money use the higher inflation figure of the RPI, whereas those that pay us use the lower figure of the CPI. Our social security system should be

based on the RPI; it might not be perfect, but it is the best measure that we have.

Given that the majority of carers are women, I presume that a full equality impact assessment has been undertaken on the differential impact of using the lower inflation figure for uprating. I ask the minister to confirm the findings in that regard when she sums up.

Most members will have warm words to say about supporting carers, but actions speak louder than words, which means taking action in Scotland now and using all our powers to raise the living standards of carers. We can and should do that now.

15:12

Fulton MacGregor (Coatbridge and Chryston) (SNP): Social security is a human right and, as such, the principles of dignity, fairness and respect are at the core of Social Security Scotland. Social security is an investment in the people of Scotland. I am pleased that a fraction of social security powers have been devolved to us, but I would like those powers to be increased as a means for the Scottish people to escape the UK version of social security, which is provided through the DWP.

Johann Lamont (Glasgow) (Lab): Will Fulton MacGregor take an intervention?

Fulton MacGregor: I am sorry, but I do not have time.

I would have liked the Labour motion to have looked at such a proposal, which is one that we could get behind.

There is a large diversity of carers. They come from all backgrounds and are faced with a large array of challenges, as I have noticed, as a regular attendee at the Lanarkshire carers forum that meets in Coatbridge each month. The fact that carers often face financial challenges as well as strenuous emotional and physical demands is sometimes overlooked. Many carers give up their careers and professional opportunities to care, then find themselves struggling financially. That is why the carers allowance supplement, which recognises the vital contribution that carers make to society, was introduced.

I was taken with Miles Briggs's speech, which reminded me that, when I was a teenager, my family and I looked after my gran. That was just something that we did. Nothing was put in around that situation; everybody just mucked in. It is important that we recognise that that happens every day.

As the cabinet secretary said, last year, through the carers allowance supplement, an additional

£442 was provided to more than 77,000 carers, which was an increase of 13 per cent and an investment of more than £33 million in Scotland's carers. In 2019-20, the supplement will rise to £452.50, which will go straight to carers.

Like other members, I have heard positive feedback relating to the way in which the supplement has been rolled out. One carer who relayed her story to me said that she had a very positive experience of being entitled to an allowance; she was uplifted about not being required to fill out any forms or to prove that she was a carer, because the fact that she was already a registered carer was enough for her to qualify automatically. When a person is a carer, one of the last things that they want to do is to spend time filling out long, intrusive forms to get something that they are entitled to. The carer noted that it was a dignified approach, which was backed up by a positively worded letter. She commented on the fact that it came in a white envelope, as opposed to a brown one. Other members will have heard of similar experiences.

Because we have been asked to cut our speeches to three and a half minutes, I will go straight to the point with which I was going to conclude. I want to mention a fantastic young carer from my constituency: 17-year-old Megan Boss. Megan cares for both her parents on a daily basis while she continues her studies at Coatbridge high school. It was no wonder that Megan recently earned Action for Children Scotland's inspirational young woman of the year award. Like many young carers, Megan looked after herself and her parents from a young age, but did so in silence until she met Action for Children at a school assembly and finally got the support that she needed. That gave her the opportunity to socialise and take part in clubs, which is something that most normal teenagers would take for granted, but it has made a big difference to her life.

It is important that we recognise the role of young carers in our society, and I congratulate Megan on her award.

15:16

Jeremy Balfour (Lothian) (Con): I agree with Mark Griffin's comment that we are talking about a wider issue around carers and caring. It is important that we widen the debate.

Everyone will rightly say how much we rely on unpaid carers in this country. As previous speakers have said, we could not meet the cost of care were it not for the sacrifices that some carers have made. For example, I would not be speaking in today's debate were it not for an unpaid carer who helped me to get ready this morning.

As we widen the debate, I suggest that members of the different political parties need to come together to look—not immediately, but over time—at how we develop our approach, bring more people on board and give more people support. The system is good, but it could be better and it could reach more people without dramatically increasing the cost. In my short speech, I will mention three areas in which I would welcome cross-party discussions in the years ahead.

Alison Johnstone picked up the first area, which is that the carer must reach 35 hours before they get any payment. For many people, that is a high number of hours. I understand why that figure is there and the rationale behind it, but there will be people who care for people for 20 or 25 hours. Would it be worth doing some cross-party work on whether there could be a tiering system to the benefit? I appreciate that that would become administratively difficult to implement. The advantage of the 35-hour threshold is that, in many ways, it is straightforward to implement. However, many carers around Scotland provide vital care below that 35-hour level and miss out on the payment. It is at least worth exploring whether there could be a tiered payment system.

The second area that I want to talk about is the fact that the person who is being cared for must be on benefits before the carer can get the money. That discriminates against certain individuals. In particular, it discriminates against older people and other individuals who might have an illness or disability that means that they need care, but which does not get them a recognised benefit. I appreciate that that would make the administration more difficult and that we do not want to make the system overbureaucratic, but we must look at the situation of people who are not on benefits but are being cared for.

The third area is one that applies to younger carers, in particular—it relates to the travelling time that is involved in providing care. The Social Security Committee has heard in evidence that there are young carers who might study in Glasgow but have a parent who lives in Edinburgh, to where they travel two or three times a week. However, the time that is spent travelling from Glasgow to the parental home, and from there back to where they stay in Glasgow, is not included in the 35 hours. That time spent travelling can add a lot to the time that is spent caring, and we need to take that into consideration.

15:20

Johann Lamont (Glasgow) (Lab): From the very establishment of the Scottish Parliament, unpaid carers have ensured that their voices have been heard. We have been told about what they

do, what they save the country and how important it is that people recognise the role that they play in looking after their loved ones. From the very beginning of the Parliament, they have imposed their demands on us, and it is essential that we continue to listen to them.

We know about the impact that cuts have had on public services and social care. That slack in our communities is, as we speak, increasingly being picked up by unpaid carers. It is therefore essential that we do not just say how much we care about carers. I have no doubt that all of us across the Parliament care about unpaid carers and want to make a difference to their lives. However, it is not good enough simply to settle for warm words; we have to do the heavy lifting—this is particularly true of those in Government—of translating those words into making a real difference to people's lives.

I hear what Alex Cole-Hamilton and Jeremy Balfour said about the broader questions. However, we should not make good the enemy of excellence. We are not pretending that the proposal in our motion would completely transform the lives of carers. There are issues with carers centres and the support that they give and with the way in which the system looks after young carers. However, our motion contains a very simple proposal that would make a difference to the lives of unpaid carers right now, so why on earth would we resist it? It is a simple proposal that does not pretend that it would completely transform people's lives, but we know that it would make a difference.

We all know that George Osborne and the UK Tory Government chose to change the uprating index from the RPI to the CPI with the active intention of cutting the cost of benefits and in the knowledge that it would have a direct impact on carers. We know that that is why they did it, and it is why many of us thought that the Scottish Government would resist continuing that kind of uprating. I am not easily shocked or taken aback at what is said in this place, but I never thought that I would see the day when a Scottish Government minister would pray in aid the Bank of England in justifying an uprating approach that has direct consequences for unpaid carers in our communities.

In the face of an issue of principle, the cabinet secretary has chosen to settle for an argument that is based on process. The reality is that a party that claims to be able to set up a new state in 18 months has put the issue into its "It's too difficult, it's too expensive" box. The Government has returned £6 million of our money to the DWP with a contract that prevents it from using its powers to vary things and do things differently here. I wonder what equality impact assessment was undertaken

for that contract, which is preventing the Scottish Government from making choices that would enable it to live up to the claims that it has made about carers in the past.

As I said at the beginning, warm words are not enough. We are not pretending that the proposal in our motion would change everything. However, we are asking the Scottish Government to live up to its own language and to stop hiding behind a process that is utterly inconsistent, when rail fares can go up by the RPI but carers allowance cannot and when even the Scottish welfare budget is not uprated by the CPI.

The Deputy Presiding Officer: You must come to a close, please.

Johann Lamont: I urge the Government to understand that it has a very simple decision to make. It is one that will have an impact on the broader social security system in this country for a long time to come.

15:24

James Dornan (Glasgow Cathcart) (SNP): I do not think that anybody in the chamber would argue against the fact that carers are an invaluable part of our society and that, if we could not count on them, lots of people would be costing us a lot more money through having to be looked after in institutions and hospitals. As Fulton MacGregor said, we are talking about something that happens all the time. Many of us will have been brought up looking after somebody and not realising that we were a carer because the person was part of our family.

Nobody here is trying to play down the importance of carers or do anything but ensure that they get the best deal possible. I am listening to the Labour Party. It has come in two or three weeks late instead of talking in the run-up to the budget about the importance that it places on carers, the amount of money that it would give them and where it would get that money from. It appears to me that the reason why the Labour Party did not do that was that it can now spend the next year saying, "You should be doing this," without having to justify the cost. It is proposing the SNP approach plus a pound, and that is disgraceful.

Johann Lamont: Will the member give way?

The Deputy Presiding Officer: Ms Lamont, it is clear that Mr Dornan is not taking an intervention.

James Dornan: Children are having to look after people in their house when they get up in the morning and then get to school for their education. We have a responsibility to do everything that we can for them, and we are trying to do our best. This Government has done more than any other

Government in Scotland has ever done to raise the profile of carers and look after them. We should be looking to get a wider consensus on how we can make their lives as easy as possible. That is not a matter of raising the supplement using RPI rather than CPI; RPI is not a stable measure. I say to Elaine Smith that I suspect that, if the RPI figure was lower than the CPI figure, this debate on a motion that was lodged by Mark Griffin would have been focused on using CPI.

We need to get round the table and see how we can look after carers in a holistic way, not fight about a pound or two—or maybe a couple of hundred pounds over a year, if it is that.

Elaine Smith *rose*—

James Dornan: Please do not give me, “Do you know what a couple of hundred pounds a year means to the poor?” I do, because I have been poor. It would be much better to get a long-term solution to the problem.

Mark Griffin: I agree with the point that James Dornan is making. This is about a wider issue; it is not just about carers. We are talking about the first uprating measure and a precedent of using CPI for the full range of devolved benefits. James Dornan talks about it being just a couple of pounds for carers, but we do not want to see a precedent set for the full range of people who will depend on social security in Scotland.

The Deputy Presiding Officer: James Dornan, you have less than a minute.

James Dornan: CPI is a more sensible measure to use, because it is more stable. RPI is much more volatile—almost all the experts say that.

I had to laugh when Johann Lamont said that she could not believe that the Bank of England was being used. She spent two years standing up with others, defending what the Bank of England was saying, when she was trying to ensure that we did not get to run our own welfare and social security affairs.

Alex Cole-Hamilton’s speech was superb—I never thought that I would say those words—and it hit the nail on the head. That is what we should be doing. I hope that this gets scrubbed from the record, but he hit all the right notes. The debate should be about taking a holistic approach and seeing how, in the round, we can make life better for carers; it should not be about scrambling over a pound or two or about whether we should use CPI or RPI.

15:28

Michelle Ballantyne (South Scotland) (Con): The debate appears to be about the means rather

than the end. I hope that, when we move past that, we can focus on the end, which is doing our best for carers. By choosing to discuss the methodology of uprating, Labour has wasted an opportunity to debate the needs of carers and how we might improve their opportunities by broadening our thinking.

Becoming a carer is rarely a planned life choice. For the majority of people who become a carer, it is the result of life circumstances. I have the utmost respect for the many men, women and children who care for their loved ones selflessly and often to the detriment of their own lives. In my experience, they do so with little complaint and often with very little help. It is therefore right that, as a Parliament and as a society, we should seek to support carers. Without them, both the Government and society would struggle.

That is why we supported and welcomed the introduction of the carers allowance supplement, which is a living, breathing example of devolution in action that is bringing benefit to the people of Scotland. We believe that the Scottish ministers should use the raft of powers that have been devolved to this Parliament to explore further ways to ensure that carers receive a proper entitlement. On that point, Mr Griffin and I agree. Therefore, I might reasonably have expected Mr Griffin to question the delay in devolving carers allowance or to ask why the free bus pass for young carers will not be delivered until 2020-21. I did not expect the Labour Party to focus on the carers allowance supplement being linked to RPI rather than CPI, because there is a body of evidence that contradicts that view. The Scottish Government, the UK Government and the ONS have all dismissed RPI as unfit for purpose.

Elaine Smith: Will the member take an intervention?

Michelle Ballantyne: I will in a second.

Indeed, the ONS has said that RPI is “not suitable for use”, and the Scottish Government has echoed that view by saying that the formula is “a very poor measure of inflation.”

Elaine Smith: The House of Lords Economics Affairs Committee has said the opposite and that RPI could be used as the one measure. There are Conservative members on that committee, so does Michelle Ballantyne disagree with them?

Michelle Ballantyne: No. Our amendment says that these issues should be explored. That committee said that RPI could be used but that it would need to be changed in order to be fit for purpose, because the current measure is not. Because it includes mortgages and housing, RPI is subject to the volatility of the housing market. In 2008, when there was a Labour Government,

people would have suffered under RPI, because the Government had crashed the market.

We want to use a more stable measure that guarantees people's futures. It is right that we look at the system and keep it under review, but it is not right for us to change it without thought. I say to Labour members that uprating should be considered in an evidence-based manner; it should not be carried out as a knee-jerk reaction. The matter was discussed during the passage of what became the Social Security (Scotland) Act 2018, and we rejected the proposal at that time. Now, the Labour Party is bringing it back for a second bite, but we are giving the same answer.

Although SPICe may have produced an eye-catching number, the Labour Party needs to look at the issue in more depth and bring back a more robust proposal. We need to know exactly what the costs would be and on what basis we would be rejecting the current evidence. If we want uprating to be done soon, we need to look at how that would impact on the amount that is paid to the DWP under split competence. We also need to look at how uprating would affect recipients' income tax, which is a question that Mr Griffin has raised in the past.

The Deputy Presiding Officer: You must close, please.

Michelle Ballantyne: Although I agree with Mr Griffin's aims, the proposal needs a lot more work. The system needs to be reviewed and kept under review.

The Deputy Presiding Officer: You must close, please.

Michelle Ballantyne: We support the Government's position and we think that it has done the right thing, but that is not to say that we should not keep looking at the issue.

15:33

Bob Doris (Glasgow Maryhill and Springburn) (SNP): As others have done, I start by paying tribute to carers. It is worth putting on the record that, certainly from my experience, carers can be vulnerable individuals, and there can be co-dependent relationships in terms of health needs and disabilities. Carers are not always in the best of health, so there is a varied picture, but I know the essential work that they do.

I welcome the debate on the powers over 15 per cent of benefits that lie in this Parliament, and I look forward to the day when powers over the other 85 per cent are returned to this Parliament. The Scottish Government has made good progress on that 15 per cent of powers. We have introduced the best start grant, which goes far further than the UK Government has gone in that

regard. In a similar vein, we have provided assistance and support with funeral expenses.

To folk who are watching, it will appear that we are arguing about whether to use the CPI, at 2.4 per cent, or the RPI, which is a higher figure this year, to uprate the carers allowance supplement, but that is the wrong way to look at the issue. The number that we should be looking at is the 13 per cent increase—an additional £37 million—that the Scottish Government has given to carers through the carers allowance supplement. After tomorrow, I hope that that will mean that every carer across the country will receive an additional £452.40. That is not 2.2 per cent or 3 per cent; it is 13 per cent. Labour should not muddy the waters over that during today's debate.

