



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Meeting of the Parliament

**Thursday 28 March 2019**

**Session 5**



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# Scottish Parliament

Thursday 28 March 2019

[The Presiding Officer opened the meeting at 11:40]

## General Question Time

### Children with Complex Needs and Medical Conditions

#### 1. Mark McDonald (Aberdeen Donside) (Ind):

To ask the Scottish Government what steps it is taking to ensure that children with complex needs and medical conditions are appropriately supported in their education. (S5O-03076)

**The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney):** We want all children and young people to be able to make the most of their educational opportunities. Education authorities have duties under the Education (Additional Support for Learning) (Scotland) Act 2004 to identify, provide for and review the additional support needs of all their pupils, which includes ensuring that appropriate resources are in place to support pupils in their learning. The 2004 act is supplemented by specific guidance on meeting the healthcare needs of pupils while they are attending school and supporting children who are unable to attend school due to ill health.

**Mark McDonald:** The prevalence of children with life-limiting conditions in Scotland is increasing, and such children are surviving longer, meaning that many schools are now encountering complex medical conditions, which was not previously the case. Although the new guidance to which the cabinet secretary alluded addresses the issue of the liability that falls on individual staff members who support pupils' healthcare needs, there is a question as to whether it addresses the specific needs of children who require enteral feeding or medication.

Given that the prevalence of children who require tube feeding or medication may increase in the future, is the cabinet secretary willing to explore whether more specific guidance might be required, and would he be willing to meet me to discuss the issue further?

**John Swinney:** I am happy to explore the issue further. It concerns a very specialist set of circumstances. Having visited a number of educational facilities that provide support to young people who require tube feeding, I understand the complexities and challenges that it presents. Obviously, it could present a particularly acute challenge in a mainstream school environment. I

am happy to meet Mr McDonald to hear his views on how more focused guidance might help educational practitioners in that respect.

**Clare Adamson (Motherwell and Wishaw) (SNP):** The cabinet secretary will be aware of press reports with regard to inappropriate restraint at Clydeview school, which is in my constituency. Can I have an assurance from the cabinet secretary that concerns about restraint—such as are highlighted by the Children and Young People's Commissioner Scotland, Bruce Adamson, in the report "No Safe Place: Restraint and Seclusion in Scotland's Schools"—are being addressed?

**John Swinney:** I am aware of the report to which Clare Adamson refers. Those issues have been drawn to the attention of North Lanarkshire Council, which has been very open in supplying information to the Government. North Lanarkshire Council is investigating the incident, which is also the subject of a Police Scotland investigation. It would therefore be inappropriate for me to comment further on the circumstances of the Clydeview case.

In general, the Government's guidance on the use of restraint is crystal clear that it should only ever be used as a last resort after all other interventions have been exhausted and only in circumstances in which the safety of members of staff or of the child concerned would be supported as a consequence of restraint. However, I stress that it should be used only in the most limited set of circumstances, when all other avenues of positive intervention have been exhausted.

### Hunterston Nuclear Power Station

2. **Ross Greer (West Scotland) (Green):** To ask the Scottish Government, in light of further delays in reopening Hunterston nuclear power station, what discussions it has had with the Office for Nuclear Regulation to ensure that it will not be allowed to reopen unless safety standards are met. (S5O-03077)

**The Minister for Energy, Connectivity and the Islands (Paul Wheelhouse):** I met senior representatives from the Office for Nuclear Regulation on 21 February 2019. The purpose of the meeting was to discuss the current situation at Hunterston B and the processes that the ONR will use to make a decision on a possible restart of the reactors.

Although the ONR is not directly accountable to Scottish Government ministers, its representatives provided assurance that it will allow the reactors to restart only if it is satisfied that it is safe to do so, and that the ONR is functioning in an independent and transparent manner.

**Ross Greer:** As the minister will be aware, there are 370 cracks in the reactor core at Hunterston B, which is a significant safety concern for the community and workers. It is a nuclear power plant that has been repeatedly closed due to safety concerns, and its reopening has been repeatedly delayed. Regardless of that, its lifespan will not go beyond 2023, which is a huge concern for the workers and the community. Will the minister and the Scottish Government commit to ensuring that there is a just transition for every worker who is currently employed by or connected to the nuclear power industry at Hunterston?

**Paul Wheelhouse:** I can clarify that the checks have found 100 cracks, although it is estimated that there are 370. We do not know precisely how many cracks there are in the reactor, which is a point of fact to put across.

As I said in my original answer, the future of the reactors is a matter on which the ONR must engage with the operator, EDF Energy, and it is not directly accountable to the Scottish Parliament or the Scottish Government on that. We have an interest in the wellbeing of the community in North Ayrshire, as the plant employs many of its people, and we will do everything that we can to support them.

I do not want to prejudge the outcome of the exercise. We have to let the ONR do its work. I trust its judgment on the matter, and it has given us every assurance that health and safety is its primary concern. We will help if there are any implications for the plant itself.

**Kenneth Gibson (Cunninghame North) (SNP):** Does the minister agree that Hunterston B operates within stringent safety limits and that EDF is regularly in contact with the Office for Nuclear Regulation regarding graphite cracks and other safety-related matters?

I visited Hunterston B last week and spoke to EDF, and it is clear that safety is the overriding concern of all who work there. Their own lives and those of their families living in nearby communities depend on it.

**Paul Wheelhouse:** I agree with Kenneth Gibson about the workforce. Public safety is obviously the Scottish Government's absolute priority. It is well known that our position on the future of nuclear energy is that we do not support it.

From the interactions that I and my officials have had with the Office for Nuclear Regulation and EDF staff at Hunterston B, it is clear that health and safety is the priority. The ONR was keen to stress that, in terms of the quality of its work, the workforce at Hunterston is one of the best that it has ever come across, and it has absolutely no concerns about the skill or ability of

the workforce. If there are problems at Hunterston B, they are about the technology and not the workforce.

### Violent Behaviour in Schools

**3. Michelle Ballantyne (South Scotland) (Con):** To ask the Scottish Government what its position is on whether schools should have a zero tolerance policy toward violent behaviour. (S5O-03078)

**The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney):** Violence towards anyone is unacceptable, and the safety of our children, young people and staff at school is paramount. We, and our partners in the education sector, advocate an approach whereby schools and local authorities work with pupils on the underlying reasons behind inappropriate behaviour, which will enable them to re-engage with learning and personal development. We have published guidance for schools and local authorities that has a renewed focus on prevention, early intervention and response to individual need, which is in line with the principles of getting it right for every child.

**Michelle Ballantyne:** I was recently contacted by a teacher with 30 years' experience, who is currently working as a supply teacher. She was hospitalised after a metal implement was thrown and damaged her eye. Violence in schools is causing teachers to think twice about their careers. We know that we are struggling, because we learned at Christmas that more than £60 million has been spent to recruit supply teachers. Does the cabinet secretary recognise that violence in schools is deterring some teachers from pursuing their chosen profession?

**John Swinney:** I assure Michelle Ballantyne that I take the issue of violence in schools extremely seriously. However, we have to look at the evidence. There are unacceptable incidents, but the overwhelming evidence, as demonstrated in the report "Behaviour in Scottish Schools Research 2016", which was published in December 2017, indicates that teachers generally find pupils to be well behaved and that violence towards teachers is very rare.

We have to be careful about the narrative on Scottish education. If there are unacceptable incidents of violence, they will be dealt with, but, overwhelmingly, the behaviour of our young people in our schools is good. They are a credit to our country, and we should celebrate that while tackling unacceptable behaviour when it arises.

**Neil Findlay (Lothian) (Lab):** That is undoubtedly the case, and it was certainly my experience when I worked in schools. However, I have been approached by constituents who work

in our schools and who are assaulted by pupils on a daily basis—I do not exaggerate that point. Will the cabinet secretary give us some advice on how people who are in that situation should deal with that violence?

**John Swinney:** I reiterate what I said to Michelle Ballantyne a moment ago. There are unacceptable instances of violence in our schools that must be tackled immediately by school leadership. However, the evidence overwhelmingly demonstrates that teachers generally find pupils to be well behaved and that violence towards teachers is rare. When there is unacceptable behaviour, we should tackle the underlying reasons for that behaviour as part of a programme of early intervention to address the behaviour of young people, so that staff can undertake their work safely and securely, and to ensure that other pupils are safe into the bargain. That approach should be being taken in all schools, and I am confident that it is.

#### Helicopter Safety (North Sea)

**4. Lewis Macdonald (North East Scotland) (Lab):** To ask the Scottish Government whether it considers that enough has been done to address workforce concerns regarding helicopter safety in the North Sea since the disaster 10 years ago this week. (S5O-03079)

**The Minister for Energy, Connectivity and the Islands (Paul Wheelhouse):** The first of April will mark 10 years since the loss of 16 lives in the Super Puma accident off the Peterhead coast. Our thoughts and, I am sure, those of colleagues in the chamber are with all those who lost a loved one in that tragic event.

Since the tragedy, a range of work has been undertaken by the Civil Aviation Authority, the trade unions and the industry to develop and implement a range of safety measures, including a workforce engagement review that has been led by Oil & Gas UK and has involved the unions and the industry. The CAA will also carry out a post-implementation review of its CAP1145 safety review of offshore helicopter operations, which will be undertaken by an independent CAA team with engagement with key stakeholders including trade unions.

**Lewis Macdonald:** The minister will know that, since the disaster 10 years ago, another four offshore workers lost their lives off Shetland in 2013 and another 13 lives were lost in the Norwegian sector in 2016.

The fatal accident inquiry on the Peterhead crash found that it was preventable and, at much the same time, the House of Commons Transport Select Committee acknowledged the case for an inquiry that would look at the commercial

pressures that affect helicopter operations. Given that the view of the offshore workforce, the trade unions and many families is very clear, will the Scottish Government now get behind the calls for a full public inquiry before any more lives are lost offshore?

**Paul Wheelhouse:** I certainly recognise the sincere concerns that Mr Macdonald has expressed. I know that he has a strong and long-standing interest in safety in the oil and gas industry, so I very much respect his view on the matter and I continue to engage with him on it.

On the commercial pressures that the member mentioned, I note that aviation safety is reserved to the United Kingdom Government and Parliament under the Scotland Act 1998, but we continue to engage strongly with the regulators, particularly the Oil and Gas Authority, and with Oil & Gas UK and the operators that are present in the oil and gas industry leadership group, which I co-chair with Melfort Campbell. We will continue to raise and prioritise the issue of health and safety in the industry.

It is not the case that we are ignoring the issue—far from it. We are taking it very seriously. The FAI that Mr Macdonald mentioned has come forward with conclusions, but I point out that measures such as prohibiting helicopter flights in the most severe sea conditions are already being implemented, and I can write to the member about other steps that are being taken subsequent to the inquiry.

**Tavish Scott (Shetland Islands) (LD):** I associate myself with Lewis Macdonald's sensible question. I ask the minister to reflect on the fact that the Sumburgh crash, which Lewis Macdonald mentioned, is now six years past and there has still not been a fatal accident inquiry. Will the minister at least undertake to speak to the Crown Office to press the case for that fatal accident inquiry to begin, given that the families of those who lost loved ones still have no answers on what happened?

**Paul Wheelhouse:** I very much recognise the strong interest of Mr Scott and Alistair Carmichael, the local MP, in the role of an FAI. Investigations of deaths and decisions on fatal accident inquiries are, as I am sure the member is aware, matters for the Lord Advocate acting independently. The Scottish Government is providing an additional £5 million in the Crown Office budget for 2019-20 to allow it to continue to increase staffing in response to its increasingly complex case load. I cannot intervene in the direct decision making of the Lord Advocate, but we are making resources available to hold more fatal accident inquiries.

**Liam Kerr (North East Scotland) (Con):** Tavish Scott makes a good point. What angers the

colleagues and families of victims is that fatal accident inquiries can take years; I believe that one third of inquiries take more than three years. In 2016, the Inspectorate of Prosecution in Scotland made 12 recommendations to speed up and streamline fatal accident inquiries. Of those recommendations, how many have been implemented?

**Michael Matheson:** I appreciate that the member was not here at the time but, as he may know, we passed legislation on fatal accident inquiries in the previous session of Parliament. I was the minister responsible for taking the Inquiries into Fatal Accidents and Sudden Deaths etc (Scotland) Bill through Parliament. The act that that bill became includes a number of measures to improve the performance and delivery of inquiries, improve engagement with the families involved—which we recognise was a failing under the previous regime—and ensure that there is a charter in place to try to improve performance. I will happily reflect on the member's points, with justice colleagues, and come back to him with any answers about steps that have been implemented since the act was passed.

#### Rail Services (Milngavie)

**5. Gil Paterson (Clydebank and Milngavie) (SNP):** To ask the Scottish Government what recent meetings it has had with ScotRail and Network Rail regarding the efficiency of services using Milngavie station. (S5O-03080)

**The Cabinet Secretary for Transport, Infrastructure and Connectivity (Michael Matheson):** I last met the managing director of the ScotRail Alliance, Alex Hynes, in January and expect to meet him again on 24 April 2019. We will discuss a range of issues, including ScotRail's performance across the network. My officials at Transport Scotland meet monthly with Network Rail and ScotRail to discuss performance issues and improvement initiatives.

**Gil Paterson:** The cabinet secretary will be aware of the extremely poor performance record of services to Milngavie, which were the worst rated in Scotland. Have the works that were progressed to make improvements to those services been completed? What is the outcome?

**Michael Matheson:** I can confirm that the ScotRail Alliance implemented the recommendations of the Donovan report for Milngavie services, which has resulted in a significant improvement—17.5 per cent—in right-time departures at Milngavie. Recommendations included timetable changes, platform extension work, and additional train and crew to allow services from Milngavie to depart on time. Those recommendations were delivered, along with similar ones in the Strathclyde area, which has led

to performance improvement in the wider Strathclyde network. I can confirm to the member that more work is under way to implement further timetable changes to sustain that improvement.

**Jamie Greene (West Scotland) (Con):** The cabinet secretary might be aware of the suggestion that dualling the track between Milngavie station and Hyndland might improve some of the blockages on that line. Has the Government given any consideration to that as a viable or worthwhile concept and, if so, can the cabinet secretary outline the next steps and a timescale for doing so?

**Michael Matheson:** Network Rail is presently assessing what further actions it can take on the line to improve performance. That includes looking at how it can enhance existing infrastructure arrangements on the line. Network Rail will report in due course on that issue.

#### Care Funding (South Ayrshire)

**6. John Scott (Ayr) (Con):** To ask the Scottish Government what discussions it has had with NHS Ayrshire and Arran and South Ayrshire Council regarding the reported shortage of funded packages of care in South Ayrshire. (S5O-03081)

**The Cabinet Secretary for Health and Sport (Jeane Freeman):** Officials are engaging with senior officers in South Ayrshire regarding local plans to address current difficulties in the provision of appropriate care. That includes the partnership's longer-term plans for service redesign. It is part of our wider work with all three integration joint boards, in partnership with NHS Ayrshire and Arran, on making the best use of the totality of their budgets to shift the balance of care into community settings.

**John Scott:** The cabinet secretary will be aware that NHS Ayrshire and Arran is expected to have a deficit of £20 million or thereby this year, while South Ayrshire Council has already overspent its social care budget for this year. What advice and help can the Scottish Government give to those two organisations, which, between them, are sustaining around 60 people in a hospital environment when those people are ready and waiting to be discharged into the community?

**Jeane Freeman:** I am sure that Mr Scott knows and appreciates that there are many reasons for delayed discharge, some of which may be what are called code 9 reasons, which are to do with powers of attorney and guardianship and can take quite a long time to resolve. Some of the reasons are to do with a patient's own requirements. Even so, I take very seriously delayed discharge, which occurs because care in the community is not available, or is not appropriate to an individual's needs.



Mr Scott will also be aware of the significant increase in the health boards' baseline budgets thanks to the budget that we passed not that long ago; of the brokerage arrangements that I have made as part of our medium-term financial planning framework, which also allows our NHS boards the flexibility of a three-year planning framework; and of the additional £160 million that, through local authorities, has gone from the health budget to health and social care partnerships in order to provide additional care.

Nonetheless, we are actively engaging with the Convention of Scottish Local Authorities, which is an important partner in this and with individual health and social care partnerships, to help them to understand the situation with the funding arrangements. The point of integration is not to worry about whose budget something comes from, but to make sure that the care that people need is provided. We are working individually with areas that have particular difficulties, including South Ayrshire, where there is a requirement for significant redesign and improvement of care at home and social care packages to bring them to a comparable footing with their colleagues elsewhere in Ayrshire and Scotland.