Crucially, the Scottish Government has confirmed that, in some years, the CPI was higher than the RPI and, in others, the RPI was higher than the CPI.

I want to turn the debate on its head a little bit. Mark Griffin helpfully pointed out that the price tag for this proposal would be £3 million, but I would like some more information on that. I commend Mark Griffin—

Johann Lamont: Will the member give way?

Bob Doris: No, but only because of time constraints. I apologise.

I commend Mark Griffin for suggesting that £3 million more be made available for carers—that is essentially what he is doing—and, had it been part of a credible dialogue with the Scottish Government on the budget just a few weeks ago, that fairly reasonable request might have been secured. Of course, more cash for carers means less cash for somebody else, and that sort of discussion needs to be had in the round.

However, it leads me to ask not only why Labour did not make this suggestion as part of the budget process—and I will return to that later—but how, if there was an additional £3 million available for carers, that money would be spent. As convener of the Parliament's Social Security Committee, of which Mark Griffin is a very valued member, I can tell the chamber that we have looked at the young carers grant, with a round-table evidence session with young carers; the possibility of awarding more money to a second young carer; lifting the age limit; the experience of young carers in full-time education; the wider package of respite care; and the issue of unpaid and unidentified carers. Doing more on any of those things would cost money. As Alex Cole-Hamilton has pointed out, we need to look at the package for carers in the round.

If Labour wants to discuss how we find an additional £3 million for carers from somewhere

else, we should have that dialogue—and I am happy to have it on the Social Security Committee. However, I feel that what we are getting today is neither a considered nor a strategic plan from Labour, but political opposition and posturing for its own narrow benefit. That disappoints me and I do not like it, but I get it: it is just politics for Labour, and we in this place are politicians. Despite that, I as a member of the Social Security Committee commit to continue to have a constructive, vibrant and progressive debate about how best to support all carers as part of a wider package—and to do so without any party politics whatever.

The Deputy Presiding Officer: We move to the closing speeches.

15:36

Brian Whittle (South Scotland) (Con): I welcome the chance to close on behalf of the Scottish Conservatives a debate that has allowed members across the chamber to recognise once again the value of carers in the work that they do and the care that they provide to family and friends and the need to continue to consider how we deliver an effective package of support to them. Although it seems rather crass to mention the monetary value to the economy of the work that carers do, it is important that we keep that statistic in mind. Money is not the reason why people find themselves in a caring role but, as Miles Briggs highlighted in his speech, what they do is worth £10 billion to the Scottish economy.

Like Miles Briggs, I have attended the young carers conference weekend. I found it rather enlightening; indeed, it gave us an opportunity to hear directly from young carers themselves. We sat around a table, and the young people asked us questions and put their points of view to us—and, boy, did they. I found that particularly refreshing and quite enjoyable. One story that stuck in my mind was of a young carer who, in order to pick up a prescription for her parent, had to go to town and back again on the bus, a trip that cost her £5. That is the reality of that carer's life; it is not only time out of her day but money out of her pocket, and that is why the introduction of free bus travel for young carers in 2021 will be so important.

In the short time that I have, I want to mention a couple of contributions. Alison Johnstone, Miles Briggs and Alex Cole-Hamilton made the incredibly important point that some carers do not even recognise that they are in a caring role, and we need to establish a better way of identifying carers to ensure that we get support to them.

I gently highlight to Bob Doris that the Scottish Government has a third of working-age benefits available to it. Stop hiding behind that 15 per cent,

because you are, of course, not counting pensions in that figure.

Bob Doris: Will the member give way?

Brian Whittle: Go on, then.

Bob Doris: Given the invidious predicament that WASPI women—the women against state pension inequality—are in, would you celebrate pensions being brought back under the control of the Scottish Parliament instead of the cuts to pensions that the Tories are making at Westminster?

Brian Whittle: You were given the working-age benefits three years ago and the first thing that you did was give them back to Westminster, and then you gave them back for another two years. You have the ability but—guess what?—you have found out that welfare is difficult.

The Deputy Presiding Officer: Mr Whittle, I remind you that you should always direct your conversations through the chair.

Brian Whittle: Yes, through the chair. *[Laughter.]*

The Deputy Presiding Officer: Mr Whittle, I am serious. Please do not speak directly to other members in that way, particularly when there are interventions.

Brian Whittle: Sorry, Presiding Officer. I apologise.

Given the consensus across the chamber on the need to consider how to increase support for carers, like Michelle Ballantyne, I am left with the feeling that the debate is an opportunity missed. Frankly, there is a lack of ambition in the Labour motion. To me, its approach is without any creative thought.

When we discuss ways to put more money into carers' pockets and recompense them for the work that they do, we should look at other avenues that are available to us. It is not just about the money that goes into pockets; it is about how much things cost. I would like concessionary travel to be expanded to include all carers, and perhaps that could even be written into contracts as part of the tender process. Many carers have highlighted their need to keep connected. It might also be possible for carers to get free access to public facilities so that they can keep active.

I could say much more but, unfortunately, the debate is very short, so I will leave it there.

15:41

The Minister for Public Finance and Digital Economy (Kate Forbes): As many other speakers have done, I pay tribute to carers, and I do so having seen at first hand their hard work and

sacrifice and the challenging environment that many of them work in. As some Labour members have said, actions speak louder than warm, empty words, and that is why the Government has put more money into the pockets of carers, has introduced a new benefit for young carers and has committed to supporting carers' rights. It is also why the Labour Party does carers a disservice by having a debate about inflationary indexes. I thought that we had seen enough of the Labour Party's financial illiteracy over the past few weeks but, less than a week after stage 3 of the budget, it is back.

For clarity, inflation relates to the cost of living, and the process of uprating is to ensure that social security payments keep up with the cost of living. For the Labour Party to suggest that we adopt what is widely deemed to be a more inaccurate measure of inflation simply because it is anticipated to overestimate price rises is not just wrong but unfair.

Colin Smyth (South Scotland) (Lab) rose—

Mark Griffin rose—

Kate Forbes: Is Mark Griffin aware that, in previous years—

Mark Griffin rose—

Colin Smyth rose—

The Deputy Presiding Officer (Christine Grahame): You cannot all stand. Please sit down.

Kate Forbes: Is the member aware that, in previous years, the RPI has been higher than the CPI and that the whole point of inflationary indexes is that they can change? There is a place for debate about the appropriate level of payments. Let us have that debate. *[Interruption.]* I will take an intervention from whoever stands up fastest.

Mark Griffin: Can the minister explain why hard-pressed train commuters are forced to live with RPI increases to fares while carers will not get a similar uplift in their carers allowance?

Kate Forbes: That is a fair question. Train fares are increased by the RPI because that is a historical use. The review of UK price indices that was carried out in 2013 stated clearly in its recommendations that

"RPI is a flawed statistical measure of inflation which should not be used for new purposes"

and that

"Government and regulators should work towards ending the use of ... RPI as soon as practicable."

Those are not my words; they are the words of experts. The key point is that the RPI is more erratic.

Let us have a debate about how much carers should be paid, but it is counterproductive and flawed to link it to inflationary indices. The debate about payments to carers is completely different from the debate on inflationary uprating, which is a reflection of the cost of living. We need to recognise those costs and therefore the approach needs to be evidence led.

The important thing in the debate is that we value carers and we are doing everything we can to support them, but we will not jeopardise that support by using a flawed and counterproductive approach.

In closing, I return to a point that I made in an intervention. The Scottish Parliament has carefully considered and scrutinised the Scottish budget over the past three months. Scrutiny included a wide range of evidence sessions in committee and debates in the chamber. The process resulted in the approval, last Thursday, of a £42.5 billion budget to support the use of our new devolved social security responsibilities and powers.

During the stage 3 budget debate on Thursday, the Labour Party demanded—as is its right—that additional money be allocated to a range of commitments, including local government and child poverty, but there was no clarity on how those commitments would be funded.

Pauline McNeill, who I believe will close this debate for Labour, welcomed the carers allowance supplement. Why has that changed in less than a week?

15:45

Pauline McNeill (Glasgow) (Lab): All members have expressed our deepest thanks to and respect for the millions of carers across the country, including 29,000 carers who are under 16. One in five people gives up work to care for someone, in an act of huge selflessness and love.

We welcome the Greens' support for the motion and we hope to persuade the Liberal Democrats that what we propose is the right thing to do.

Carers come from a wide and diverse range of backgrounds. A carer who is in full-time education, at college or university, for example, is not eligible to receive carers allowance, even though, due to their caring responsibilities, they are unlikely to be able to hold down a part-time job and will have additional financial stress.

We have the power to act, and the debate that we should have is about how we use our powers to enhance carers allowance and the carers allowance supplement.

Let me begin to answer Kate Forbes by pointing out, in case she is unclear about this, that Labour

is arguing on a question of principle. In our view, when we uprate carers allowance, we must choose a mechanism in which we have confidence, and Labour members think that the RPI best reflects the cost of living. It is not just Labour members who think that; carers groups, too, have more confidence in the RPI.

This is a critical point. A statutory instrument will come before the Social Security Committee tomorrow, and the Government could choose to re-lay the instrument, if it so wished.

We welcome the devolution of carers allowance and we welcome the carers allowance supplement. However, the Labour motion calls for the RPI to be used as the uprating mechanism, because we think that that is the most beneficial approach for recipients. Far from being the trivial matter of a few hundred pounds, as Mr Dornan said, our figures show that the difference since 2010 would be nearly £1,000.

We hear that there are historical reasons why the RPI is used for train fares. Does the Scottish Government not accept its own position? The Social Security Agency is a new agency. We set new precedents.

Kate Forbes *rose*—

Pauline McNeill: We are asking you to set a precedent. The cabinet secretary painstakingly tried to justify the adoption of the CPI, quoting statisticians and some organisations' opinions. What further evidence is needed than the fact that the CPI was adopted in 2010 by George Osborne—a man who is widely distrusted by you, cabinet secretary and minister, as you have said in many debates. If you want evidence, that is the beginning. The increase for carers should cover actual inflation costs, and the RPI is the mechanism that does that.

I will take an intervention from you, minister. Do you support George Osborne's measure—

The Deputy Presiding Officer: Before you say anything, minister, I say to members that in the chamber the word "you" is used by the Presiding Officer and not by members. My colleague has just told you off about that. We will not give up on this.

Kate Forbes: I want to support carers, to ensure that they have sufficient money to meet the cost of living, and to do that we need to ensure that the index that we use is evidence led. The UK Statistics Authority, the Office for National Statistics and the Bank of England—and I could go on if we had more time—all claim that the RPI is flawed. Should we really use a flawed system to support our carers?

Pauline McNeill: Carers themselves do not have confidence in the mechanism that is being used.

Earlier, the minister asked why Labour did not ask for this in the budget. I ask the minister and cabinet secretary why they need to be asked not to use the CPI, which is the mechanism that George Osborne adopted.

Alex Cole-Hamilton seemed to be almost persuadable on the point—I do not know. I am sure that he was not flattered by Mr Dornan's praise for his speech. I ask the Liberal Democrats to consider the evidence that shows that, because the CPI was adopted in 2010, there have been substantial losses since that time. We believe in what we are doing and we believe that it is a matter of principle. There is more work to be done. We welcome the Scottish Government's work on that. You have a chance to reverse this and do the right thing.

The Deputy Presiding Officer: That concludes the debate. I want members to come down very quickly and take their positions for the next debate.

Justice

The Deputy Presiding Officer: The next item of business is a debate on motion S5M-16013, in the name of Daniel Johnson, on justice.

15:50

Daniel Johnson (Edinburgh Southern) (Lab): The legitimacy of the justice system relies on people understanding how it works and having confidence in the decisions that it makes. Without consistency and transparency in sentencing, it is impossible for the very serious decisions to be understood both by the person being sentenced and, perhaps more important, by victims and wider society, who look to the courts to ensure that justice is served. I am pleased to move the motion in my name, because I fear that our justice system still has a distance to travel on both consistency and transparency.

Today's debate is prompted by the Christopher Daniel case, in which an individual was found guilty of sexual assault but was granted leniency by the sheriff and given an absolute discharge. One reason given for that was that the offence was the result of "inappropriate curiosity" rather than for

"the purposes of sexual gratification".

The sheriff also referred to the accused's future career and the fact that the complainer appeared to have suffered

"no injury or long-lasting effects".

Those reasons are worth reiterating because the summary judgment has been taken down from the website.

Parliament needs to take care when it provides commentary on individual court cases, but I believe that the case raises some fundamental issues about the factors that it is appropriate to take into consideration when sentencing both the individual in that particular case and, more broadly, serious crimes such as sexual assault.

Three important issues arise from the case: the accused's circumstances and prospects; the intention involved in the crime; and the outcome of that crime.

On the first issue, is it right for an individual's career prospects and standing in the community to be grounds for leniency? Should it make a difference if an individual is a medical student rather than a modern apprentice, when they are being sentenced? I struggle to understand how or why that should be a reason for leniency, particularly for the most serious of crimes. More important, how can it be fair or just to sentence someone on the basis of the life chances that they

have had to date? It cannot be right that two individuals receive different sentences for the same crime because they were or were not lucky in the lottery of life.

On the second issue, what is the balance between intent and outcome when considering culpability for a crime, sexual offences in particular? Intent is an important consideration when looking at responsibility or guilt for wrongdoing, but a lack of intent cannot trump the outcome. More important, the nature of sexual crimes is such that intention is largely a secondary consideration, because the act itself is so serious and so heinous. Whatever the motivation, sexual assault is a serious crime.

Finally, to what degree is harm to be taken into account in sentencing, and how should that be judged? Clearly, the outcome is important in assessing guilt and in sentencing, but it is a particularly difficult issue with regard to sexual crimes, as the damage that is caused is complicated and hard to detect and often does not manifest itself for many years after the crime took place.

The answers to these questions are complex, as is consideration of the issues; further, the judgments that are made in court, in relation to sentencing in particular, are complicated. No two sets of circumstances are identical; therefore, judicial discretion and independence are vital in the exercise of justice. However, consistency of consideration is vital too, and the considerations should be clear to all. It is for that precise reason that the Scottish Sentencing Council was created.

In the report that led to the Scottish Sentencing Council's creation, Lord McFadyen said:

"It is generally accepted that there should be consistency in sentencing at every level of our courts. That is an aspect of fairness and justice. These principles demand that similar crimes committed in similar circumstances by offenders whose circumstances are similar should attract similar sentences."

Indeed, the aims of the council are to promote consistency in sentencing, assist the development of sentencing policy and promote greater awareness and understanding of sentencing. That is a vital function in our justice system.

Our quarrel is not with the purpose or the scope of the council. The problem is the time that it is taking to implement any change. Lord McFadyen's words were published in 2006—13 years ago. A body to develop sentencing guidelines was first consulted on by the then Scottish Office in 1994. The reality is that we have been discussing the need for sentencing guidelines for more than 25 years.

In the three and a half years since it was created, the Scottish Sentencing Council has

produced only one guideline. By comparison, the Sentencing Guidelines Council—now the Sentencing Council—produced five publications relating to guidance on sentencing in its first three years. Indeed, the Scottish Sentencing Council's approach and function were modelled on its counterpart in England and Wales, so it was not starting from a blank sheet of paper, so it would not be unreasonable for us to expect it to have made more progress

Of course, guidance on sentencing must not be rushed and must be subject to careful consideration and reflection. However, I think that it is right that we ask questions about whether progress has been adequate. Under the Criminal Justice and Licensing (Scotland) Act 2010, which created the council, ministers have the power to ask the council to examine particular issues and bring forward guidance. What engagement has the cabinet secretary had with the council and has he considered using that power? In particular, has he requested that guidance be brought forward on these matters?