## First Minister's Question Time

12:00

### Brexit (Indicative Votes)

1. **Jackson Carlaw (Eastwood) (Con):** After months—years, even—of sanctimony from the First Minister and her Brexit secretary—*[Interruption.]*

**The Presiding Officer (Ken Macintosh):** Mr Carlaw, I will suspend proceedings for a few moments.

12:01

*Meeting suspended.*

12:02

*On resuming—*

**Jackson Carlaw:** If we are not to be a fortress, we must be prepared to accept that demonstrations are a democratic right. *[Applause.]*

However, I have given the start of my question away. After months—years, even—of sanctimony from the First Minister and her Brexit secretary, yesterday, Scottish National Party MPs refused to back the very policy option that they have been demanding. Is it not the case that, yesterday, Scotland saw yet again that, for the SNP, when push comes to shove, it is not about finding a solution to Brexit but about pursuing its independence obsession?

**The First Minister (Nicola Sturgeon):** It is hard not to laugh. The Tory Secretary of State for Scotland abstained on every single option in the House of Commons last night.

However, as Jackson Carlaw rightly says and belatedly recognises, for two long years, when stopping Brexit did not seem possible, the SNP argued for a single market and customs union membership compromise. That was ignored by the Tories and, indeed, by everybody else. That option, which is the minimum that we would need to protect Scotland's interests, was not actually on the ballot paper last night. That said, over the next few days, we will continue to work across Parliament for a compromise of that nature, if that proves to be the only alternative to a hard Brexit.

Thanks to the Tories, the whole process is now such a mess that stopping Brexit altogether must be our top priority. Moreover, that is now possible. Actually, the option that received the highest number of votes in the House of Commons last night was the people's vote option. The principle that has guided everything that we have done in this matter is the protection of Scotland's interests.

Can Jackson Carlaw tell us what principles have guided the Scottish Tories? It seems to me that the only principle that they have been abiding by is doing whatever their London bosses have told them to do.

**The Presiding Officer:** Answer succinctly, please.

**Jackson Carlaw:** There was no principle in the way that the SNP voted last night. In contrast, I saw a Prime Minister who was prepared to set aside her own premiership in order to secure a deal that, contrary to everything that the SNP says, will be good for Scotland and the United Kingdom.

By contrast, here is the First Minister's record. She angrily demands that the Prime Minister goes. She angrily complains when the Prime Minister does go. She then angrily declares that the Prime Minister's decision to go—you guessed it—makes the case for independence. Faux outrage, grievance and her own one single-minded obsession—are Scots not right to detect just a little bit of a pattern here?

**The Presiding Officer:** More succinctly please, First Minister.

**The First Minister:** Again, one has to laugh at the fact that Jackson Carlaw has come in here today and raised the position of the Prime Minister. It is traditional in politics for leaders to say to colleagues, "If you don't back me on an issue of such importance, I might have to resign." That is not the case with the Tories, though; Theresa May's position is, "If you don't back me, I'll stay." Theresa May must be the only leader in living memory who has tried to fall on her own sword and has managed to miss. It is utterly ridiculous.

The SNP, in contrast to the Tories, will continue to stand up for Scotland's interests. That is what we have done since day 1 after the Brexit referendum. The way to stand up, not just for Scotland's interests but for the interests of the entire United Kingdom right now, is to recognise that the Brexit process is a complete and utter mess and put this issue back to the people. So, belatedly, can Jackson Carlaw find it within himself to actually stand up for Scotland instead of being the last man standing up for Theresa May?

**Jackson Carlaw:** Nicola Sturgeon does not stand up for the Scottish interest; she stands up for the nationalist interest.

On Monday, the Prime Minister said that she was "sceptical" that yesterday's trawl through the alternatives would produce an outcome—she was right. For the avoidance of doubt, no deal was rejected; a second referendum was rejected, again; and revoking article 50 was rejected.

Yesterday, when it came to the crunch, the First Minister whipped her MPs against supporting her own policy of a customs union and single market membership—and that was defeated, too.

Does the result of the votes not demonstrate that Alex Neil and Jim Sillars are right: the best way forward to secure an orderly withdrawal is to support the Prime Minister's deal?

**The Presiding Officer:** More succinctly please, First Minister.

**The First Minister:** As I said, the compromise position that the SNP put forward when it looked as if remain was not an option—which is not the case now, incidentally—was not on the ballot paper last night. It has never been our position to accept just a customs union. That would not be sufficient to protect Scotland's interests.

I disagree with Jackson Carlaw's characterisation of what happened last night. Two of the options, which were a customs union—albeit a customs union alone—and a second referendum, both got more votes in the House of Commons than the Prime Minister's deal has managed on either of the occasions when it has been brought forward and defeated. That gives the House of Commons something to move forward with into next week.

I do not think that the thing to do now is vote for a bad deal that would take Scotland out of the European Union, out of the single market and out of the customs union. The right thing to do now is to put this issue back to the people. I say again that if Jackson Carlaw was interested in actually standing up for Scotland's interests, or indeed the interests of the UK, that is the option that he would be arguing for, too.

**Jackson Carlaw:** The argument for many against the Prime Minister's deal was that there was support for an alternative. The votes in the House of Commons last night demonstrated that there is not. It is clear that there is a deal—one that secures an orderly way forward and is supported by Jean-Claude Juncker, Donald Tusk and 27 of our other EU partners and backed by the business community here in Scotland, the whisky industry and our fishermen—and that is the Prime Minister's deal. Surely after all the confusion with every other alternative being rejected yesterday, the national interest is served by supporting that compromise. Surely it is time to back the deal and get on with it.

**The First Minister:** The Prime Minister's deal may or may not be backed by all the people whom Jackson Carlaw just listed. The problem is that the Prime Minister's deal is not backed by his own party, and that is why the Prime Minister cannot get it through. Even if every single SNP MP had

backed the Prime Minister's deal, it would still have gone down to massive defeat.

It is time that the Prime Minister and her sole remaining defenders, Jackson Carlaw and the Scottish Tories, accepted that the deal is dead. It is now time to move on to another option. The option that got most votes last night in the House of Commons was the people's vote. That is the right thing to do, but today we see Jackson Carlaw again failing to stand up for Scotland's interests and simply standing up for Theresa May and his London bosses.

### Child Poverty

**2. Richard Leonard (Central Scotland) (Lab):** The Prime Minister's answer to Commons gridlock and Brexit meltdown is to offer to resign—again. While MPs cannot make a decision, too many people in the real world have no choice, day in and day out, but to make heart-breaking decisions as a result of a decade of Tory austerity—decisions such as paying the bills or feeding their children. The result is that more than half a million food parcels were handed out in Scotland over the past 18 months.

Does the First Minister agree that Brexit is not the only reason why Theresa May must go?

**The First Minister (Nicola Sturgeon):** Yes, I do. I look back a few years, to 2014, and I reflect on the fact that, if Labour had not teamed up with the Tories to stop Scotland becoming independent, we would not have had a Tory Prime Minister for the past few years. *[Interruption.]*

**The Presiding Officer:** Order, please.

**Richard Leonard:** The First Minister was teaming up with some interesting people at the weekend, I noticed. *[Interruption.]*

**The Presiding Officer:** Order, please. Thank you.

**Richard Leonard:** That is constitutional politics. *[Interruption.]*

**The Presiding Officer:** Let us keep the noise down, please. Order, please.

**Richard Leonard:** The First Minister and I may differ on some things, but we share some frustrations about the Brexit process, not least in how it is detracting from all the other issues that really matter to people: issues such as jobs, schools and hospitals, and child poverty.

In October last year, the First Minister told me that she would not support Labour's plan to increase child benefit by £5 a week, because her Government estimated that it would lift only 20,000 children out of poverty. New figures for child poverty were published by the Scottish

Government this morning. Will the First Minister tell members how many more children in Scotland are now living in poverty?

**The First Minister:** If we look at this morning's figures, child poverty has increased and that is deeply regrettable. We know why it is increasing: because of the welfare cuts and the austerity that are being imposed by the Tory Government.

Child poverty, and poverty generally, in Scotland is too high, although it is important to note that it is lower in Scotland than it is in England or Labour-run Wales. Nevertheless, it is because child poverty is too high that we are taking steps to mitigate the impact of Tory welfare cuts and to invest in reducing child poverty and, of course, we are committed to the introduction of an income supplement, which will lift more children out of poverty, by making sure that we target that resource to those who most need it. When we publish the way forward on that by June this year, I hope that we will get Scottish Labour's support for it.

**Richard Leonard:** This morning's figures show that 10,000 more children in Scotland are living in poverty. That means that almost a quarter of a million children in Scotland are living in poverty today. No wonder Dr Mary Anne MacLeod from the anti-poverty project, a menu for change, says that the Scottish Government must

"give people living on cups of tea and thin air more to sustain them. And they must do it now."