The prosecution of sexual crimes is an issue that we need to take very seriously. For too long, survivors of these crimes have not received justice, and the system has not treated them or the crimes appropriately or effectively. We have made much progress, as reflected in the significantly increased volume of such cases that now reach court: as much as 80 per cent of the High Court's workload now relates to serious sexual crimes. However, as long as we do not have a consistent approach to sentencing, and as long as the Government does not use its power to bring forward guidelines for the sentencing of these serious crimes, we will continue to let down victims and their families.

I move,

That the Parliament believes that transparency and consistency are fundamental to ensuring that victims' and wider society's interests are served by the justice system; notes recent cases raising questions about how individual circumstances inform sentencing; is concerned that it has taken three and a half years for the Scottish Sentencing Council to produce one set of sentencing guidelines; notes that guidelines on sexual assaults will not be available until after 2021, and considers this unacceptable.

15:58

The Cabinet Secretary for Justice (Humza Yousaf): I thank Daniel Johnson for bringing the debate to the chamber. I listened carefully to what he said and took a number of notes. If I do not address his, and others' points, in my opening speech, I will do my best to do so when I sum up. I found myself agreeing with a lot of what Daniel Johnson said, although I might take a different view on some points.

At the heart of this debate is fairness. Fairness is critical, not only for the victims of crime and their families but—importantly, as the cornerstone of our democracy and the rule of law—for those who are accused of criminal offences.

All too often, victims of crime tell me that they do not feel that their voice is heard in the criminal justice system, and I am involved in a lot of work to try to rebalance some of that. I will turn to the issue of the victims task force later, if I have time. However, first, I will address the substance of the motion.

Daniel Johnson is right to say that the Scottish Sentencing Council was given responsibility for: promoting consistency in sentencing practice; assisting the development of policy in relation to sentencing; and, importantly, promoting greater awareness and understanding of sentencing policy and practice. I welcome the council's progress on work to meet those objectives.

A lot of focus has already been and—no doubt, during the debate—will be put on the guidance that has been produced and the work that is under way. It is important to say from the outset that while producing sentencing guidelines is an integral part of the council's work, it does more than that. It does research on sentencing; work on raising awareness—it has some fantastic online materials and materials about sentencing and its complexity that have been sent to schools; and work with victims of crime.

Notwithstanding that, I understand that members of Parliament will want to make their views known on the progress that they wish to see on particular guidelines.

Kezia Dugdale (Lothian) (Lab): I have heard the minister say that victims' voices should be heard throughout the justice system. Can he explain how their voices are heard in the Scottish Sentencing Council? I have read all three annual reports and that is not referenced anywhere.

Humza Yousaf: One of the reasons why guidelines can take a bit of time to come to fruition is because public consultation is a key part of that. At its first meeting, the council determined that every guideline that it produced would go out to public consultation—in the same way as there is consultation on legislation—so that people, including victims of crime, can potentially have an input.

Daniel Johnson touched on our independent judiciary—that is an important point that I want to emphasise. It is, of course, for the courts to make decisions on sentencing. One case has already been referenced in the debate and others may be, too. However, it is absolutely right that politicians and, in particular, Government do not interfere in those decisions.

Jenny Marra (North East Scotland) (Lab): I agree with the cabinet secretary that politicians should not interfere with judicial independence, but does he agree that we have a duty to question when a sentence that is handed down is far out of kilter with public expectation?

Humza Yousaf: Yes. Accountability is different from independence. Independence is a fundamental cornerstone of the judiciary and the rule of law, but that does not mean that our judiciary is not accountable. Parliament has every right to question it. This debate is an example of that accountability and it is important that it takes place.

I am conscious of my lack of time, but I want to read a quote from Lady Dorrian, because the issue of the guidelines taking time to produce is important, particularly when it comes to sexual offences. I think that we all share in the endeavour to improve the experience of victims of sexual offences, because of the particular trauma that they face. However, it is also important that we get the guidelines right and that they are not rushed. In her news release yesterday, in response to today's debate and the motion, Lady Dorrian said:

"With regard to the timing of the Council's work programme, we recognise the desire to have sentencing guidelines in place as quickly as possible. However, the potential impact of guidelines which have not been properly considered and tested is considerable, both for individual cases and for the justice system as a whole. That's why we took an early decision that our work should be evidence-based, involving appropriate levels of research and consultation, including public consultation on all guidelines.

We have committed to taking the necessary time to understand current practice, to look at what works and why, and to listen to those involved in and affected by sentencing decisions, including victims."

I am aware that I am running out of time, so I will listen to the debate carefully and respond to members across the chamber. I cannot support Liam Kerr's amendment because the reference to removing the test of what is unduly lenient would have considerable effects, but I will come to that in my closing remarks.

I move amendment S5M-16013.3, to leave out from "is concerned" to end and insert:

"further notes that it has taken three and a half years for the Scottish Sentencing Council to produce one set of sentencing guidelines; notes that guidelines on sexual assaults will not be available until after 2021; is pleased however that the council will soon announce the initial focus of its work on sexual offences; draws to the attention of the council its views as to the importance of work on sexual offences, and calls on all those with an interest in sentencing for sexual offences to become involved to build consensus as guidelines are developed."

The Deputy Presiding Officer: Thank you very much.

Before I call Liam Kerr, I point out that a couple of members apparently want to speak but do not want to press their request-to-speak buttons. It is a good idea to do both.

I call Liam Kerr to speak to and move amendment S5M-16013.2. You have strictly four minutes, Mr Kerr.

16:04

Liam Kerr (North East Scotland) (Con): Scottish Conservatives will support the Labour motion at decision time.

Transparency and consistency are fundamental, but they are not there right now. Given that sentences are routinely—and sometimes automatically—shortened, people simply do not understand how long an offender will actually spend in prison. The President of the Society of Solicitors in the Supreme Court has recently suggested that

"the Scottish court system could be more open than it is".

As Daniel Johnson rightly said, the Christopher Daniel judgment appears to make it clear that leniency is a function not of the crime but of whether the sentencer believes that the criminal is respectable and has a bright future. Yesterday, I read the Scottish Sentencing Council's response to that debate. I agree that using individual cases as the rationale for changing sentencing policy would be unlikely to promote consistency, predictability or transparency—which, I respectfully suggest, is the job of the Scottish Sentencing Council—and that people might feel that, having been in existence for four years, running on a 16-year-old English model that released four such guidelines within its first three years, the time for results is now.

I turn to the Conservative amendment. I was horrified and baffled by the sentence that was handed down in the Christopher Daniel case. I, and many members of the public, found it difficult to comprehend how a person who is legally an adult could be found guilty of repeatedly sexually assaulting a six-year-old girl and yet receive an absolute discharge, which I emphasise means that they received no punishment and no criminal record.

The Law Society of Scotland's helpful briefing for the debate says that

"the reasons for an absolute discharge vary but could include"

factors such as

"the circumstances of the crime"

or

"the offender's previous good character";

or the fact that

“the crime was very minor”

or that

“the accused was very young.”

However, even if those reasons were applicable in that particular case, surely none of them would override the established facts.

Crucially, the Crown lodged an appeal against the sentence and then withdrew it, all of which led to a significant—and justified—public outcry, grounded in the feeling that a young victim and her family had been let down by our justice system.

I wrote to the Lord Advocate and asked for: clarity on the disposal; a review of the decision and process; and reconsideration of the decision not to appeal. I am grateful to the Lord Advocate for his detailed reply.

His view on the Crown’s ability to appeal a sentence is the most interesting aspect in the context of my amendment. Such an ability to appeal is limited to two grounds: on a point of law; or on the basis that the sentence is unduly lenient. The latter test is the crux, and the key lies in the word “unduly”. The test is based on a 1995 case that mandates that a sentence is unduly lenient only if—to paraphrase the judgment—it falls outwith the range of reasonable sentences in the circumstances. If a disposal is not unduly lenient, the Crown’s hands are tied.

That leads me to conclude, as I have set down in the amendment, that the Crown’s ability to appeal sentences may be hampered by an overly restrictive test of undue leniency. Therefore it is entirely reasonable to ask the Scottish Law Commission, the remit of which is to

“recommend reforms to improve, simplify and update the law of Scotland”,

to investigate and consider whether the test of undue leniency requires reform. It is vital that prosecutors have the tools to appeal sentences that do not deliver justice.

The Lord Advocate rightly states that sentencing is entirely a matter for the judge or sheriff, and we all agree that politicians should not interfere with the independence of the judiciary. However, politicians do set the parameters for sentencing; indeed, the Scottish National Party will shortly seek to implement a presumption against sentences of less than 12 months. Therefore, it accepts that politicians have a role in how sentencing—and therefore appeal—operates.

There is also a role for politicians in ensuring that our justice system meets the needs of victims and society. It is crucial that victims understand and have faith in our system. When a perpetrator has walked free, having been found guilty of

sexually assaulting a six-year-old girl, we would surely be failing in our duty if we did not empower the Scottish Law Commission to review whether the undue leniency test is overly restrictive. Parliament should vote for the amendment in my name to require it to do so.

I move amendment S5M-16013.2, to insert at end:

“, and notes that the Crown’s ability to appeal sentences may be hampered by an overly restrictive test of undue leniency”.

16:09

John Finnie (Highlands and Islands) (Green):

The Scottish Green Party lodged an amendment in my name that concentrated on judicial training, although it included elements that the other parties included in the motion and amendments.

The motion says that

“transparency and consistency are fundamental”

and it “notes recent cases”. I have to be honest and say that I have some discomfort about that. We can all read newspapers, see cases being covered and query their disposals. I can think of a case in my region, which I was involved in peripherally through my support for an individual, that I was deeply unhappy about. However, I was not in court throughout the entire proceedings. There will always be cases on the extremities—one of them may well have been alluded to—where issues are brought sharply into focus.

The cabinet secretary, in the short time that he had to speak, mentioned the victims task force. I am impressed by the seniority of the people who are involved in that, and I hope that that is indicative of a willingness to take action. Everyone wants to have regard to the wellbeing of victims, and I and my party are no different. Nor am I beyond criticising the judiciary. Indeed, I did so in detail last year, when there were wholly inappropriate comments from a High Court judge during an appeal that perpetuating a number of stereotypes and myths about domestic violence.

Daniel Johnson’s motion mentions concern about the Scottish Sentencing Council, and the Scottish Government’s amendment alludes to that. We received not only a copy of the letter that was sent to Mr Johnson but a news release, which the cabinet secretary referred to. In the short time that is available to me, I will not be able to cover all the elements that I would like to cover, but I note that the Scottish Sentencing Council says:

“The potential impact of sentencing guidelines being introduced which have not been properly considered and tested would be considerable”.

I think that they would be considerable. The Sentencing Council also stresses

“the importance of taking an evidence-based approach, involving appropriate levels of research and consultation.”

Daniel Johnson: I emphasise that the point is not to fast track these matters but to prioritise them in the sentencing guidelines.

John Finnie: I thank the member.

Lady Dorrian has been mentioned. Colleagues on the Justice Committee have rightly spoken in reverent terms about her involvement with her case notes in relation to our on-going examination of the Vulnerable Witnesses (Criminal Evidence) (Scotland) Bill and its provisions on ground rules hearings and evidence by commission. It is important that we listen to what she says.

The “Principles and purposes of sentencing” guideline states that

“reasons for sentencing decisions must be stated as clearly and openly as circumstances permit”

and that

“sentencing decisions should treat similar cases in a similar way, assisting consistency and predictability.”

On the idea that all cases are unique, we are familiar with the scenario that all members of this Parliament will represent their constituents equally and in the same way, but that does not mean that we treat them all in the same way. Obviously, we have different regard to the individual circumstances in cases. A frail older person who requires help will be treated differently from a very articulate younger person, perhaps. That very much applies in the case of judicial examination.

We have seen, for instance, that where there has been an overfocus on an individual case, risk aversion comes in. I have talked previously about how the focus on a particular case impacted on the management of offenders, with a significant downturn in the number of such measures being granted.

I welcome the domestic abuse legislation that is coming on track. The input from Scottish Women’s Aid to the judiciary on that is very welcome. Our amendment talked about not only judicial training, but judicial training advised by external individuals, which is very important.

I have some concerns about the nature of some of this debate, but of course everyone wants to see informed decision making from an evidence base.

The Deputy Presiding Officer: Thank you. I call Liam Kerr. [*Interruption.*] I do not know where I am today. I call Liam McArthur. I apologise to Mr Kerr and Mr McArthur for mixing them up.

16:13

Liam McArthur (Orkney Islands) (LD): I thank Daniel Johnson for bringing this debate on sentencing to the chamber. In the limited time that is available, it is going to be difficult for me to go into the complexities of the issues that have been thrown up, but the debate nevertheless serves a useful purpose.

As Mr Johnson highlighted, the catalyst, to some extent, has been the recent case involving Christopher Daniel, who was granted an absolute discharge after being found guilty of sexually assaulting a six-year-old child—a judgment that has understandably given rise to widespread public anxiety. It is a case that raises serious questions, and as we seek to grapple with those, we must not lose sight of the fact that at the heart of this is a family coming to terms with an extremely traumatic experience. They deserve transparency. They will also, I think, be questioning the consistency of a ruling that seems, as others have said, at odds with precedent.

John Finnie is right: no member in the chamber is privy to full knowledge of the details of the case. We all absolutely respect the importance of preserving and defending judicial discretion and independence. Equally, however, as the Macfadyen report in 2006, which gave rise to the Scottish Sentencing Council, acknowledged—this is a reversal of Daniel Johnson’s quote—

“a perception of inconsistency in sentencing is likely to lead to a loss of public confidence in the justice system.”

It went on to argue that guidelines

“would promote and encourage consistency of approach, and thus improve consistency in sentencing, while preserving the important element of judicial discretion.”

Such consistency is key, not just for the accused but, crucially, for victims and the wider public.

I fully accept that the process of developing such guidelines takes time. Lady Dorrian is absolutely correct to insist that guidelines need to be evidence based and subject to the widest possible scrutiny. She is right, too, to remind us of the impact that they have, not just on individual cases but on the wider justice system as a whole. However, it feels as if progress to date has been slow, with little expectation of that changing in the near future.

Without wanting to diminish the importance of the work that the Sentencing Council is undertaking, I say that, given the prospect of no guidelines on sexual offences being ready until after 2020-21—and potentially some time after 2021—it is right that Parliament raises its concerns in that regard.

I want to mention briefly the issue of short sentences. I was disturbed to note that the second

most frequent custodial sentence length in 2017-18 was three months or less, at the same time that community payback order numbers were dropping by 15 per cent and there was a 10 per cent fall in the overall number of community sentences. I welcome the Government's announcement of a presumption against sentences of less than 12 months, but I would be interested to know about the involvement of the Sentencing Council in ensuring that that presumption has a meaningful impact on the ground.

As everybody who has spoken so far has acknowledged, consistency and transparency lie at the very heart of public confidence in our justice system. At present, potentially much more needs to be done with some urgency to ensure greater consistency and transparency. On that basis, I support the motion in Daniel Johnson's name.

The Deputy Presiding Officer: We come to the open debate. There is no time in hand, so speeches should be only four minutes long. I call Jenny Marra, to be followed by Rona Mackay.

16:16

Jenny Marra (North East Scotland) (Lab): I was shocked by the sentence passed down in the Christopher Daniel case, as were many members of the public, and I will address my remarks to that case.

I start by noting the confusion in the Scottish judiciary over the sentencing statement prepared by Sheriff Sinclair on that case. I was told today that the statement had been removed from the Scottish judiciary's website at the end of last week by its communications team. When I asked why that was, the judiciary service said that in cases of absolute discharge it was policy to remove the sheriff's statement after a period of time. However, today at 12.30 pm, I found that there was a note on a case of rape in which the result was absolute discharge, which was dated March 2017—two years ago. When I inquired as to why that was, I was told that it should probably have been removed and that the service is currently reviewing its policy on when to unpublish statements, but that it unpublished the Daniel statement late last week for certain reasons that are still being signed off.

Members will see my concern at the lack of transparency and the strange timing of the removal of the sentencing statement in this case. I hope that the cabinet secretary and the Lord Advocate will look into that matter, reassure Parliament about the reason for the removal and reassure us that the policy is appropriate, transparent and being followed correctly.

I turn to the case itself. Why were the public so shocked about it and why are guidelines needed

as soon as possible? That is because a little girl was put through the process of giving evidence on the sexual abuse that she suffered, only for the sheriff to dismiss the impact that it would have on her life by saying:

"It was fortunate that the complainer appeared to have suffered no injury or long-lasting effects."

As her mother said, how can that sheriff know that? Survivors of childhood sexual abuse have said in the past that the effects of the abuse can take years to manifest themselves. I think that there is general recognition of that, so why would a sheriff make such a remark?

The parents of that little girl put their trust in our justice system and took the very difficult decision—it would be difficult for any parent—that their child would provide evidence. It seems from the sheriff's own statement that the sentence was based completely on the accused's motivation and career prospects. The sheriff considered the offence to be

"the result of an entirely inappropriate curiosity ... rather than for the purpose of sexual gratification."

He said, of the accused's career prospects:

"Any recorded conviction for this offence would have serious consequences in terms of the accused's future career. ... this was also a relevant factor in deciding how to deal with the case. Any sentence would mean that he would probably be unable to continue his university course."

That is quite astonishing. Is justice blind today?

Many commentators, including Rape Crisis Scotland, have asked whether similar consideration would have been given to an accused whose career was not mapped out in that way, such as an unemployed 18-year-old or a young man without a "caring and supportive family", to use the sheriff's words. Would he, too, have escaped the sexual offences register? Is it not the purpose of our justice system and the sexual offences register to ensure that people who sexually abuse are registered and restricted appropriately?

Further confusion arises about the appeal. I understand that the Crown dropped the appeal on reading the sheriff's sentencing statement. However, for me, the statement raises more questions than answers. Liam Kerr said in his speech that a case review is not possible because of the strict reading of "undue leniency". I think that it is appropriate for Parliament to ask the Lord Advocate to give clarity to Parliament about why the case cannot be reviewed. The situation is wholly unsatisfactory and Parliament should demand clarity from the Lord Advocate for the family concerned and for public confidence across Scotland regarding cases of childhood sexual abuse.

Presiding Officer, I have a final point to make.

The Deputy Presiding Officer: I am afraid that—

Jenny Marra: Is it appropriate for any sheriff—not just Sheriff Sinclair—to be chief executive of the Scottish Criminal Cases Review Commission? Is there not an inherent conflict of interest in that dual role?

The Deputy Presiding Officer: Thank you. I have been a little more lenient, but I cannot keep that up.

16:21

Rona Mackay (Strathkelvin and Bearsden) (SNP): I agree with the sentiment of Daniel Johnson's motion, because transparency and consistency are fundamental to ensuring that victims and wider society's interests are served by our justice system. I also acknowledge the point that it has taken three and a half years for the Scottish Sentencing Council to produce a set of sentencing guidelines and that the definitive guidelines on sexual assault cases will not be available until after 2021. Issuing guidelines on a subject of such importance is a complicated and intense process. The guidelines must be evidence based and the process must involve appropriate levels of research and consultation, including public consultation. Valid points have been made about the length of time that the process has taken, but the consequences of rushing through new guidelines could have a wide-reaching impact on the justice system in Scotland.

As Lady Dorrian, chair of the Sentencing Council, says, "Each case is unique," and one size does not fit all. Variations in sentencing will therefore happen, depending on the particular circumstances of the case. We cannot use decisions on individual cases as the rationale for sentencing policy. That said, the public must have confidence in our justice system. I associate myself with everything that Jenny Marra has just said. The Christopher Daniel case was shocking and inexplicable, and we need some answers about that decision.

The Sentencing Council is holding two consultation exercises this year, seeking public views on the draft guidelines on the sentencing process. Its consultation will set out the various steps taken by judges and the factors that may be taken into account in making sentencing decisions, including sentencing decisions for young people. The areas of focus for the guidelines on sexual offences, which are absolutely crucial, given the rise in the number of crimes of that type, will also be available shortly. However, that is obviously a very sensitive and complex area. Work has begun on the

consultation with a wide range of stakeholders, including victim support organisations, and it is likely that the Sentencing Council will develop multiple guidelines on sexual offending.

We know that the independence of the judiciary is paramount, and everyone agrees that we do not want ministerial control over the decisions made in our courts. However, how sentencing decisions are reached by individual judges—in particular, in cases where children are involved and the decisions are not perceived to be in the child's best interest—should and must come under scrutiny. I agree with John Finnie and the Greens' amendment that specialist training should be mandatory for judges dealing with sexual crimes and crimes involving children. I would appreciate the minister's comments on that in his closing speech.

I believe that the Sentencing Council is aware of public feeling on the issue and of the cross-party emphasis on it in the chamber today, which I hope the council is listening to. The bottom line is that transparency and consistency in sentencing are vitally important, but getting it right has to be paramount.

16:24

Maurice Corry (West Scotland) (Con): I welcome today's justice debate. As members of society, we need to have the utmost confidence in our justice system and we need to continuously ensure that we have a credible and reliable system. How sentencing works in that system is crucial to fuelling public confidence, but right now confidence is in danger of being eroded.

The case at the forefront of my mind—and those of my colleagues—is that of the sentencing of Christopher Daniel. His conviction for the sexual assault of a six-year-old over a period of two years saw the bizarre decision made by the sentencing judge that the perpetrator need face no punishment nor have his name added to the sex offenders register. The immaturity, educational attainment and future prospects of the perpetrator were placed above a six-year-old victim's right to justice.

Each case is of course unique and needs to be considered as such, but there is surely the question of what precedent the case sets for future offenders. We need to get sentencing right. It needs to be fair to perpetrators, but equally it needs to be fair to victims. The Christopher Daniel case has raised serious questions and concerns. More often than not, it is the victim who risks being damaged by the court's process. It is surely in the interest of the victim, first and foremost, as well as that of the public, that such cases can go to appeal.

It is important to remember that judges hold the authority to sentence as they see fit. I do not question their experience and I acknowledge their advantage in listening to all the evidence in court, which informs their decision making. However, recent cases have raised the question of how possible it is to appeal under the law on undue leniency. If anything, instances such as the Christopher Daniel case suggest that the criteria for undue leniency should be reformed, as my colleague Liam Kerr mentioned. A sexual assault conviction that results in an absolute discharge is reason enough to explore the reform of a system that seems to present too many restrictions. Reform could be the door to having fairer outcomes that give just punishment to perpetrators while emphasising considerate care for victims.

Connected with that, the publication of sentencing guidelines would help make our justice system somewhat more dependable than it has been under the SNP Government. The establishment of the Scottish Sentencing Council in 2015 was most welcome, but more than three years have passed since its arrival and no extensive guidelines have yet been published. I understand that the research behind such guidelines needs to take into account many complexities, and that it must be done with care and robustness, but a delay in publishing the guidelines is concerning, as is the fact that they might not be finalised until 2021.

Such delays are only part of the reason why sentencing in our justice system so often lacks transparency and openness. Worryingly, it has become common practice for offenders to be granted early release into the community. Indeed, those who receive prison sentences of less than four years are released automatically halfway through their time. In many cases, those offenders live in the community without supervision. The frequency of those early releases fosters confusion about how effective our sentencing system is. Moreover, the community sentencing pathway, which often results in breaches of order, does no favours to restoring the belief of communities in our justice process.

Humza Yousaf: I am trying not to get too political in this debate, but does Maurice Corry recognise that the automatic early release of long-term prisoners was ended by the SNP and was introduced by the UK Conservative Government?

Maurice Corry: I understand that, but things move on and change, and the severity of cases dictates how they should be dealt with. One rule does not fit all.

Sentencing in our justice system is clearly far from perfect. Without a tougher approach, perpetrators can escape a just sentence for their crime. I support the argument for greater

transparency and establishing more consistency. To achieve that, we need more effective sentencing guidelines, supported by reformed criteria to target lenient sentences. That is how public confidence in our justice system can be restored.

16:28

Fulton MacGregor (Coatbridge and Chryston) (SNP): I understand that many cases are controversial or have difficult circumstances, especially in terms of how they are viewed by the wider public; often, there is input from the media, too. I sympathise completely with and understand the concerns that many people have about sentencing in individual cases. Jenny Marra summed up well the circumstances of the recent case that has been much talked about during the debate. The outcome of that case has shocked many of us.

Last week, I was at a meeting of the cross-party group on adult survivors of childhood sexual abuse, of which I am deputy convener, at which we discussed the consequences of that sentencing decision for the work of some of the agencies that are involved. As a member of that cross-party group, it is only fair that I put on record the feelings of agencies such as the Moira Anderson Foundation about that particular sentencing. One of the group's decisions was to write to the cabinet secretary. He will visit the group at some point and perhaps we will discuss some of those issues.

I fully support the principle that sentencing decisions in any criminal case are matters solely for the judge; the cabinet secretary mentioned that earlier. Such decisions are definitely not for politicians; they are for judges. The Judiciary and Courts (Scotland) Act 2008 ensures that that is the case. As members of this Parliament, we must not seek to obstruct the continued independence of the judiciary, although it is fine to express opinions, as we have done. Everyone is united on that.

It is important to recognise that there is a system of accountability in place: the Crown Office has the ability to appeal against unduly lenient sentences. Sentencing guidelines are also in place; if a judge does not follow them, they must state their reasons, in the interest of transparency.

Scotland's sentencing guidelines came into force in October 2018 and were decided on by an independent advisory body. The guidelines were approved by the High Court, and members of the public were consulted about their feelings on the appropriateness of sentences being passed.

Daniel Johnson: Does Fulton MacGregor recognise that there are no guidelines in place for

people to comment against and that that is part of the problem?

Fulton MacGregor: I thank the minister—

Daniel Johnson: Not yet.

Fulton MacGregor: Hopefully never. [Laughter.]

I thank the member for that intervention. The guidelines were scrutinised and put through several different processes before they were approved. As members have said, the Scottish Sentencing Council is working towards producing sentencing guidelines, which are at an early stage.

I return to the point that was made by Maurice Corry. There is no point in rushing haphazardly into such decisions. I trust that the Sentencing Council will do a thorough job to ensure that extensive consultation and engagement will play a key part in the production of the guidelines and that they will cover appropriately a wide range of areas.

I do not need to give any reassurance in this Parliament—particularly for members of the Justice Committee, such as Daniel Johnson—that the SNP Scottish Government is fully committed to putting victims at the centre of the justice system. We are taking the Vulnerable Witnesses (Criminal Evidence) (Scotland) Bill through Parliament at the moment. That is a fantastic piece of legislation, which I hope will continue to progress through all the stages.

We will continue to help victims and witnesses to feel supported, safe and informed at every stage of the process. I am pleased that the Cabinet Secretary for Justice and the Lord Advocate co-chair the new victims task force to improve victims' experiences of the justice system.

I can see that I am coming to the end of my time. I agree with the Law Society that there is perhaps some work to do in involving both the public and victims in the overall process. I will support the Government at decision time.

16:33

Kezia Dugdale (Lothian) (Lab): In preparation for this afternoon's debate, I went back to the Criminal Justice and Licensing (Scotland) Bill, which led to the creation of the Scottish Sentencing Council. During stage 1 consideration of that bill, Kenny MacAskill said:

"we believe that inconsistency in sentencing is a difficulty that must be dealt with. Equally, we believe that not only those who are given the privilege of sitting on the bench but people who represent interest groups such as victims organisations should be able to have some say ... There is something manifestly wrong in our society if the views of a representative of a victims organisation cannot be heard. That is why we believe that there should be a sentencing

council."—[*Official Report, Justice Committee, 23 June 2009; c 2162.*]

If the cabinet secretary will forgive me for saying so, I was disappointed in his response to my intervention, because to say that a public consultation is enough to satisfy the need to hear the voices of victims in the process falls very far short of victims' expectations.

In the limited time that I have, the cabinet secretary will not be surprised to know that I intend to focus the rest of my remarks on the Woodburn family. For the information of the rest of Parliament, I am referring to the case of Shaun Woodburn, who was killed outside a pub in Leith on 1 January 2017. For more than a year, I have been working with his family to try to examine different aspects of how the justice system has failed them and Shaun's memory.

I am grateful to the First Minister, to the cabinet secretary's predecessor and to Humza Yousaf for meeting the Woodburn family on several occasions and moving quickly on some subjects, such as the law with regard to post mortems. I am hugely appreciative of the Lord Advocate's work in that regard.

The cabinet secretary knows that I have a strong and passionate interest in delivering a victims commissioner, although that is an issue for another day. He also knows that I have concerns about the extent to which the code of practice for victims is shared with the victims of crime. Although it is the guide to the fundamental rights of victims of crime, it is very hard to access and get a hold of.

I will comment on the issues of sentencing, sentencing statements and the Scottish Sentencing Council. As a result of what happened on 1 January 2017, 13 charges were brought against three people. As the cabinet secretary knows, those charges resulted in just three convictions against one person, including a charge of culpable homicide—murder was dropped. The overall sentence for that crime was four years and it was an in cumulo sentence, which means that the family, to this day, do not know what Shaun's life was worth. There is not one single number of years that accounts for what the charge of culpable homicide actually meant in the event of Shaun's death. His family have found that really difficult to digest.

I was taken by Liam Kerr's comments around the issue of undue leniency. How can we consider undue leniency when we do not even understand what the particular charge equals in the case of an in cumulo sentence? There is a huge amount of work to be done there.

I raised the case directly with the Lord President and got a very interesting reply from Lord

Carloway, which detailed the rights that the Woodburn family had to a sentencing statement under the Victims and Witnesses (Scotland) Act 2014. The family had no idea that they could request details from Lady Stacey about why the sentence was what it was. When we got that information, it was—to a degree—hugely comforting. The family still do not think that four years is enough for their son's killer, but at least they now have a better understanding of why the judge took the decision that they did. The Woodburn family believe that sentencing statements should be mandatory in all cases and I agree with them. They are also outraged that, after six years and £1.4 million, the Scottish Sentencing Council still has no plans to produce new guidelines on either murder or culpable homicide. The family were told that the sentence was within the guidelines, but given that no guidelines existed they remain extremely angry about what they experienced.

In the seconds that I have left, I say to the Cabinet Secretary for Justice that he has the power under section 7 of the Criminal Justice and Licensing (Scotland) Act 2010 to direct the Sentencing Council to consider preparing guidelines on any particular crime. When Michael Matheson was Cabinet Secretary for Justice, in response to a parliamentary question he ruled out asking the Sentencing Council to prepare any sentencing guidelines for murder or culpable homicide. However, I have a letter from the current cabinet secretary saying that his mind is still open to that prospect.