No wonder that the Child Poverty Action Group says:

"The Scottish Government's timetable for a new income supplement fails to reflect the extraordinary increase in child poverty that the country faces. Children in poverty really can't wait until 2022".

Why is the First Minister making those children wait?

**The First Minister:** We are doing the work to ensure that we have a policy that can be delivered and paid for, and which lifts the maximum number of children out of poverty. This week, Labour's most recent policy announcement—on bus travel—was exposed as completely unworked through. It is not fair to promise people things that cannot be delivered. We will not do that. We will make plans that can be delivered.

On action that we are taking to tackle child poverty, we are investing £125 million a year to mitigate the worst impacts of Tory policy. We heard what the UN rapporteur on poverty said:

"Devolved administrations have tried to mitigate the worst impacts of austerity, despite experiencing significant reductions in block grant funding and ... limits on their ability to raise revenue. ... But mitigation comes at a price and is not sustainable."

We will continue to take real action. We will continue to demand that the powers that the Tories are using to impose those policies on Scotland are brought to the Scottish Parliament. The sooner that Richard Leonard supports us in that, the better.

**The Presiding Officer:** We have some constituency supplementaries.

#### **Pupil Teacher Ratios (Edinburgh)**

**Gordon Lindhurst (Lothian) (Con):** The First Minister will be aware of recent national statistics data showing that Edinburgh has the worst pupil teacher ratio in Scotland and that it has steadily worsened since the Scottish National Party came to power. The First Minister asked to be judged on her record on education, so what assurances can she give that more will be done to reverse that trend and meet the individual needs of pupils in Edinburgh who are being let down by her Government?

**The First Minister (Nicola Sturgeon):** Pupil teacher ratios across the country are broadly stable. Over the past few years, we have seen overall teacher numbers increasing: we have the highest number of teachers overall since 2010 and the highest number of primary school teachers since 1980—when I was still at primary school. We have seen attainment in our schools increasing and we are seeing the attainment gap closing. That is good progress and we are determined to continue with that.

#### **Deportation (Sbita Family)**

**Emma Harper (South Scotland) (SNP):** I have written to the Home Secretary and the Scottish Government minister responsible for migration seeking urgent intervention to prevent six of my constituents—the Sbita family—from being deported imminently from Dumfries to Tunisia. The family—four of whom are under 16—are being deported simply on the basis that they cannot afford to pay the almost £7,000 fee for the Home Office to process their application. The family are now reporting to the police every week until their deportation, and are unable to work, study or make money for themselves.

In the absence of any fast action from the local Tory MP, what advice can the First Minister offer me to support my constituents? Is there any action that the Scottish Government can take to help my constituents to remain in Scotland?

**The First Minister (Nicola Sturgeon):** I thank Emma Harper for raising the case. It is an illustration of Tory-run Britain; it is a shocking and appalling case—the Tories sitting in the Scottish Parliament should be ashamed.

I am hugely sympathetic to all those people—we are talking about many people—who have difficulties navigating the complex and increasingly restrictive immigration rules. The Scottish Government welcomes and hugely values people from all over the world who choose to build their lives here. Scotland is stronger because of our multiculturalism. Non-United Kingdom citizens are an important part not just of our present, but of our future.

The UK Government's immigration system is not fit for purpose. We want to see a less restrictive, more humane system that meets our needs and provides a welcoming environment for new Scots and their families. The Minister for Europe, Migration and International Development will make representations to the Home Office and respond to Ms Harper as soon as possible.

#### **Air Traffic Controllers (Industrial Action)**

**Edward Mountain (Highlands and Islands) (Con):** The First Minister will know that, from Monday, air traffic controllers working for Highlands and Islands Airports Ltd will start their work to rule, which will result in severe disruption. On 26 April, proposed strike action will close seven airports for 24 hours. Given the importance of air travel to businesses and families in the Highlands and Islands, what contingency plans does the Scottish Government have in place to help?

**The First Minister (Nicola Sturgeon):** I am extremely disappointed about the planned strike action. Highlands and Islands Airports Ltd is covered by the public sector pay policy. HIAL has implemented a pay rise for all staff that is an improvement on previous years; it has also increased significantly its contribution to the pension scheme to maintain that benefit for employees. I understand that the issue is to go to the Advisory, Conciliation and Arbitration Service and I hope that we will see early resolution of it, so that the travelling public do not suffer any unnecessary disruption.

#### **Food Banks (Emergency Food Parcels)**

**Gillian Martin (Aberdeenshire East) (SNP):** This week, the Instant Neighbour charity published startling figures on a stark increase in the number of people in Aberdeen and Aberdeenshire receiving emergency food parcels from food banks, with 12 independent food banks distributing more than 27,000 parcels in the past 18 months. Why have we seen such an increase, and what could be done to prevent the rise in food bank use in an area in which everyone should be thriving?

**The First Minister (Nicola Sturgeon):** The latest data showing the number of food banks and the number of emergency food parcels shows

numbers that are far too high. The Scottish Government promotes an approach to tackling food insecurity that has dignity at its heart. We support FareShare, for example, to help build better community resilience. As I said in response to Richard Leonard, we are doing everything that we can to mitigate the impact of the welfare cuts and austerity imposed on Scotland, which are the driving factors behind the increase in food bank use.

In answer to Gillian Martin's question, that is the reason for the increase. The Scottish Government will do everything that we can to mitigate it, but the sooner that we can tackle the issues at source by taking the decisions here in our own Parliament, the better.

### Stoneywood Mill

**Mark McDonald (Aberdeen Donside) (Ind):** I have previously raised the issue of Stoneywood mill in my constituency entering administration. Since then, a phenomenal collective effort involving the workforce, management, the trade unions and local and national agencies has sought to present a clear message that the mill has a positive future. It is reported today that a preferred bidder has been identified. While there is still some distance to travel, does the First Minister agree that that is strong testament to that united approach, which we hope will secure a bright future for the business and its 482-strong workforce?

**The First Minister (Nicola Sturgeon):** Yes, I agree. We have had some positive news this week, as Mark McDonald has outlined. He is right to be cautious—there is a long way to go. The positive news about the preferred bidder is testament first to the skills and dedication of the workforce and secondly to the joint collective effort that will continue to make sure that Stoneywood mill has a positive future.

### Child Poverty

3. **Alison Johnstone (Lothian) (Green):** It is clear that the First Minister shares my grave concern that Scottish Government and Resolution Foundation analysis confirms that the number of children living in poverty in Scotland is steadily rising. It is clear that she also shares my anger and frustration that that worrying rise is, in the words of the senior economic analyst at the Resolution Foundation

“almost entirely driven by UK-wide decisions”.

While we continue to call for an end to the mean-spirited, punitive welfare policies of the United Kingdom Government, it is clear that the Scottish Government must do all that it can to raise the living standards of our poorest families. Is the First

Minister really saying that low-income families in Scotland will have to wait until 2022 before the Scottish Government introduces a desperately needed income supplement?

**The First Minister (Nicola Sturgeon):** I agree with Alison Johnstone's sentiments. As we have said, by June this year we will set out an update on the work, which will be available for Parliament as a whole to scrutinise and debate. That will be published alongside our analysis of policy and delivery options. Those are important aspects—considering the delivery options as well as how we pay for the policy is a vital part of making sure that the policy can be delivered properly.

There are two principles driving our work: reaching the greatest number of children in poverty, and topping up income sufficiently to lift those households out of poverty. I have a lot of sympathy for the organisations behind the give me five campaign. However, £7 out of every £10 would be spent on families who are not living in poverty. If we are to do this, which we are committed to doing, we must make sure that the money gets to those who are most in need.

**Alison Johnstone:** Living up to the targets that the Parliament unanimously supported in the Child Poverty (Scotland) Act 2017 must be a priority, so we need to use every tool that we have at our disposal. The Resolution Foundation's report on child poverty says:

“It is also possible that replacing the current regressive system of council tax, as cross-party talks are set to discuss, could help reduce child poverty, if done right.”

Will the First Minister commit to ensuring that our local and national tax systems are significantly more progressive, to allow us to raise the money that we need to fight child poverty in Scotland?

**The First Minister:** We are already raising extra revenue through a more progressive income tax system, which the Greens have welcomed, even if not every party in the chamber has done. As Alison Johnstone has said, we have committed to cross-party talks on the reform of council tax, and I hope that all parties will agree to take part in those talks. Putting the progressive principle at the heart of the system should be a priority and objective for all of us.