I therefore ask the cabinet secretary again to use the power that he has to instruct the Sentencing Council to move quickly to produce guidelines for the crimes of murder and culpable homicide, so that other families do not have to experience what the Woodburns have experienced.

16:37

Gordon Lindhurst (Lothian) (Con): The debate has attracted widespread interest and is perhaps most keenly of interest to victims of crime and their families, who will be following what we say.

Unfortunately, as we have been hearing during the debate, there has been a loss of confidence in the justice system. Suffering at the hand of an offender is a traumatic enough experience for many, and can lead to lifelong physical and mental scars. Clearly, the justice system should not unnecessarily add to that trauma. Victims and their families should have the assurance that justice has been delivered in their case, but also that justice is delivered consistently across the board,

else the faith that they and others have placed in the justice system will be undermined.

Apparently inconsistent sentences for offenders can foster an initial sense of disbelief, which can sometimes lead to anger, upset and distrust. That can worsen if there is a lack of transparency in the system and if it is perceived to place too heavy a reliance on judicial discretion. That discretion could be strengthened, rather than weakened, by clear and appropriate sentencing guidelines. Such guidelines can assist in providing consistency and, as we have heard, also act as a basis for public understanding as to how decisions on sentences, at least in general terms, are reached.

Throughout this afternoon, we have been hearing about the cases that have led us to this debate. Some have involved sexual offences, but other crimes have also been the subject of intense public scrutiny, following the handing down of a sentence that was perceived to be too lenient. The Scottish Sentencing Council was set up more than three years ago, but it has yet to issue any substantive guidelines. Those guidelines should be properly considered and tested, of course, but what is to happen in the interim?

There is a saying that justice delayed is justice denied. Although, strictly speaking, the same motto may not apply to sentencing guidelines, if it is agreed by everyone that they can provide a useful framework, it would be helpful—more than helpful, perhaps—for them to be provided without further undue delay. That would be in the interests of “consistency, predictability and transparency”, to use the Scottish Sentencing Council's words in its “offering of views” on this debate.

A lack of transparency and consistency on sentencing can perpetuate the grief and upset that are faced by people who have had to have dealings with the judicial system through absolutely no fault of their own. As the Scottish Conservative amendment highlights, more work may also need to be done when it comes to the test of undue leniency. What might appear to a member of the public to be an exceptionally soft sentence is not necessarily better understood simply by being categorised as not being unduly lenient.

We all recognise that sentencing is far from an easy task, and no two cases are ever exactly the same. Nevertheless, we must have a justice system that holds and maintains public confidence. It is clear from the debate that some way needs to be travelled to reach that goal.

16:41

Shona Robison (Dundee City East) (SNP): No one in the chamber would disagree that transparency and consistency are vital to ensure

that victims' and wider society's interests are served by the justice system. I fully understand and appreciate the frustration at the time taken in issuing guidance on specific crimes.

The Scottish Sentencing Council's work programme is progressing, with a meeting to be held this Friday, I understand. I hope that the council will have gathered from comments across the chamber that there is now scrutiny of it to make some pace. However, as others have said, the reality is that the process to develop guidelines takes time. The council has stated that, although it recognises the public's desire to have guidelines in place quickly, the potential impact of not carrying out the necessary due diligence could be considerable, for individual cases and for the justice system as a whole. That was a point well made by John Finnie. Those things can be difficult to reconcile.

Daniel Johnson: The Sentencing Council for England and Wales produces around three guidelines a year. Is it rushing its guidelines?

Shona Robison: I would not want to say that it is rushing its guidelines, but it would be wrong of us to ignore the due diligence that is required in developing guidelines and, of course, the complexity of developing them, which I know Daniel Johnson understands. I agree with him that the fact that we are having this debate and that there has been consensus across the chamber that there needs to be pace will not go unrecognised by the council.

There needs to be a wide engagement with criminal justice and victim support organisations, third sector groups, academia and the judiciary throughout the process. Therefore, it is fundamental that the research is evidence based and properly consulted on, and that every area is thoroughly scrutinised prior to the issuing of any finalised sentencing guidance.

The Lord Justice Clerk and chair of the Scottish Sentencing Council, Lady Dorrian, has stated that, although the first guidelines would increase the transparency in sentencing, they would also

"form a strong foundation for our future work in developing further sentencing guidelines",

particularly on specific offences, such as sexual offences. The law is, of course, a complex area. That is why it is right and proper to get this right.

Late last year, I met Sheriff Norman McFadyen and Graham Ackerman from the Scottish Sentencing Council to discuss its plans to develop sentencing guidelines for sexual offences, including offences against children. That meeting coincided with Dundee *Evening Telegraph's* our kids need justice campaign, which arose out of particularly concerning local cases. That campaign

has struck a chord across the city, and it shows the public's interest in the matter.

I have raised those issues directly with the Lord Advocate and the justice secretary, and I was encouraged to hear that the council is thinking about holding wider public consultations events. I have encouraged the council to hold one in Dundee, not just to give local people a say in the framing of the guidance, but to allow the council to lay out the complexity of these matters. Such events will allow the council to discuss the issues directly with the public. The council has confirmed that it will hold consultation events during the year, and I hope that that shows an acknowledgement of the need for more transparency on such matters.

Sentencing and decisions that are taken by the judiciary in individual cases can often be seen as confusing by the public and victims. Some of those difficult cases have been raised this afternoon. I welcome the justice secretary's setting up of a victims task force, the aim of which is to improve the experience of victims and witnesses through the justice system by helping their understanding and having their voices heard. That is very important.

I am sympathetic to the arguments that have been made this afternoon. It has been a good debate in which there has been a strong level of consensus. The best way forward is to establish guidelines that help to deliver consistency in sentencing, that deliver justice and that better protect victims, as well as ensuring that we protect the independence of the judiciary.

16:46

Donald Cameron (Highlands and Islands) (Con): I am pleased to be closing the debate for the Conservatives, not least because, during my admittedly rare sorties into the criminal courts, I gained some professional experience of seeing sentencing in practice and of its application in real life. I thank Daniel Johnson for bringing forward not only an important issue but a pertinent one, given the recent cases that have appeared in the media.

I do not want to dwell on the specific case of Christopher Daniel, which has been covered at length today. As my colleague Liam Kerr and others across the chamber have stated, I certainly do not seek to criticise the judiciary or its independence. We all accept that, ultimately, the role of the judiciary, in acting at its discretion, is to determine sentences in the circumstances of any given case. That is paramount and indisputable. However, as Liam Kerr said, that does not mean that we cannot question or develop general

sentencing policy, as the Scottish Government is doing in relation to short sentences.

The role of the Scottish Sentencing Council deserves scrutiny. The council was established in October 2015 to prepare guidelines for the courts and to provide the public with information on sentencing. It is independent of Government and is yet to issue any substantial guidelines beyond a general statement on the principles and purposes of sentencing.

Everyone understands that thought and care are required when developing guidelines, but a time lag of six years, from the council's establishment in 2015 to the publication of guidelines in 2021, is too long. I appreciate what the cabinet secretary said about the amount of work that the council does, but it is a question of priorities. The creation of sentencing guidelines is the most important thing that the council does, given that day in, day out, courts in Scotland are sentencing. As Kezia Dugdale and Liam McArthur said, we are right to register concern. No one is asking for rushed guidelines, but there needs to be a faster process.

Humza Yousaf: It is worth saying that the council is working on guidelines, such as those for causing death by driving and for the sentencing of young people. The member must accept that, if the council needs to reprioritise or deprioritise, some of the work that it is doing will need to be delayed even further.

Donald Cameron: I accept that the council needs to decide on what to prioritise, but in general terms, it must act faster.

The only point that I want to make about the Christopher Daniel case relates to undue leniency. Prosecutors felt that they were unable to challenge the ruling on the basis of undue leniency because the case did not meet the high test that is required. For Conservative members, that reinforces the need to revisit the test. The troubling fact is that even the exceptionally soft sanction of an absolute discharge for the sexual assault of a child was not determined by the Crown as counting as unduly lenient. That, therefore, made the case not worthy of a Crown appeal.

We suggest that the test is overly restrictive and requires to be reconsidered. Writing in the *Journal of the Law Society of Scotland*, the respected sheriff, Frank Crowe, said:

"Crown appeals against sentence are ... infrequent, since the test ... is a high one."

Given its role in law reform, the Scottish Law Commission might be the appropriate body to investigate and make recommendations on this matter, because it is clear both in the case in question and in others that there are real issues with trust in our sentencing system. There are

issues that hamper public confidence, as evidenced by figures last year that showed that just over a third of Scots were confident that the system gave punishments that fit the crime, and there are issues that further increase the plight of victims of serious offences, as evidenced by remarks made last May by a representative of Victim Support Scotland, who told the Justice Committee that

"communities have no faith in community sentencing."—
[*Official Report, Justice Committee*, 8 May 2018; c 39.]

The justice system should work for victims, not against them, and as far as sentencing is concerned, it should be more transparent.

I urge colleagues to support our amendment in Liam Kerr's name, because it is clear that, in a multitude of cases, the high legal test of undue leniency requires to be revisited.

The Deputy Presiding Officer (Christine Grahame): I call Humza Yousaf to close for the Government. Cabinet secretary, you have four minutes.

Humza Yousaf: How many minutes do I have? Six?

The Deputy Presiding Officer: I am afraid not. You need to be on your toes.

16:50

Humza Yousaf: I will have to be quick.

First, I want to address the Conservative amendment and the motion itself. We cannot support the Conservative amendment, although I have listened to what Conservative members have said about undue leniency and will, on reflection, discuss it with the Scottish Law Commission. I point out that the legal test is the same in England and Wales, but the reason why I cannot support the amendment is that the particular facts in cases are known by sheriffs and judges, who must sometimes exercise leniency—for example, in cases of minor offences, first offences and so on. The question is about use of the word "undue" in the phrase "undue leniency"—in other words, a sentence being unduly lenient, or lenient to an unwarranted degree. It is appropriate for any appeal to be based on that legal test. However, I have heard what members have said, and they have every right to ask the Scottish Law Commission to examine the matter. However, there is a nuance between "leniency" and "undue leniency" that has to be recognised.

Liam Kerr: I thank the cabinet secretary for giving way. I will be as brief as I can be. In our amendment, we are simply asking the cabinet secretary to note that the

"ability to appeal ... may be hampered".

Surely he can vote for that.

Humza Yousaf: I will not vote for the amendment, but I will certainly reflect on the good points that Liam Kerr and others have made on the issue.

I know that the Green Party amendment was not accepted for debate, but I acknowledge the points on judicial training that John Finnie made in the amendment and his speech. It is such an important issue; indeed, sheriffs and judges are receiving training in relation to the domestic abuse offence that will come into play on 1 April.

I move on to some of the other speeches that have been made and questions that have been asked. Jenny Marra's speech and the points that she highlighted were well made. However, she referenced the Lord Advocate a lot in her speech, so I point out to her that she has every right to write, if she has not done so already, to the Lord Advocate to request a meeting with him, and to seek—if not demand—an explanation. After all, he is a member of the Government. As I keep saying, although we all respect the independence of the judiciary, there is a difference between independence and accountability, and the judiciary should be accountable.

Jenny Marra: Does the cabinet secretary agree that there is sufficient public interest in the Christopher Daniel case that the Lord Advocate should provide clarity to Parliament either by letter or through a statement?

Humza Yousaf: Jenny Marra will forgive me for not going into the detail of a specific case. That said, Liam Kerr has said that he received a response from the Lord Advocate on the Daniel case, so I say again that the member could write to the Lord Advocate to ask for the same explanation.

With regard to Kezia Dugdale's very considered speech, she gave me just one example of victim input to the Scottish Sentencing Council, and I should have pointed out to her that one member of the council is, specifically, a victim representative. As for her request to me, I cannot demand that the council take forward a particular piece of work—

Daniel Johnson: You can ask.

Humza Yousaf: I can, of course, request that it do so, so in taking things forward, I will reflect very carefully on what members have said.

I said to Kezia Dugdale in our meeting that the Scottish Law Commission—which is, of course, different from the Scottish Sentencing Council—is looking at the law on murder and homicide. I think that it makes sense to wait for it to see whether changes need to be made to the law, and to explore guidelines after that. However, I am happy

to take the matter offline and to discuss it with the member in further detail.

I am fast running out of time, but it is worth saying that the Scottish Sentencing Council is working on a number of guidelines, including the sentencing process in cases of death by driving, and the sentencing of young people. If members want the council to expedite the work on sexual offences, something else will have to be deprioritised—

The Deputy Presiding Officer: You must conclude, cabinet secretary.

Humza Yousaf: I will end by saying that I hope that members support our amendment.

16:55

Daniel Johnson: I thank Fulton MacGregor for holding me in such high regard, and I thank members more generally, because this has been an engaged debate in which we have not avoided difficult issues and have actually shed light on the topic.

We have talked a lot about consistency, but transparency is equally important. In that regard, Kezia Dugdale's speech was excellent, because the importance of transparency is not limited to sentencing guidelines. If we want people to have confidence in our justice system, transparency is fundamental in relation to how sentences are communicated and whether they are what they state, given automatic early release—the cabinet secretary was right to point out to the Conservatives who it was that introduced it—and in relation to the decisions of the Parole Board and to decisions on remand.

I will move on to the issues at hand. The most important and fundamental issue is equality. It is simply not right for an individual to be treated differently because of his opportunities in life to date and those that are ahead of him. We cannot countenance a medical student being treated differently from a person who is out of work. Of course, we need to look at the individual and must hold them responsible for the decisions that they have made, but can we hold them responsible or treat them differently because of the opportunities that they have had or not had in life?

I say, to make a wider point, that treating someone more leniently because of the education that they have had or are about to receive is the wrong way round. People with a better education should be held to account to a higher degree than people who have less education.

Quite simply, there is a real danger that people who are poor will be treated more harshly by our justice system. That is something that we in the

Labour Party, we in the Parliament and we in this country cannot abide.

There are, potentially, wider issues. The recently released criminal proceedings statistics show that, in a number of cases of homicide and sexual assault, individuals were given fines or absolute discharges. We have to ask ourselves why. The problem is that we cannot, without guidelines and more detailed comparative statistics, have confidence that those outcomes were justified.

I welcome the fact that the Government's amendment "notes" the length of time that it has taken to produce the guidelines so far. That is important, because it is right that we hold the Sentencing Council to account. However, we have to reflect the disappointment and the fact that we let victims down if we do not produce guidelines. For those reasons, I cannot support the Government's amendment.

I have sympathy with the issue that is raised in the Conservative amendment: we have to look at the test of undue leniency. However, we must take great care with the general characterisation that sentences are too lenient. The reality is that, over the past three to four decades, sentences have been going up. I am not convinced that there is evidence that sentences are more lenient, overall.

It is a shame that the Green amendment was not selected for debate. We would not have voted for it, because it would have wiped out an important part of our motion, but the point about judicial training was well made and I broadly support it.

Judicial independence is one of the more complex and awkward issues in the debate, but it is important. I remind members that we have not just a moral duty but a legal responsibility to uphold the independence of the judiciary. It is important that we do not avoid issues that arise out of individual court cases because, at the end of the day, such cases can reveal issues that need to be discussed.