### Armed Forces (Income Tax Recompense)

**Maurice Corry (West Scotland) (Con):** Will the First Minister join me in welcoming yesterday's excellent announcement from the Prime Minister that the men and women in our armed forces who serve in Scotland on a tour of duty will now receive financial recompense from the United Kingdom Government in the tax year 2019-20, as a result of the increase in the tax rate that the Scottish National Party imposed last year?

**The First Minister (Nicola Sturgeon):** I was wondering which welcome announcement from the Prime Minister the member was going to ask me to welcome.

The Tories talk about more highly paid members of our armed forces who, because of our progressive income tax system, pay a little bit more tax in Scotland, but we do not hear the Tories talking about the estimated 37,000 lower-paid Ministry of Defence personnel in England who now pay more tax than their counterparts in Scotland pay. Interestingly, I have not heard any suggestion that the Tories will compensate them for the fact that they are paying more tax in England than they would pay if they were based here in Scotland. I also do not hear the Tories saying that they will compensate MOD personnel in England for the free prescriptions that their counterparts in Scotland get, or for the access to free education that those who are ordinarily resident in Scotland get, which those in England do not get. MOD personnel, along with every public sector worker in Scotland, get a far better deal than their counterparts in England get. The Tories should reflect long and hard on that.

#### Article 50 (Revocation)

**Rona Mackay (Strathkelvin and Bearsden) (SNP):** Yesterday, Theresa May offered her own resignation in an attempt to win support for her deal, but even that does not seem to have been enough. Does the First Minister think that it is high time that the Prime Minister accepted that her deal is finished and that article 50 should be revoked to put a stop to the chaos?

**The First Minister (Nicola Sturgeon):** Yes. It seems that, apart from Theresa May, the only people who do not see that her deal is completely dead are the Scottish Conservatives. It is time to move on to better options, and I have made clear my views on a people's vote.

Interestingly, last night the House of Commons had the option to emphatically rule out a no-deal Brexit by saying that, in that scenario, it would choose to revoke article 50—that was the amendment that the Scottish National Party's Joanna Cherry tabled last night. I will need to double check this, but I think that, with one exception, all the Scottish Tories voted in a way that suggests that they would prefer a no-deal Brexit to revoking article 50. That is inexplicable, given that we know the damage that a no-deal Brexit would do to Scotland, and it is yet another example of the Tories being way, way, way out of sync with Scotland's national interests.

#### Perth College UHI (Closure of Learning Centres)

**Murdo Fraser (Mid Scotland and Fife) (Con):** Last week, the Perth College UHI announced the closure of its learning centres in Kinross, Crieff and Blairgowrie. Does the First Minister share my concern that that short-sighted decision will do serious damage to rural education opportunities in Perth and Kinross? What role does she think the 3.2 per cent real-terms cut to the budget of the University of the Highlands and Islands played in the decision?

**The First Minister (Nicola Sturgeon):** In our budget overall, we have increased funding to colleges and to universities. Interestingly, Murdo Fraser and his colleagues voted against that budget.

As far as the particular issue that Murdo Fraser raises is concerned, I share his concerns. I know that local members have been raising those concerns and that they will continue to do so.

#### Democratic Unionist Party (Influence)

**Stewart Stevenson (Banffshire and Buchan Coast) (SNP):** Has the First Minister noted that the vote of an individual Democratic Unionist is worth more than £100 million but that the opinion of this Parliament—and, similarly, that of the Assembly in Cardiff—is worth nothing? How does the First Minister respond to that?

**The First Minister (Nicola Sturgeon):** I do not think that it will be lost on many people across Scotland that, right now, a handful of Democratic Unionist Party members of Parliament appear to have more say over Scotland's future than the democratically elected Parliament of Scotland does. That is absolutely disgraceful.

The fact that the DUP appears to be able to get so much money out of the Prime Minister should not be lost on the Scottish Tories. There are more Scottish Tories than there are DUP MPs, so why are they not managing to get anything for Scotland? The answer is that the Scottish Tories never manage to do anything for Scotland, ever.

#### Frank's Law

4. **Emma Harper (South Scotland) (SNP):** To ask the First Minister what progress is being made with the implementation of Frank's law. (S5F-03221)

**The First Minister (Nicola Sturgeon):** I am absolutely delighted to confirm that the extension of free personal care to those under 65 who are assessed as requiring it will begin on Monday, for which £30 million of new investment is being delivered in our budget for 2019-20. We have been working with the Convention of Scottish

Local Authorities, local authorities and stakeholders to ensure that the policy will be successfully implemented.

**Emma Harper:** I welcome the step change in the provision of free personal care and the benefit that its expansion will provide to people, not just in the south of Scotland but throughout the country, who require care.

When free personal care was first introduced in the United Kingdom, the UK Government clawed back moneys that were spent on attendance allowance. With the extension of free personal care, has the UK Government given any commitment not to cut the disability benefits of people who receive free personal care?

**The First Minister:** No. Unfortunately, the UK Government has made no such commitment. When we were bringing forward the steps that were necessary to put the extension in place, we called on the UK Government not to cut those disability benefits but, unfortunately, it rejected those calls.

Our actions in extending free personal care will ensure that no one is left out of pocket by the UK Government withdrawing the care elements of disability living allowance or the personal independence payment, but the Tories need to explain why, given that they rightly backed the calls to extend free personal care, they voted against it in our budget in this Parliament and are going to cut DLA or PIP payments at Westminster, too. That is something else that seems utterly inexplicable to me.

**Miles Briggs (Lothian) (Con):** Two years ago, I was honoured to introduce my Frank's law bill in Parliament alongside Amanda Kopel, so the progress that is being made is welcome.

One key area that Alzheimer's Scotland has highlighted in its recent report, which the Government has not responded to, is the issue of equality of access to healthcare for people with advanced dementia. Now that councils will be asked to deliver personal care to those people, what steps will ministers take to guarantee that a postcode lottery does not develop across Scotland?

**The First Minister:** We will continue to work with councils and to liaise with organisations such as Alzheimer's Scotland to make sure that people who are assessed as needing personal care get it, and I hope that all members will play their part in that.

I commend all those who have campaigned for the policy. In particular, I commend Amanda Kopel, who is due a great amount of credit and gratitude from all of us for all her efforts.

We will undoubtedly continue to debate issues such as those that have been raised by Miles Briggs and Emma Harper, but I want to sound a note of consensus. Let us pause to reflect on the fact that the introduction of free personal care for the over-65s was one of the proudest achievements of this Parliament in its early years. As we celebrate the 20th anniversary of the Parliament, it is really appropriate, and something that all of us should be proud of, that we are extending the policy to under-65s as well. As a Parliament elsewhere on these islands obsesses with Brexit, all of us should be proud that our Parliament is getting on with the socially progressive change that our country wants to see.

#### **Local Authorities (Mandatory Care and Risk Management)**

**5. Liam Kerr (North East Scotland) (Con):** To ask the First Minister whether the Scottish Government will make it mandatory for local authorities to adopt care and risk management practices, in light of reports that some councils are not monitoring children and young people who display harmful behaviour. (S5F-03222)

**The First Minister (Nicola Sturgeon):** Care and risk management—CARM—is a multi-agency framework designed to assist with the early identification, assessment and management of children aged 12 to 18 who display harmful behaviours, while ensuring that their needs are met and links are made to child protection procedures.

The Scottish Government produced the framework in partnership with a wide range of expert practitioners. It is considered to be best practice and should be undertaken by local authorities. Ultimately, the decision to adopt CARM is for each local authority, but we recommend that they do so.

**Liam Kerr:** *The Sunday Times* reported last week that the Scottish Government's policy to help social workers and police protect the public from those displaying harmful behaviour is not being followed in Argyll and Bute, where Alesha MacPhail was horrifically murdered. Apparently, 15 other councils are not monitoring children at risk of causing harm.

I asked whether the First Minister would make it mandatory to follow the policy, but I am not sure that I heard an answer. In order to be sure, I will ask again. Will the First Minister commit to mandating that councils follow the policy? In the meantime, will the First Minister name which local authorities do not follow the policy? Will she write to those councils and urge them to adopt it?

**The First Minister:** First, I take the opportunity to express my sincere condolences and, I am

sure, those of everybody across the chamber, to the family of Alesha MacPhail. None of us can even begin to imagine what her family is going through. My thoughts, and, I am sure those of everybody else, are with them at what is a difficult time and what, I am sure, will continue to be a horrendously difficult time for them.

This is an important issue, so I will take a few moments to set out the position. It is important to point out that it is not quite correct to say that councils are not monitoring children and young people who are displaying harmful behaviour—in fact, that is not correct at all.

Although many councils use the specific CARM guidance, others use individual protocols to achieve the same objectives. For example, Argyll and Bute Council has confirmed that, although it does not specifically use the CARM guidance, it uses protocols that are similar to it. Those protocols apply the same approach and reflect child protection guidance.

Obviously, Argyll and Bute Council has undertaken an initial case review into that tragic incident, and it is considering whether a significant case review is required. If and when that is carried out, there may well be lessons to learn. If one of those is around the CARM guidance, we will reflect on that.

Standards for youth justice are being developed between the Scottish Government and key partners for publication in June. The standards will outline the minimum expectations for all services delivering youth justice, and will include a standard on care and risk management. As part of the work, consideration is being given to updating the CARM guidance.

There is on-going work in this area, but the key point that I urge all members to take away with them is that councils that are not using the CARM guidance will be using similar protocols. It is important that that assurance is given to the chamber and the wider public.

### Child Poverty Income Supplement

**6. Elaine Smith (Central Scotland) (Lab):** To ask the First Minister whether the Scottish Government will consider bringing forward the introduction of an income supplement, in light of two recent reports predicting an increase in child poverty. (S5F-03223)

**The First Minister (Nicola Sturgeon):** Yes, we will. Those reports, which we have reflected on previously today, show the devastating impact of the United Kingdom Government's welfare cuts. It has taken avoidable and conscious decisions to drive families in Scotland and across the UK into poverty.

We have committed to setting out options for the income supplement prior to the summer recess, and that is what we will do. We look forward to working with members across the chamber to design and implement an income supplement that helps the maximum number of children and families who need it most.

**Elaine Smith:** I am glad that the First Minister agrees that those are shocking reports. We need to push for urgency because, to date, on the Scottish National Party's watch and fuelled by Tory austerity, child poverty in Scotland continues to rise. The Resolution Foundation report predicts a rise to 29 per cent by 2023. That should be a cause of shame for every elected member in the chamber.

If I heard correctly—I hope that I did—I think that the First Minister has finally listened to Labour's call for the income supplement to be brought forward. We cannot wait until 2022 at the earliest, because, as Dr Mary Anne MacLeod said, "promises to help people in three years' time are of little comfort to parents whose cupboards are empty right now."

Given that tackling poverty cannot wait, will the First Minister also listen to Scottish Labour, children's charities, faith groups and academics and immediately implement a £5 supplement to child benefit? That would lift tens of thousands of children out of poverty right now. Or will the First Minister just continue to talk about it while families are struggling below the breadline? Jam tomorrow is no use—

**The Presiding Officer:** That is enough, Ms Smith, thank you.

**Elaine Smith:** —when families do not even have bread today.

**The First Minister:** This is a serious issue. I am on record, not just today but on many occasions, as saying that I think that poverty rates generally and child poverty rates in particular are too high in Scotland. In Scotland, the child poverty rate is 22 per cent—which is far too high—but it is worth noting that the rate in the UK as a whole is 26 per cent, and it is 26 per cent in Wales, too. The member's assertion that this is somehow down to the SNP simply does not bear scrutiny.

I have to say that what marks out the SNP Government is our determination to take action to tackle child poverty. Scotland is the only part of the UK with statutory targets. We are doing mitigation to protect against Tory welfare cuts and work to look at how we have an income supplement that raises the maximum number of children out of poverty. Whether or not Labour members want to accept it, the reality is that we need a delivery mechanism and the budgeting for that. We cannot simply promise something if we



do not know how it can be delivered or paid for, and we are doing the hard work to make this possible, not just in rhetoric but in reality.

We will bring forward the update before June and Parliament as a whole can debate the best way forward. That is the right way to go, and it is the way that is in the best interests, in the longer term, of children across Scotland.

**Michelle Ballantyne (South Scotland) (Con):** I agree with the First Minister that we must ensure that any money is targeted at those in need, not given as a universal benefit to many people who do not need it. However, the introduction of an income supplement would experience economic shock factors and the volatility of the economy. Does the First Minister believe that that factor needs to be very much considered in the introduction of an income supplement? How would the Scottish Government manage that?

**The First Minister:** Forgive me—I am genuinely not sure that I entirely understand the question, but I am happy to reflect on it and to reply later. Of course, all of these issues can be properly discussed and debated when we bring forward the update with suggested ways forward in June.

I say in all sincerity to Michelle Ballantyne that we would not be having this discussion right now if it were not for the policies of her party at Westminster, imposing welfare cuts and austerity on children and families across Scotland. Perhaps if she reflected on that before she next stood up in this chamber to talk about child poverty, we would all be a lot better off.

**The Presiding Officer:** That concludes First Minister's questions. Before we move to members' business, we will have a short suspension while members, ministers and those in the gallery change their seats.

12:43

*Meeting suspended.*

12:45

*On resuming—*

## **Misogyny, Racism, Harassment and Sexism Against Women**

**The Presiding Officer (Ken Macintosh):** The next item of business is a members' business debate on motion S5M-16231, in the name of Rhoda Grant, on condemnation of misogyny, racism, harassment and sexism. The debate will be concluded without any question being put.

*Motion debated,*

That the Parliament condemns misogyny, racism, harassment and sexism against women, especially in the working environment; considers that decades of policies to eradicate this have failed in some quarters, and notes calls for more to be done in public agencies to tackle the problem and to eradicate such damaging mistreatment once and for all across Scotland, in the Highlands and Islands, and beyond.

**Rhoda Grant (Highlands and Islands) (Lab):** I thank everyone who signed the motion for the debate. This is probably the most difficult speech that I have made to Parliament, and it is not suitable for children to hear.

Imagine that you have returned to work after a relationship break-up with a person who is a work colleague. That relationship has been short but devastating. You have to take out a non-harassment order against your former partner, and you suffer a miscarriage. On your return to work, you ask your line manager for time off to attend counselling and he tells you to go in your lunch breaks. He knows that you have taken out a non-harassment order, but threatens to send you to work in another office, beside your ex-partner. Your line manager tells you:

"I think I will go off with stress. If it works for some in here, well, it should work for me."

He also says:

"F\*\*\*ing foreigners—shoot each and every B\*\*\*\*\*. Coming into our country, taking our money and expecting everything handed to them."

That manager also refers to women in extremely derogatory terms. I cannot repeat the language here in the chamber, but it was racist, sexist, vicious and degrading.

This is what happened to DeeAnn Fitzpatrick, who is originally from Canada, and is a fishery officer in Caithness. I have been representing DeeAnn for a decade. The language that her line manager used was commonplace in the office, and was often used in front of stakeholders. DeeAnn has been subjected to institutional racism, sexism, harassment and abuse at the hands of Marine Scotland, which is a Scottish Government directorate.

Despite my having raised the matter at senior levels of Government—with the previous permanent secretary, and with John Swinney, Richard Lochhead, Paul Wheelhouse and the First Minister—the abuse continues. I am now taking my lead from DeeAnn, who is a brave and courageous woman: I am going to blow the whistle, too.

DeeAnn contacted me because she was concerned about another member of staff who was being bullied. I was aware of bullying at Marine Scotland in Scrabster, but had nothing that I could follow up. DeeAnn had enough of it and became a whistleblower. As a result, two male fishery officers were suspended—one for pretending to punch a female member of staff in the back of her head. He was the woman's line manager. He was encouraged by the senior fishery officer—DeeAnn's boss—who told him to make sure it was a good one. DeeAnn reported the incident. Both officers were disciplined. The senior fishery officer was demoted and proposed for a move to another office. The fishery officer who acted out the assault was dismissed. However, both successfully appealed.

The Scottish Government knows that the senior fishery officer secretly recorded the disciplinary panel's deliberations and learned details that led to the successful appeals. When the senior fishery officer returned to the Scrabster office, he chose a desk close to DeeAnn's. She is often forced to work alone with him. He knows that she reported him. Work colleagues were also told that DeeAnn had reported the incident.

Over the years, the oppressive behaviour has been constant and undermining. For example, when a fishery officer was off with the flu, the senior fishery officer said:

"Well, you could be like certain other people, have a miscarriage and take six months off work."

Initially, colleagues stuck up for DeeAnn and said, "That was nasty." The senior fishery officer then leaned over his desk and said to DeeAnn:

"No, that was not nasty, my dear, but I can be nasty."