If Parliament has any function at all, it is to provide a forum for discussing issues that are of public concern. In particular, there is a role for Government and Parliament with regard to sentencing. If we did not have that role, we would not be discussing whether there should be a presumption against short sentences, and whether non-custodial sentences, such as community payback orders, should be promoted.

I will end my speech by considering Lady Dorrian's comments. I hold Lady Dorrian in high regard. She is absolutely a voice of progress in our courts, and I very much welcome many of the things that she has brought forward. I agree that we need to take time and that we must not rush,

but I do not think that we are asking the Scottish Sentencing Council to rush. Last year alone, the Sentencing Council for England and Wales produced seven sentencing guidelines.

Members should consider that, in Parliament, we take only a matter of months to pass legislation for which the Scottish Sentencing Council says it needs years to think about guidelines on how to sentence. Surely that is slightly awry. I agree with Liam McArthur and Shona Robison that the length of time that the Sentencing Council is taking needs to be looked at.

Especially because of the significant increase in the number of historical sexual crimes that are being considered in our High Court, there is a real and pressing need for guidelines in order to ensure that we get decisions and sentences right, and that people are punished for crimes that they committed in the past.

In the end, this is an argument about equality, fairness and making sure that everyone can understand and consent to the functioning of our justice system. I hope that members will support the Labour motion.

Business Motion

17:01

The Presiding Officer (Ken Macintosh): The next item of business is consideration of business motion S5M-16025, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, setting out a business programme.

Motion moved,

That the Parliament agrees—

(a) the following programme of business—

Tuesday 5 March 2019

2.00 pm Time for Reflection
followed by Parliamentary Bureau Motions
followed by Topical Questions (if selected)
followed by Scottish Government Debate: EU Withdrawal Negotiations
followed by Committee Announcements
followed by Business Motions
followed by Parliamentary Bureau Motions
 6.00 pm Decision Time
followed by Members' Business

Wednesday 6 March 2019

2.00 pm Parliamentary Bureau Motions
 2.00 pm Portfolio Questions: Finance, Economy and Fair Work; Environment, Climate Change and Land Reform
followed by Scottish Conservative and Unionist Party Business
followed by Business Motions
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business

Thursday 7 March 2019

11.40 am Parliamentary Bureau Motions
 11.40 am General Questions
 12.00 pm First Minister's Questions
followed by Members' Business
 2.00 pm Parliamentary Bureau Motions
 2.00 pm Portfolio Questions: Rural Economy
followed by Scottish Government Debate: Local Government Finance (Scotland) Order 2019
followed by Scottish Government Debate: International Women's Day 2019: Balance for Better
followed by Committee Announcements
followed by Parliamentary Bureau Motions

5.00 pm Decision Time

Tuesday 12 March 2019

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

Wednesday 13 March 2019

2.00 pm Parliamentary Bureau Motions
 2.00 pm Portfolio Questions: Transport, Infrastructure and Connectivity; Justice and the Law Officers
followed by Scottish Government Business
followed by Business Motions
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business

Thursday 14 March 2019

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 Portfolio Questions: Government Business and Constitutional Relations
followed by Scottish Government Business
 5.00 pm Decision Time

(b) that, in relation to any debate on a business motion setting out a business programme taken on Wednesday 6 March 2019, the second sentence of rule 8.11.3 is suspended and replaced with "Any Member may speak on the motion at the discretion of the Presiding Officer";

(c) that, in relation to First Minister's Questions on Thursday 7 March 2019, in rule 13.6.2, insert at end "and may provide an opportunity for Party Leaders or their representatives to question the First Minister";

(d) that, for the purposes of Portfolio Questions in the week beginning 4 March 2019, in rule 13.7.3, after the word "except" the words "to the extent to which the Presiding Officer considers that the questions are on the same or similar subject matter or" are inserted.—[*Graeme Dey*]

Motion agreed to.

Parliamentary Bureau Motions

17:01

The Presiding Officer (Ken Macintosh): The next item of business is consideration of five Parliamentary Bureau motions. I ask Graeme Dey to move motions S5M-16026, S5M-16027, S5M-16028 and S5M-16029, on the approval of Scottish statutory instruments, and motion S5M-16037, on a committee meeting while the Parliament is sitting.

Motions moved,

That the Parliament agrees that the Drug Driving (Specified Limits) (Scotland) Regulations 2019 [draft] be approved.

That the Parliament agrees that the Sheriff Court Simple Procedure (Limits on Award of Expenses) Amendment Order 2019 [draft] be approved.

That the Parliament agrees that the Genetically Modified Organisms (Deliberate Release etc.) (Miscellaneous Amendments) (Scotland) Regulations 2019 [draft] be approved.

That the Parliament agrees that the Community Care (Personal Care and Nursing Care) (Scotland) Amendment Regulations 2019 [draft] be approved.

That the Parliament agrees that, under Rule 12.3.3B of Standing Orders, the Committee on the Scottish Government Handling of Harassment Complaints can meet at the same time as a meeting of the Parliament from 3.00 pm to conclude before Decision Time on Thursday 14 March 2019 for the purposes of receiving a background briefing on issues relating to the legal context and other matters regarding the inquiry.—[*Graeme Dey*]

Decision Time

17:02

The Presiding Officer (Ken Macintosh): I remind members that if the amendment in the name of Shirley-Anne Somerville is agreed to, the amendment in the name of Miles Briggs will fall.

The first question is, that amendment S5M-16012.3, in the name of Shirley-Anne Somerville, which seeks to amend motion S5M-16012, in the name of Mark Griffin, on the carers allowance supplement, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinrossshire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Harper, Emma (South Scotland) (SNP)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)

McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rumbles, Mike (North East Scotland) (LD)
 Russell, Michael (Argyll and Bute) (SNP)
 Scott, Tavish (Shetland Islands) (LD)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Corry, Maurice (West Scotland) (Con)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harris, Alison (Central Scotland) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Mason, Tom (North East Scotland) (Con)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McNeill, Pauline (Glasgow) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)

Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Tomkins, Adam (Glasgow) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)
 Wightman, Andy (Lothian) (Green)

The Presiding Officer: The result of the division is: For 65, Against 56, Abstentions 0.

Amendment agreed to.

The Presiding Officer: The amendment in the name of Miles Briggs is therefore pre-empted.

The next question is, that motion S5M-16012, in the name of Mark Griffin, on the carers allowance supplement, as amended, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 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)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Haughey, Clare (Rutherglen) (SNP)

Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 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)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 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)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rumbles, Mike (North East Scotland) (LD)
 Russell, Michael (Argyll and Bute) (SNP)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harvie, Patrick (Glasgow) (Green)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)

Marra, Jenny (North East Scotland) (Lab)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McNeill, Pauline (Glasgow) (Lab)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)
 Wightman, Andy (Lothian) (Green)

The Presiding Officer: The result of the division is: For 93, Against 28, Abstentions 0.

Motion, as amended, agreed to,

That the Parliament welcomes the immense contribution that carers make to society, caring for family, friends and neighbours; recognises that the introduction of the Carer's Allowance Supplement (CAS) has increased financial support to carers by 13% and put an extra £442 a year in people's pockets in 2018-19, which is an investment in carers of over £33 million; further recognises the Scottish Government's use of the Consumer Price Index (CPI) as an uprating mechanism, which, in 2019-20, will increase CAS to £452.40, which is an investment of around £37 million in carers; notes that CPI is used as the Bank of England's inflation target; further notes that the Office for National Statistics deems the Retail Price Index (RPI) a very poor measure of inflation; acknowledges that RPI lost its status as a National Statistic in 2013; further acknowledges that there is a consensus among economists and statisticians that RPI does not meet international standards, and agrees that the Scottish Government should not use RPI as a measure to uprate benefits for these reasons.

The Presiding Officer: The next question is, that amendment S5M-16013.3, in the name of Humza Yousaf, which seeks to amend motion S5M-16013, in the name of Daniel Johnson, on justice, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinrossshire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)

Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Harper, Emma (South Scotland) (SNP)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Russell, Michael (Argyll and Bute) (SNP)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Corry, Maurice (West Scotland) (Con)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harris, Alison (Central Scotland) (Con)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)

Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Mason, Tom (North East Scotland) (Con)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Tomkins, Adam (Glasgow) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)

Abstentions

Finnie, John (Highlands and Islands) (Green)
 Greer, Ross (West Scotland) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Johnstone, Alison (Lothian) (Green)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Wightman, Andy (Lothian) (Green)

The Presiding Officer: The result of the division is: For 61, Against 54, Abstentions 6.

Amendment agreed to.

The Presiding Officer: The next question is, that amendment S5M-16013.2, in the name of Liam Kerr, which seeks to amend motion S5M-16013, in the name of Daniel Johnson, on justice, as amended, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

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

Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Tomkins, Adam (Glasgow) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

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

McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 27, Against 93, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The next question is, that motion SM5-16013, in the name of Daniel Johnson, on justice, as amended, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 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)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-

shire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 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)
 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)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (Ind)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rumbles, Mike (North East Scotland) (LD)
 Russell, Michael (Argyll and Bute) (SNP)
 Scott, John (Ayr) (Con)
 Scott, Tavish (Shetland Islands) (LD)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)

Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Macdonald, Lewis (North East Scotland) (Lab)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Jenny (North East Scotland) (Lab)
 McNeill, Pauline (Glasgow) (Lab)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, David (Highlands and Islands) (Lab)

Abstentions

Finnie, John (Highlands and Islands) (Green)
 Greer, Ross (West Scotland) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Johnstone, Alison (Lothian) (Green)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Wightman, Andy (Lothian) (Green)

The Presiding Officer: The result of the division is: For 94, Against 21, Abstentions 6.

Motion, as amended, agreed to,

That the Parliament believes that transparency and consistency are fundamental to ensuring that victims' and wider society's interests are served by the justice system; notes recent cases raising questions about how individual circumstances inform sentencing; further notes that it has taken three and a half years for the Scottish Sentencing Council to produce one set of sentencing guidelines; notes that guidelines on sexual assaults will not be available until after 2021; is pleased however that the council will soon announce the initial focus of its work on sexual offences; draws to the attention of the council its views as to the importance of work on sexual offences, and calls on all those with an interest in sentencing for sexual offences to become involved to build consensus as guidelines are developed.

The Presiding Officer: I propose to ask a single question on the five Parliamentary Bureau motions, if no member objects.

The question is, that motions S5M-16026, S5M-16027, S5M-16028, S5M-16029 and S5M-16037, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, be agreed to.

Motions agreed to,

That the Parliament agrees that the Drug Driving (Specified Limits) (Scotland) Regulations 2019 [draft] be approved.

That the Parliament agrees that the Sheriff Court Simple Procedure (Limits on Award of Expenses) Amendment Order 2019 [draft] be approved.

That the Parliament agrees that the Genetically Modified Organisms (Deliberate Release etc.) (Miscellaneous Amendments) (Scotland) Regulations 2019 [draft] be approved.

That the Parliament agrees that the Community Care (Personal Care and Nursing Care) (Scotland) Amendment Regulations 2019 [draft] be approved.

That the Parliament agrees that, under Rule 12.3.3B of Standing Orders, the Committee on the Scottish Government Handling of Harassment Complaints can meet at the same time as a meeting of the Parliament from 3.00 pm to conclude before Decision Time on Thursday 14 March 2019 for the purposes of receiving a background briefing on issues relating to the legal context and other matters regarding the inquiry.

The Presiding Officer: That concludes decision time.

Eating Disorders Awareness Week 2019

The Deputy Presiding Officer (Linda Fabiani): The next item of business is a members' business debate on motion S5M-15889, in the name of Emma Harper, on eating disorders awareness week. The debate will be concluded without any question being put.

Motion debated,

That the Parliament notes that Eating Disorders Awareness Week 2019 takes place from 25 February to 3 March; understands that approximately 1.25 million people in the UK have an eating disorder; acknowledges the importance of organisations such as the Scottish Eating Disorders Interest Group and Beat in providing vital support to professionals and families; notes the work that Diabetes Scotland and UK carry out to help young people with, or at risk of developing, diabulimia; commends the Children and Young People's Mental Health Taskforce for its delivery plan, which sets out an ambitious programme of work that aims to inform the whole public sector about how to ensure that young people get the right care at the right time in the right place; thanks CAMHS staff, who will be instrumental in supporting new services and the continued expansion of services in the community, and welcomes the commitment by the Scottish Government, local authorities and interest groups to bring the real and decisive change in CAMHS that it considers people in Scotland want to see.

17:10

Emma Harper (South Scotland) (SNP): Presiding Officer, 25 February through to 3 March marks eating disorders awareness week 2019. The theme this year is tackling discrimination and breaking down the stereotypes that are associated with eating disorders. I would like to start by thanking colleagues across the chamber who signed my motion, allowing us to have this important debate to raise awareness of eating disorders.

For many years, this debate was led by former MSP Dennis Robertson, who still champions this issue. I am happy to continue to bring it before the Scottish Parliament. I remind the chamber that Clare Haughey led the debate last year.

My motion states that there are approximately 1.25 million people across the United Kingdom who have an eating disorder. Last year in Scotland, 536 people were treated for an eating disorder.

I would like to acknowledge the charities that are instrumental in supporting many such people across Scotland and the rest of the UK: the Scottish Eating Disorders Interest Group and the charity Beat. I welcome members of Beat to the gallery, as well as those watching online today. Those groups provide vital support to families, professionals and people who are seeking advice, help and support in relation to the many

challenges that are faced by people who are at risk of developing an eating disorder or who have been diagnosed with one. The information that they provide on the web is invaluable, and I encourage people to access the sites to see for themselves the information that is out there.

On Monday this week, Beat posted research that showed that stereotypes about who gets an eating disorder prevent members of the black, Asian and minority ethnic community, people from the lesbian, gay, bisexual and transgender plus community and people from less affluent backgrounds from seeking and getting medical treatment. I would like to focus my speech this evening on the need to tackle the stigma surrounding eating disorders; the Scottish Government's announcement on Monday about improving the way we support and treat those presenting with eating disorders; and the need for continued research into, and support for, people living with diabulimia.

The definition of an eating disorder involves someone developing an unhealthy attitude towards food. That can take over their life and make them very ill. There are various forms of eating disorders, from anorexia, which involves people trying to keep their weight as low as possible by not eating and by overexercising, to bulimia, which involves people losing control and eating a lot of food in a very short amount of time and being deliberately sick. There are other eating disorders, such as binge eating, and there are non-specific eating disorders, too. The key symptoms of those disorders include excessively worrying about weight and body shape; avoiding social situations where food might be involved; frequently visiting the toilet after meals and perhaps returning looking a bit flushed; and not being up front about particular food that might be consumed. It is important for family members, friends and colleagues to be aware of those signs. Research has shown that there is a link between eating disorders and depression, low confidence and low self-esteem.

I would like to touch on the relationship between social media use and eating disorders in young people. Social media sites allow today's youth the opportunity to connect with others on multiple platforms and in multiple venues. That is great, as it allows connections to be made, as well as the sharing of ideas, knowledge and information. However, as I am sure that everyone in the chamber is aware, social media can also be a dangerous platform for hate and discrimination. Because engaging in various forms of social media has become a routine activity for adolescents—and, indeed, adults—it is important to consider how it has impacted on young people who are at risk of developing eating disorders. Seeing dieting advertisements or frequently being

exposed to images that might provoke body-image concerns can have a damaging and dangerous impact on young people, particularly those who are at risk of developing an eating disorder. Research has suggested that it may affect as many as 12 per cent of girls and it is increasingly recognised in males as well.