After DeeAnn became a whistleblower, support from colleagues largely disappeared. She was continually being pulled up for little things for which her male colleagues were not pulled up. Her overtime was cut. She told senior management and human resources about it, but nothing changed—in fact, the situation got worse, because DeeAnn is referred to by HR as a serial complainer.

DeeAnn asked for time off when her mother was critically ill. The senior fishery officer said that she was not entitled to it, although other officers were given compassionate leave without quibble. She checked that with a more senior officer, who said

that she was entitled to time off. The senior fishery officer was angry that she had gone over his head.

DeeAnn and another officer hurt themselves when lifting fish boxes. The other officer was told to record his injury on the computer system, but DeeAnn was asked to provide a doctor's letter. She was constantly held to a different standard from that to which others were held—on time off in lieu, holidays and time off for compassionate leave or medical reasons. On every occasion, she was questioned, while others were not. A colleague of hers has told me that that was deliberate and systematic conduct by people in the office and in the line of command in Marine Scotland—conduct that was designed to wear her down and force her out.

DeeAnn was the only female fishery officer in the Scrabster office. She faced continuous sexist conversation and sexual innuendo. She heard an officer making a racist remark and told him that it was offensive. Her cousin is married to a black woman, and DeeAnn is very fond of her. The response from the colleague was shocking, derogatory and racist—so much so that I cannot repeat it. The senior fishery officer then said:

"That is just f\*\*\*ing up the population by them having children."

Presiding Officer, the phrase that he and others in that office have used to refer to DeeAnn is so offensive that you have asked me not to say it in the chamber. I cannot even allude to it without causing offence.

We all saw the pictures in the media of DeeAnn being physically restrained—gagged and taped to a chair. Officers photographed her to humiliate and degrade her because she spoke out about inappropriate behaviour in the workplace. The pictures will now take on a new meaning. The abuse changed from physical and verbal abuse to trying to get rid of DeeAnn.

DeeAnn has on a number of occasions faced disciplinary charges, all of which have been spurious. Her trade union representative attended a meeting with DeeAnn, her manager and another officer who was four levels higher. The rep said that it was the worst meeting that he had ever attended in 33 years as a trade union rep. The more senior manager rose from his seat, pointed in DeeAnn's face and screamed at her that she was a liar.

It also transpires that the Scottish Government intercepted DeeAnn's emails, including sensitive exchanges with her trade union representative. A fully hatched plan between Scottish Government HR and DeeAnn's line manager was uncovered, which showed that they intended to move her to the Outer Hebrides or, failing that, to find grounds

against her—any grounds—in order to dismiss her.

When DeeAnn declared that she could not move because she is caring for her ailing mother, the people involved moved to the dismissal plan and disciplined her for trumped-up charges, which collapsed when they failed to provide the necessary evidence. DeeAnn was then threatened with disciplinary action for going to her father's deathbed.

In October 2017, DeeAnn was told that she had to remain at home on full pay. She was not suspended and was given no reason why she was not allowed to return to work. She is now being pursued by Marine Scotland with further disciplinary action.

The First Minister's investigation looked only at the incident with the photograph and was not independent. My evidence to that inquiry was fed back directly to Marine Scotland and twisted to be used against DeeAnn. She has not been informed of that investigation's findings.

We need a truly independent inquiry into DeeAnn's treatment at the hands of the Government and Marine Scotland. It cannot be put off any longer.

**The Presiding Officer:** I thank Rhoda Grant for moderating her language. I know that she wished to use explicit terms and I am grateful that she did not do so. She got her point across forcefully.

12:54

**Rona Mackay (Strathkelvin and Bearsden) (SNP):** I thank Rhoda Grant for bringing this important debate to the chamber, which gives us the chance to debate a subject that should engage and concern everyone in Parliament and beyond, as should the shocking case of DeeAnn Fitzpatrick. It was not easy for Rhoda Grant to outline all the details of that case, but it is important to air them.

Misogyny, racism, harassment and sexism have been highlighted very publicly recently, starting with the #MeToo movement, which involved Hollywood celebrities. However, as we know, such behaviour affects more than Hollywood celebrities: we know that it is prevalent in almost every workplace in Scotland and the rest of the United Kingdom.

As many as 52 per cent of women in the UK have experienced some form of sexual harassment in the workplace, and this Parliament is not exempt from that. I am, as is Rhoda Grant, a member of the Parliament's joint working group on sexual harassment. We reported that one fifth of respondents had experienced harassing behaviour—30 per cent of women and 6 per cent

of men—and that 42 per cent of respondents indicated that they had experienced bullying, harassment or victimisation in the workplace because of their being a black or minority ethnic woman. That is absolutely shocking. Thankfully, we now have an all-encompassing zero tolerance policy to help and support victims, which consists of a confidential helpline and clear lines of reporting.

A few weeks ago, I attended an event at the Aye Write! book festival, at which Helena Kennedy QC was speaking about her latest book, "Eve Was Shamed", which is about women's journey through the justice system and discrimination against women generally. As co-convenor of the cross-party groups on women's justice and on men's violence against women and children, the event was of great interest to me. Helena Kennedy spoke eloquently about the challenges that are faced by women.

However, one thing that Helena Kennedy emphasised really struck a chord with me. It was that in order to combat that type of behaviour, we need men to play their part. It should not be left to women—as it has been for decades—to fight against misogyny and discrimination. Men must call out men who display such behaviour. They must stand up and tell those men that disrespecting women—even if they think that it is banter—is simply not acceptable. In fact, it also demeans the majority of men, who do not behave in that way. Just as racism displays the absolute worst of human nature, so misogyny must never be tolerated, so it is incumbent on all of us to stand against it.

A helpful briefing from Engender reports that there have been dramatic rises in misogynist harassment online, with survey data from Amnesty International finding that 21 per cent of women reported having experienced online abuse or harassment at least once. The latest figures from the Scottish crime and justice survey report that nearly 27 per cent of women aged 16 to 24 have experienced stalking and harassment over the past year. Stalking figures have more than doubled over the past five years, so I hope that my proposed members' bill to introduce stalking protection measures would—if passed—give comfort to victims.

Sexism, racism and misogyny feed inequality and demean us all. We all have parts to play in creating an inclusive and equal society for our children and grandchildren to grow up in. I finish by saying, again, that the case that Rhoda Grant outlined is extremely shocking, and that nobody should ever have to go through such experiences.

12:57

**Annie Wells (Glasgow) (Con):** I, too, thank Rhoda Grant for bringing the subject before Parliament for debate, and for her very powerful contribution. I hope that the debate goes some way towards ensuring that DeeAnn Fitzpatrick gets the independent inquiry that she absolutely and desperately deserves.

In recent months, I have spoken in a few debates that have focused on violence, harassment and sexism against women. I am pleased to see an increased focus on those issues, which we also see in the popularity of the #timesup and #MeToo campaigns. Momentum is building and it must continue to build. At the same time, we must bring a renewed focus to addressing the additional barriers that BME women face in the workplace. This debate is a perfect opportunity to do so.

It remains the case that too many women in this country are subjected to sexual harassment and assault in their everyday employment. Never have we been more aware of that, following the Harvey Weinstein scandal in 2017 and the events that have unfolded since. Shockingly, a poll showed that half of British women and one fifth of men have been sexually harassed at work or in a place of study, and that 63 per cent and 79 per cent respectively of those victims kept it to themselves.

We have seen steps being taken to address that. For instance, workshops on creating a culture of respect have been run in the Scottish Parliament and, earlier this year, I welcomed the start of the pilot of a new employer accreditation programme in councils across Scotland, which was developed by Close the Gap and will take place over the course of 2019. The programme requires councils to take the necessary steps to address the causes of their gender pay gaps, and to better support employees who have experienced gender-based violence.

However, more needs to be done. Data is always key, and I note the call that was made by Engender and Close the Gap for public sector employers to improve compliance with the gender and employment aspects of the public sector equality duty.

More broadly, as I have stated before, if we are to understand and change women's experience of the workplace, we have to see the whole picture. Women are still underrepresented in senior management positions and remain blighted by the gender pay gap. Only by implementing bold childcare measures, improving flexible working and inspiring young women through education reform will we start to have societal change.

I want there to be a renewed focus on tackling the additional barriers that BME women face in the

workplace. A survey by Close the Gap on the experiences of BME women reveals some startling figures. For example, 72 per cent of respondents said that they had experienced racism, discrimination, racial prejudice or bias in the workplace, and 52 per cent of them did not feel comfortable or confident enough to report it. Of those who did so, only 23 per cent were satisfied with how their complaint was handled.