Shona Robison (Dundee City East) (SNP):

Does Emma Harper agree that there is a responsibility on celebrities not to promote products that are dangerous, particularly for women and young girls, and does she agree that the Advertising Standards Authority should look into that and restrict it?

Emma Harper: Shona Robison has made a great point. I would encourage the Advertising Standards Authority to look into the matter and I agree that people who are personalities in the media have a responsibility not to promote certain products. I thank Shona Robison for that intervention.

Social media interactions are often an extension of an adolescent's life, so it is important that we are aware of their online activity and the issues that children today may be facing online. I ask the Scottish Government to keep that in mind when overseeing the development of any proposed guidance.

I was pleased to see the announcement from the minister on Monday confirming that the Scottish Government will ask the Scottish intercollegiate guidelines network to introduce new guidelines to support the treatment and care of people living with eating disorders in Scotland. I was particularly pleased to see that those guidelines will focus on Scotland's unique cultural and geographical make-up.

The guidelines will seek to improve services in our remote and rural communities, such as in Dumfries and Galloway in my South Scotland region, where people may experience greater difficulties in accessing specialist treatment. When my office contacted the dietetic team at NHS Dumfries and Galloway yesterday, it was confirmed that, because of the rurality of Dumfries and Galloway, some people who are at risk of developing an eating disorder may not be picked up as easily, or may be reluctant to access support because of the travel involved in attending appointments.

I highlighted that issue in my contribution to last year's eating disorders debate, so I am pleased to see the Scottish Government take on board the asks that I raised on behalf of my constituents. Additionally, I am pleased to see that what the Scottish Government announced will not focus purely on young people but will look to better

inform clinicians on best practice when dealing with adults presenting with eating disorders.

I would like to acknowledge Diabetes UK and Diabetes Scotland. I have carried out a great deal of work with them as co-chair of the diabetes cross-party group, from which I have become familiar with many of the issues presented, and I have sponsored parliamentary receptions. Diabetes UK and Diabetes Scotland have worked to raise awareness and understanding of diabulimia. That is a term that is used among the diabetes community and, although it has not been officially recognised by the international classification of diseases—ICD—index, it is a very real eating disorder.

Diabulimia refers to a person with type 1 diabetes who purposely reduces or omits their insulin dose to control their weight. Many years ago, when growing up with type 1 myself, I knew a young woman who died of the condition. I was aware from what people said that she had just stopped taking her insulin because she thought she was too heavy. Current research has shown that people with the condition have a much shorter lifespan. It can lead to severe diabetic ketoacidosis, which involves severely high blood glucose levels and can be fatal if not treated by medical professionals, so it requires an acute hospital admission. It can also cause complications of diabetes such as retinopathy, neuropathy and nephropathy.

Diabulimia is difficult to diagnose and extremely complex. People with the condition require mental health support as well as the physical medical needs associated with diabetes. Like any eating disorder, it is a mental health issue, so healthcare professionals and the family and friends of those with type 1 diabetes should be aware of the signs that could indicate diabulimia. Those can include weight loss or fluctuation in weight; regular symptoms of high blood glucose levels; secrecy over, or fear of, injections; reluctance to be weighed; lack of blood glucose monitoring, or a reluctance to monitor; and an encyclopaedic knowledge of nutritional composition of foods

I ask the Scottish Government what guidance and support it can provide for me to engage with the ICD to win support for the diagnosis of diabulimia as a stand-alone illness, as it is my understanding that the ICD is responsible for recognising conditions in Scotland.

I also commend the work of the children and young people's mental health task force, which is chaired by Dr Dame Denise Coia and has created an ambitious plan to support the needs of children and young people in addressing challenges on diet, exercise and tackling eating disorders. The Scottish Government's ambitious plan means that our young people will get the right treatment, in the

right place, at the right time. I look forward to seeing further guidance being issued.

I conclude by welcoming the Scottish Government's recent announcement of a package of measures to better support people with eating disorders and, in particular, to improve access to specialist services for people who live in our remote and rural areas. I reiterate my request that the Scottish Government support my engagement with the ICD to explore options for having diabulimia recognised as a stand-alone condition.

I look forward to hearing the contributions of other members.

The Deputy Presiding Officer: We move to the open debate. I was going to say that speeches should be a maximum of four minutes, but I guess that members can have as long as they like. *[Laughter.]*

17:20

Brian Whittle (South Scotland) (Con): Thank you, Presiding Officer. Let us all get comfortable.

I thank Emma Harper for bringing the debate to the chamber and for giving us the opportunity to draw attention to the serious and growing issue of eating disorders. I am in a fairly unique position in that I have three daughters, with the youngest and the eldest having been born roughly a decade apart. I am very aware of a concerning change in young people's language on body self-awareness. My youngest daughter is coming up on 11, and hearing some of the conversations that she has with her friends worries me. Down at the running track, I heard one of her friends saying to her, "Do you think I am fat?" I was thinking that her friend looked like a stick insect. My daughter's reply to her was, "Well, you are not as fat as me." The use of such language is developing, which is a worry.

I first became aware of eating disorders when I was still a competing athlete and a female long-distance runner was diagnosed with anorexia. I could not get my head around that. When I was not training, I was eating. Even though I was not a long-distance athlete, I still had to cram 4,000 calories down my throat every day, which was quite difficult to do. I could not understand how someone could be an international athlete and not be conscious of the amount of calories that they needed to eat. As I understand it, eating disorders overtake people in that position and the athlete's need to carry as little weight as possible around the track develops into a condition.

For me, the problem was brought closer to home when I began to suspect that a close family member had bulimia. The tell-tale signs—which I am sure that members will be familiar—were there, such as spluttering of vomit in the

toilet pan. Ill equipped as I was to deal with such a situation, I asked the person whether they needed to talk to me about anything. The response did not come quickly, but eventually they wrote a letter and handed it to me rather than speaking to me, which I found massively distressing. It turned out that they had done so because they had thought that I would be disappointed in them and that they had somehow let me down. The thought that they were not worthy of my help speaks to the mental health aspect of eating disorders, which the debate gives us the opportunity to examine. Fortunately, in that case the problem was caught quickly and we managed to solve it. However, it has always stuck with me that although the person had considered the issues that they had, they had been unable to bring them to me other than by handing me a letter.

While I have been a co-convenor of the cross-party group on diabetes, I have become aware of the condition known as diabulimia. We need to talk about the practice of deliberately not keeping insulin at reasonable levels, given its potential outcome. We need to keep that in the public eye, not least to highlight the risks, because, as Emma Harper quite rightly stated, people can die from the condition.

I will conclude where I started. I stress again the importance of the language that is used by and around our children about body shape and the expectations that it throws up. We need to change the language and the conversation, because this is a growing issue. I thank Emma Harper again for bringing the debate to the chamber and giving us the opportunity to debate the subject.

17:25

Rona Mackay (Strathkelvin and Bearsden) (SNP): I thank my colleague Emma Harper for bringing this important debate to the chamber. I am pleased to be able to contribute to it.

Most of us will know someone who has suffered from an eating disorder and the heartache that it has caused them and their family and friends. The misery that is caused to the individual sufferer is immense, but the pain that is felt by family members must be overwhelming. We can imagine watching a loved one inflict such an amount of self-harm that their life is endangered while we have to look on, helpless. As Emma Harper said, a former MSP colleague, Dennis Robertson, knows only too well of that pain. Although I do not know Dennis, my thoughts are with him and his family.

Many decades ago, two of my school friends suffered from anorexia nervosa throughout their teens. I spoke of them when I took part in our debate on this subject last year. In that debate, we highlighted the immensely damaging culture that

glorifies thinness, which results in body dissatisfaction, mainly affecting young girls, and has devastating effects. I echo Emma Harper's comments about the influence of social media nowadays.

In 2017-18, 536 people across Scotland were treated for an eating disorder. Studies tell us that the rate of eating disorders in teenage girls may be as high as 12 per cent and that the rate of male eating disorders is increasing alarmingly.

What are eating disorders? The most common conditions are anorexia nervosa, bulimia and binge eating. Some 40 per cent of those who are affected by an eating disorder are bulimic. Eating disorders are more common in young women, but there has been a 76 per cent rise in the number of middle-aged women with eating disorders.

What can be done to reverse the trend and start making a difference? Research suggests that the earlier eating disorder treatment is sought, the better the sufferer's chance of recovery will be. These disorders are rarely about food or thinness. Instead, these unhealthy behaviours are coping mechanisms for stress and overwhelming emotion, which is why early access to mental health services and appropriate treatment is crucial.

I am pleased that the Scottish Government has announced new guidelines for doctors to support the treatment and care of patients with eating disorders. The announcement marked the start of eating disorders awareness week 2019. The campaign is organised by the national eating disorders charity Beat, which does a marvellous job in highlighting awareness and reducing the stigma around eating disorders.

Neil Findlay (Lothian) (Lab): The member mentioned early intervention. What is her view on the length of time that patients wait for access to treatment?

Rona Mackay: I totally agree that it is not good enough and it has to be addressed. I hope that the new measures that the Government is bringing in will address that, because it is fundamental.

The theme for this year's awareness week is tackling discrimination and breaking down the stereotypes associated with eating disorders.

The new guidance will focus on the unique cultural and geographical make-up of Scotland, which includes remote and rural parts of the country where there may not be access to specialist treatment. It will also give clinicians more advice on supporting patients with medical complications associated with disorders, and there will be a version of the guidance for patients and carers. The focus is on early intervention. Better access to services will be ensured as part of the

Scottish Government's 10-year mental health strategy, which is backed by investment of £150 million over the next five years. I sincerely hope that that makes the waiting times a lot shorter, because the current levels are not acceptable.

The guidelines aim to improve the care that people receive and improve services, provision and outcomes throughout Scotland. I hope that they will give sufferers and their families some comfort and hope.

17:29

James Dornan (Glasgow Cathcart) (SNP): As Emma Harper's co-convenor on the cross-party group on mental health, I am grateful to her for securing today's important and timely debate.

As we have heard, we are in the middle of eating disorders awareness week 2019, a campaign expertly organised by the charity Beat, which acts as a great opportunity for society to reflect on how we can better support those who live with an eating disorder. This year's awareness week also sadly coincides with the heartbreaking anniversary of the death of Caroline Robertson, the daughter of my former MSP colleague Dennis Robertson, who is now a councillor. My thoughts throughout this week are with Dennis and his family, and I hope that they take comfort in the fact that MSPs across party divides are continuing his parliamentary campaign to improve mental health services, particularly for those living with eating disorders.

Eating disorders are more devastating and more common than people might be aware. Anorexia has the highest mortality rate of any psychiatric disorder, and Beat estimates that approximately 1.25 million people in the United Kingdom live with an eating disorder.

In 2017—the most recent full year with available published statistics—923 people across Scotland were diagnosed with an eating disorder. Of those, 214 were diagnosed in NHS Greater Glasgow and Clyde, the health board that serves my Glasgow Cathcart constituency, and over the past year I have been contacted by constituents living with anorexia nervosa.

There is a massive disparity between the estimated number of people living with an eating disorder and the number who come forward for help, which indicates the need to further tackle stigma and stereotype. Indeed, by their nature, eating disorders are secretive and stigmatised.

We know how hard it can be for people to ask for treatment, and that is even harder for a person if they do not meet the expectations of what a person with an eating disorder should look like. Stereotypes would have us believe that eating

disorders are not serious illnesses, that they always take the same form and that only white middle-class women and girls suffer from them. Frankly, such stereotypes are dangerous: they discourage people from seeking help and make it less likely for employers and, in some cases, healthcare professionals, to take them as seriously as they should. It also makes eating disorders harder for the sufferer or a loved one to spot.

Eating disorders are serious mental illnesses that can have severe psychological, physical and social consequences, and they should never be downplayed as diets gone wrong or lifestyle choices. I therefore commend the work of the NHS, the Scottish Government and third sector organisations such as Beat and the Scottish Eating Disorders Interest Group, which are resolute in their commitment to eradicate stigma.

As members will be aware, I consistently make the case for this Parliament and the public to speak about and tackle female injustice, but I hope that on this occasion members will understand that I want to make an appeal to men and boys. I fully appreciate that eating disorders most commonly affect young women, but some studies suggested that up to a quarter of sufferers are male. I have recently seen for myself the concerns that some men have about their body shape; that is a particularly concerning issue in relation to young males.

The stigma around eating disorders, and male sufferers of them, means that we cannot say for certain how many men go undiagnosed. However, eating disorders among men are increasingly being recognised. What is certain is that males who are worried about themselves are not alone—many men share their experience. I ask them to please speak out and make sure that someone knows that they have those concerns.

I am delighted that, since last year's debate, the Scottish Government has made real progress in improving the support available to people with eating disorders. There is specific support over and above the other steps taken to improve mental health services more generally. First, there is the peer-to-peer support service, which was relaunched yesterday after a trial period in NHS Lothian. Secondly, there was the announcement on Monday that new guidance will be produced by SIGN to give clinicians in Scotland more specific support for the treatment and care of patients with eating disorders. Those are positive steps that have been warmly welcomed by health professionals and eating disorder charities in the past few days.

I fully support the Government in driving the necessary changes to improve the support available to those with eating disorders. It will not be an easy task, but things are certainly

improving. As Emma Harper said, the current Minister for Mental Health, Clare Haughey, led a debate on this subject last year, so she will be well aware of the challenges that lie ahead, and I am sure that she will meet them head on.

17:33

Neil Findlay (Lothian) (Lab): I thank Emma Harper for lodging the motion for debate. I declare an interest, in that my daughter is an occupational therapist who works with people with eating disorders.

Members have spoken about the number of people in Scotland and the UK who suffer from eating disorders, and have said that they are people of all ages, genders and backgrounds—although we know that women and girls are disproportionately affected. They are people with serious mental health conditions that, in far too many cases, become fatal. Anorexia has one of the highest fatality rates of any mental illness.

The impact on individuals can be devastating, with the ripple effect on loved ones multiplying that impact several times. I cannot begin to imagine the pain of watching a daughter, son, partner or sibling dying because they do not want to eat or take in nutrition. Of course, many people develop such mental illness because of previous trauma in their life—abuse, violence, substance misuse, bullying, neglect or some other trauma.

I am taking part in the debate because constituents who suffer from serious eating disorders have come to me, but also because my daughter and a close friend work as specialist OTs in the field. Hearing from them about their work is very illuminating. They point to early intervention, which others have mentioned, as the key factor on the path to recovery, but eating disorders and other mental health conditions are subject to an 18-week treatment time guarantee. I have to say that by no stretch of the imagination is that early intervention. I genuinely hope that the minister will address that very serious and specific point in her speech. Can we imagine seeing a loved one in crisis and being told that they will not be seen for treatment for another four and a half months? There are no targets in place to support that work in the national health service.

The Government likes to point to England regularly for a wide range of comparators when it suits its argument. If we look at what is happening in England, we see that all people under 19 with an eating disorder should receive specialist treatment within four weeks and, in urgent cases, within one week. We can compare that to what is happening here and see a stark difference.

The Minister for Mental Health (Clare Haughey): I clarify for Mr Findlay that all child and

adolescent mental health services triage their referrals, so that when young people are referred in crisis, they can be seen the same day or the next day. Not everyone is put on an 18-week waiting list target.

Neil Findlay: The very important word that the minister used there is “can”. I am sure—this is not a party-political comment in any way—that the reality is that MSPs of all parties will have in their case loads constituents who have children with real mental health crises who cannot access therapy and treatment. That is the reality. We can all go back to the issue of waiting times and what should happen, but the reality is that many people are not getting access to treatment in a way that is anywhere near the description that the minister has just given.

People in our constituencies are waiting far too long for specialist treatment: they are people who are in desperate need. We should therefore be considering replicating the better standards that we see elsewhere for people of all ages.

I know from my previous training as a teacher that my education on mental health awareness and, most certainly, on eating disorders was almost non-existent, despite the fact that I was going to be working with children and adolescents. I would have thought that such training would have been much better in medicine courses, but research tells us that that is not the case, and that many medical students have zero, or very limited, training on eating disorders.

The reality is that access to mental health services in our communities is very inadequate. I have recently been dealing with a number of constituents who have acute mental health problems but are being told by NHS Lothian that there is a 10-month wait to see a psychologist—they are in crisis, but they are being told that they have a 10-month wait. When a person is in crisis, they need to see somebody today, tomorrow or, at the latest, this week. Their being told, “It doesn’t matter—we’ll see you in nine months,” helps no one.

We need more specialists working at community level. In relation to eating disorders, we need people working with patients one to one to help them to manage and cope with shopping, meal planning, cooking and eating a meal, and to help them to look at food in a healthy and positive way. We need people to help them to look at exercise positively rather than negatively, to help them to care for and love themselves as they are, and to help them to be comfortable with themselves, while also addressing the trauma that caused their problems in the first place.

I am pleased that we are having the debate. We hear—as we do in this type of debate—very good,

supportive and consensual speeches for this one day in one week of the year, and then we will return next year to do exactly the same, while not a lot has changed on the ground in our communities. However, I hope that when we come back next year to the issue we can say, “You know what? The services that we provide to people with eating disorders are far better than they were when we had the debate last year.”

17:40

Gillian Martin (Aberdeenshire East) (SNP): I congratulate Emma Harper on securing this important debate, and I thank her and Clare Haughey for taking on the cause in the Scottish Parliament for our colleague and friend Dennis Robertson, the former MSP for Aberdeenshire West, who campaigned so hard to raise awareness of the illnesses that cause eating disorders.

I take issue a little with Neil Findlay, who said that things will always stay the same. When Dennis Robertson stood up in the chamber to call for things to get better, it happened. He was a staunch campaigner who made changes. I phoned Dennis last week to let him know that I would be speaking in the debate, and to talk about how he raised awareness and the importance of keeping the level of awareness high. As members know, Dennis and his wife Ann lost their daughter Caroline, who suffered from anorexia nervosa throughout her adolescence and into early adulthood. As James Dornan said, last week was the eighth anniversary of Caroline’s passing.

I pay tribute to all the work that Dennis Robertson has done to bring agencies and individuals together to work more collaboratively to support families and people who are affected by eating disorders. He was very clear in our phone conversation that the phrase “eating disorder” is not adequate, because the conditions are psychological illnesses. Eating disorders are not just about the person’s relationship with food: they are also about anxiety, and can often be an attempt by the sufferer to control one thing in their life, when they feel that other things are beyond their control.

Anorexia nervosa is a condition that often finds its victims when they are in puberty. Withdrawal from family life, irritability and secretiveness are part and parcel of the behaviour that parents accept as normal parts of adolescence, so early signs of anorexia can be hidden by that behaviour.

Many young women are victims of eating disorders, but young men are becoming increasingly susceptible, and are just as vulnerable to the body-image problems that the media exacerbates. As Emma Harper and other

members said, the illness can be with a person throughout their entire life, so we should not just look at the services that are available to young people.

It is not normal for adolescents to withdraw from their social scene, to make excuses for not meeting friends, not to engage in activities that other people their age are enjoying, and to spend all their time alone. Those behaviours, coupled with obsessive behaviour around eating or over-exercising, or missing school for weeks on end, are not normal parts of teenage life. They could be indications that something serious is starting to take hold.

One of the biggest worries for parents who know that something is wrong is about knowing where to turn. In his speech in the debate in 2012, Dennis Robertson said something that relates directly to this year’s campaign against discrimination and stereotyping. He said:

“Our general practitioners and other medical professionals need to recognise that, when a young person goes to their surgery with their parents or a friend, their condition is not to be dismissed as a teenage fad.”—*[Official Report, 22 February 2012; c 6463.]*

Awareness of eating disorders among primary care health professionals and the teachers and educational support professionals who see those young people every day is absolutely vital.

Every time I stand up in the chamber to talk about mental health, I want to use the opportunity to direct the people who might be listening to the support that is available. What we say in such debates might be the signpost that someone needs in order to get help.

In that regard, many members have mentioned Beat, which has a fantastic website that is a great resource. It has lots of information on identifying the early signs of eating disorders, first-hand testimony from people who have been affected, and regionally tailored signposting. In my area in Grampian, there is a CAMHS eating disorder team, and eating disorders are a priority issue for a quick referral to CAMHS in the north-east. North East Eating Disorders Support Scotland—or NEEDS—has teams for people in recovery and their families. I will put links to all those organisations on Facebook when I post my speech later.

In relation to suicide prevention, I have been campaigning about the fact that search engines need to do more to remove content that promotes self-harm. Just as it is with pro-suicide sites, the internet is distressingly awash with pro-anorexia and pro-bulimia sites. There are websites that promote methods of extreme weight loss, that glamorise those diseases and which give excuses that people can use to hide their condition from

people around them who love them. Support agencies should not have to pay for their sites to appear in search results above such pro-ana sites, as they are called. Just as I did in my campaigning with regard to pro-suicide sites, I will write to the major search engines to ask for their policies on pro-ana sites. The content is dangerous and it should be removed. If it is not removed, it should be way down the list in the search results.

I have run out of time, but I thank Emma Harper again for bringing forward the debate.

The Deputy Presiding Officer: The last of the open debate contributions is from Alison Harris.

17:45

Alison Harris (Central Scotland) (Con): Thank you, Presiding Officer. I, too, thank Emma Harper for bringing this debate to the Parliament today.

As my party's spokesperson for children and young people, I welcome the motion's focus on young people. Eating disorders can affect anyone and everyone and they are a growing problem that affects many people's lives, especially those of young people.

There is a wide range of eating disorders—far more than just anorexia and bulimia, which are the two that I was most aware of when I was growing up. I will discuss that later.

Eating disorders affect many people in many different ways. I cannot stand here without mentioning the problem of weight gain and obesity and the daily struggles that people have with that. People truly struggle with their weight and eating—whether it is undereating or overeating. We need more research, perhaps into the effects of a person's metabolism—I cannot say that word—on eating disorders.

Brian Whittle: Will the member take an intervention?

The Deputy Presiding Officer: Are you going to correct her pronunciation?

Brian Whittle: Far be it from me to do so.

Does the member agree that it is perfectly possible to be overweight and malnourished at the same time and that we need to change the language? We need to stop talking about diet and start talking about nutrition.

Alison Harris: The member makes a valid point and, although it seems strange to say that it is possible to be overweight and malnourished at the same time, he is correct that nutrition is very important.

Overall, it is about health and wellbeing. Encouraging balance and a healthy attitude to

food from an early age can help to prevent the development of eating disorders.

The motion mentions the charity Beat, which aims to beat eating disorders. Its website provides useful information on what eating disorders are and the effects that they can have. It also offers tips on how to spot the signs of an eating disorder: from the easier-to-notice signs, such as an obsession with food or exercise, to the more subtle signals, such as someone's distorted views on body size, problems in concentrating or frequent trips to the toilet after meals.

That reinforces the importance of moving away from old stereotypes. In the past, the term "eating disorder" would usually make people think of a teenage girl with anorexia or bulimia who was trying to be a certain body weight or shape. In fact, most people with eating disorders are not underweight. Rising levels of obesity, especially in young people, are also worrying, because if a person is overweight when they are young, they are more likely to have weight-related problems later in life.

As I said earlier, there are far more eating disorders than anorexia and bulimia; obsessive, emotional or binge eating can be hard to spot, but just as uncontrollable for the sufferer as the more well-known disorders.

It is important to move past old stereotypes, because eating disorders can affect anyone; a growing number of boys and men experience them. When I was growing up, people would say that magazines air-brushing people's photographs affected our self-image. However, I have grave concerns with the way that the world in which we live—dominated by social media—now affects eating disorders. Back in the day, the moment was captured in a photograph and we moved on and did not find out how we looked until the photo was developed. Now, we double and triple-check photos on our phones, taking more and more until we get one that we like. I bet that everyone in the Parliament—including me—does that. I worry that it has a negative effect, especially on young children, because everything is now about how they look and how they will be perceived by their friends, instead of them focusing on having fun.

As Gillian Martin mentioned, at the more extreme end of social media the effects are so-called pro-ana and pro-mia groups. Those groups often consist of teenagers who congratulate each other on their anorexia or bulimia and create group rules around daily calorie intake, fasting challenges and compulsory weekly weigh-ins, often without their parents even knowing that the groups exist. That is truly frightening. Those young people often find comfort in finding people who are going through the same as them. However,

without professional help, it can make matters far worse.

The motion focuses on young people, and a growing number of young people whose lives are affected by eating disorders need help. Help can take many forms, but I welcome the chance to mark eating disorders awareness week by supporting this motion in the hope of raising awareness and understanding.

The Deputy Presiding Officer: Due to the length of some speeches, if we wish to hear from the minister, I am minded to accept a motion without notice, under rule 8.14.3, to extend the debate by up to 30 minutes. I ask Emma Harper to move the motion.

Motion moved,

That, under Rule 8.14.3, the debate be extended by up to 30 minutes.—[*Emma Harper*]

Motion agreed to.

17:50

The Minister for Mental Health (Clare Haughey): I am sure that members will be relieved to hear that I promise not to speak for 30 minutes.

First, I acknowledge the Beat ambassadors who are in the public gallery as well as the work that the charity does during eating disorders awareness week and throughout the year.

I am pleased to respond to the debate on behalf of the Scottish Government. The debate has become an annual fixture to mark eating disorders awareness week, which is important on many levels. It shows that we are all taking eating disorders seriously and are committed to raising their profile across Scotland. I will pay tribute to the work of a few people in particular.

I thank my colleague Emma Harper for lodging the motion, and for continuing to focus minds on how important this subject is, including through her continued work to raise awareness of diabulimia. We know that diabetes is commonly a comorbid condition with eating disorders. That is an incredibly serious issue, which Emma Harper's motion rightly reminds us of.

I also wish to honour our former colleague Dennis Robertson. I am sure that nobody in the chamber is a stranger to Dennis's tragic experience of the devastating effects of eating disorders, which was one of the main drivers behind my decision to lodge the motion on eating disorders awareness week that we debated last year. As I said then, I want to reassure Dennis that there are many others who will continue to fight for the right help and support to be available across Scotland.

Last year's debate focused on ensuring that everyone who needs help and support for an eating disorder receives it as soon as possible. We know that early diagnosis is vital in treating, and recovering from, any form of eating disorder. Eating disorders are acutely serious conditions, but it is possible for affected people to recover and to maintain healthy and productive lives.

The theme for this year's awareness week is tackling discrimination and breaking down the stereotypes that are associated with eating disorders. Eating disorders do not discriminate and anyone can be affected by them. They are serious illnesses that can change lives. If one message comes out of today's debate, it should be that one.

We also know that eating disorders are highly complex and can manifest in many different ways. There are multiple different classifications across the fifth edition of the diagnostic statistical manual—DSM-5—and ICD diagnostic criteria. As we have heard, those conditions are not always about weight loss. Binge eating disorder, for example, can be just as devastating as anorexia or bulimia, which is why it is critical that we have the right help and specialist services.

We will commission a needs assessment of CAMHS in-patient provision in Scotland. That will look at capacity in the in-patient system as well as community provision, patient flow through the system and issues such as delayed discharge, including the consideration of provision for patients with eating disorders.

Work is also taking place through the children and young people's mental health task force, whose importance is alluded to in the motion. One of the task force's strands of work is the consideration of specialist services that cover young people with serious mental health conditions who need help. That is a key part of the picture for eating disorders.

I also want to mention two announcements that the Scottish Government made to mark eating disorders awareness week 2019. I am pleased that we have been able to bring forward improvements that will make a real difference to people's lives. Yesterday, we relaunched our digital peer support service, which was created in collaboration with NHS Lothian and Beat. The relaunch included the addition of a telephone coaching service for parents and carers. That project was initially launched last year, and those who took part found that type of support to be incredibly helpful. One young person said:

"the service allowed me to realise that my support buddy has felt the same way. She has battled through to become a much happier person. It gives me hope".

That is proof of how incredibly important peer support can be for people with any type of mental illness.

We have committed to the project for a further three years because of that feedback. I want to ensure that those who are diagnosed with an eating disorder and their families are supported and given hope of recovery, whatever their circumstances.

Additionally, at the start of this week, I was pleased to announce the first ever Scotland-specific guidelines on the management and treatment of eating disorders, which will be produced by the Scottish intercollegiate guidelines network. SIGN will shortly begin work on those guidelines, which will be different from the DSM and ICD diagnostic classifications that I mentioned previously. They will provide practical and specific details on how to address common issues and will focus on the particular cultural and geographical need that exists in Scotland. We want to ensure that everyone is seen on the basis of clinical need, is prioritised accordingly and is seen by the most appropriate services. When the SIGN guidelines are published, we will have a Scotland-specific blueprint, and we will expect it to be carefully followed.

We have heard some very interesting contributions to the debate, including from Emma Harper, whose motion we are debating. I agree that the issue of social media is important in relation to mental wellbeing; we know that it is an issue for young people in particular because they have told us that. Alison Harris also raised that issue. We have committed to producing guidance, and I am happy to ensure that it covers eating disorders advice. Brian Whittle spoke about the pressures on young people and his own family experience of bulimia. Rona Mackay reminded us of her contribution last year. I remember very well her talking about friends whom she had lost through eating disorders. Neil Findlay spoke about his concern about early intervention and his constituents' experiences of accessing services. James Dorman reminded us that men and boys are also affected by eating disorders, and Gillian Martin spoke about the importance of raising awareness of eating disorders and the signs and symptoms of them. Those were all very important contributions to a worthwhile debate.

Neil Findlay: Is the minister going to mention the point that I made about targets?

Clare Haughey: I think that Mr Findlay raised an issue about the target that has been set in England, which has not been met. We want to ensure that everyone is seen on the basis of clinical need, is prioritised accordingly and is seen by the most appropriate services. It is key that the SIGN guidelines are written by clinicians and that

we have a Scotland-specific blueprint. The Government will expect that to be followed very carefully.

I and many others across the chamber feel strongly about the topic. The level of interest in today's debate reflects that. It is up to us to ensure that eating disorders have the profile and public understanding that they deserve and that everyone who suffers with these most serious of conditions is able to get the help that they need.

Meeting closed at 17:58.

This is the final edition of the *Official Report* for this meeting. It is part of the Scottish Parliament *Official Report* archive and has been sent for legal deposit.

Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

All documents are available on
the Scottish Parliament website at:

www.parliament.scot

Information on non-endorsed print suppliers
is available here:

www.parliament.scot/documents

For information on the Scottish Parliament contact
Public Information on:

Telephone: 0131 348 5000

Textphone: 0800 092 7100

Email: sp.info@parliament.scot



The Scottish Parliament
Pàrlamaid na h-Alba