Prior to the debate, I contacted the Coalition for Racial Equality and Rights to ask what it understands to be the main issues. CRER noted the distinct lack of data about BME women's experiences in the workplace, which is due in part to the severe lack of BME women in Scotland's workplaces, including in the public sector.

Very rarely, if at all, has a public body published intersectional data on gender and race in its public sector equality duty reports. It is not clear what steps are being taken to address key gaps in the data in the Scottish Government's equality evidence finder, particularly in relation to prejudice-based bullying, hate crime and harassment, especially in the workplace. That would be a fundamental first step towards truly understanding the experiences of BME women in the labour market. Only with that understanding can we make real strides in improving on some of the shocking statistics that we have heard.

I thank the organisations that I have met in recent weeks and those which sent briefings prior to the debate. I have really noticed in the past 18 months that we are talking more and more about the experiences of women inside and outside the workplace. Those discussions must continue, if we are to press ahead for change.

13:02

**Monica Lennon (Central Scotland) (Lab):** I commend my colleague Rhoda Grant for securing the debate and I thank her for believing in DeeAnn Fitzpatrick.

Listening to Rhoda, I found my heart racing, because I was so angry to hear about DeeAnn's experience. Her experience is not isolated or unusual, so I hope that we all feel angry. Society does not like or reward angry women, but we have to stand up to this. I look to the young people in the public gallery, whom we depend on to say, "This can't continue." We need change to prevent the next generation from going through the same kind of rubbish. We need to say, "Not in our name." I am glad that, because of Rhoda's debate, members of all parties can stand in the chamber today and unite in condemnation of misogyny, racism, harassment and sexism against women.

According to Close the Gap, in the UK each year, 3 million women experience violence against

them. The workplace is no different. Imagine going to work knowing that you will be subjected to sexism, harassment, bullying, ridicule or degradation—all because you are a woman. That is not unusual—70 per cent of women in Scotland have witnessed or experienced sexual harassment, which means that there are a lot of bystanders. I agree with Rhoda Grant that it is beyond time to blow the whistle on such oppressive—and, often, criminal—behaviour.

DeeAnn Fitzpatrick showed courage and bravery in stepping forward and speaking about her experience, and Rhoda told us about a decade of abuse.

My own brave constituent, lawyer Ceri Evans, has spoken publicly about her experience of bullying in the workplace. She was a public defence solicitor, but she had to resign from her job. I have raised Ceri's story with the First Minister and in the chamber, and it has been aired in the *Sunday Mail*. Ceri was one of three women working in a branch of the Public Defence Solicitors Office who brought a complaint about the same individual, a male manager. Ceri kept a diary of her experiences and did what ministers have advised me people should do—report things—but the Information Commissioner's Office has since warned the PDSO for breaching Ceri's data protection rights because that diary was handed over to the alleged perpetrator. That further example is a reminder that, as MSPs, we are seeing these cases far too often.

Her fight is not over, but Ceri Evans has resigned from her job because she could not take it any longer. She is bright, intelligent and passionate and she cares deeply. She is the kind of person who oozes emotional intelligence. However, the fact is that she is no longer in her public service post, and Scotland is worse off for that.

We need culture change. Women remain underrepresented in many sectors of the economy, and let us consider also women's representation in politics. Only 35 per cent of members of the Scottish Parliament are women. In local government, the figure drops to 29 per cent, and there are variations between local authorities. Even in political parties, we are not valuing diversity and respecting women. We are still arguing about the use of all-women shortlists and other tools that we can use to increase diversity.

Lynn Henderson, who is a trade union leader and president of the Scottish Trades Union Congress, has a great campaign called step aside, brother. She has said:

"True power is present not when you grasp it and hold on to it, but when you give it to someone else."

We need to respect everyone. Of course we have to respect men and women, but we have to recognise that there is a power imbalance and that, when that is abused, the behaviour that we are discussing in this debate can be perpetuated.

I again thank Rhoda Grant. There is a desperate need for employers, public agencies and other bodies, social media platforms, all of us in political parties and those who are in Government to do something. We cannot keep talking about this; we have to act, and we have to act now.

13:07

**Patrick Harvie (Glasgow) (Green):** I am grateful for the opportunity to take part in this debate and I thank Rhoda Grant for lodging her motion and bringing the matter to the chamber for discussion. I also thank her for her extraordinarily powerful opening speech, in which she set out the experience of DeeAnn Fitzpatrick—an experience that I hope all of us in the chamber find utterly intolerable. It is intolerable not only that she was subjected to those experiences but that she found herself in a position of having to seek out the support of an MSP to have those issues taken seriously and addressed in the first place. A person should not need to have that level of support and intervention in their lives. All organisations, whether they are public or private sector employers, should be taking responsibility to ensure that such experiences are not tolerated or accepted and that they do not continue.

**Elaine Smith (Central Scotland) (Lab):** Does the member agree that Rhoda Grant's determination over a decade to get justice for her constituent is an example to us all? Will he join me in demanding that this debate finally results in justice for DeeAnn, because that has not been achieved yet?

**Patrick Harvie:** I would want to see that, and I hope that we would all want to see that. Rhoda Grant, having done that work, will know far better than I do how that justice can be delivered and how that can be achieved.

Over recent years, our society has become more willing to acknowledge the courage and bravery that it takes to report gender-based domestic violence and the feelings of self-blame that can prevent some victims from taking action, reporting and getting out as soon as they might. Those things are part of the experience, part of the effect and sometimes part of the purpose of gender-based violence. Violence is inflicted in order to control and to limit people's ability to escape and to assert themselves. That is something that plays out in the workplace as well.

We have begun to acknowledge that violence and harassment are a form of controlling

behaviour, and that the difficulty of raising a challenge in the first place, and persisting with it when that challenge is ignored, requires bravery and courage. That is a factor in domestic violence, but it exists in the workplace, too.

There is a spectrum from the most appalling violent and abusive behaviour, through victim blaming and stigma against those who have raised a challenge, to the kind of language that some people would dismiss as banter or freedom of speech. The behaviour that some people would dismiss as banter is part of the same spectrum of controlling behaviour that creates a culture, in the home or the workplace, where people do not feel safe or able to speak out.

I thank Engender for its briefing, which says:

“Sexual harassment recreates women’s subordination through verbal and physical acts which assert that women and girls do not have equal access and rights to safety, public space and physical autonomy.”

That captures why the spectrum of behaviour so important. We must not think that the most abusive and violent acts are the only problem; the whole spectrum of behaviour is the problem. It relates to every other form of inequality and prejudice and, as the Engender briefing makes clear, it relates to issues of racism, Islamophobia and so on in our society.

I am still open to the argument that a misogynistic hate crime needs to be created as a stand-alone offence. However, when Parliament consulted on hate crime the first two or three times, that was not the view of the women’s and feminist organisations. If the balance of arguments around the criminal law has changed, we need to debate and scrutinise why that has happened.

Finally, we should all welcome the fact that this Parliament, as a public sector employer, has been making progress. However, we have also seen real challenges in the way in which harassment and discrimination are reported in the press, which will affect how easy people feel it is to report such incidents. We need to take on-going responsibility for that and not simply think that because we have adopted a new policy, that is job done. We must continue to face that challenge, if we want people to feel confident about reporting issues and that those issues will be addressed in the way that we would all want them to be.

13:12

**Anas Sarwar (Glasgow) (Lab):** I thank Rhoda Grant, not only for giving us the opportunity to have this debate but, more important, for her powerful contribution. We all stand in solidarity with DeeAnn Fitzpatrick, and I hope that all members across the chamber will stand shoulder

to shoulder with Rhoda Grant in representing her constituent.

This is an important opportunity for us to recognise the intersectionality of prejudice and hate, and how there is a gendered bias in all forms of prejudice and hate. The sad reality is that, more often than not, the victim is a woman and, almost always, the perpetrator is a man; 89 per cent of recorded hate crime in Scotland is perpetrated by a male.

Last week, the cross-party group on tackling Islamophobia, in partnership with the Amina Muslim Women’s Resource Centre, published the results of a survey of Muslim women in Scotland. Sixty-four per cent of respondents said that they had either witnessed or experienced a hate incident or crime; 74 per cent of that group said that it had happened to them. Asked where the incident took place, 57 per cent said that it had taken place in the street or in their neighbourhood; for 23 per cent, it was in the workplace; and for 21 per cent, it was on public transport. If I have time, I will come back to the issue of public transport. Ninety-one per cent—a startling statistic—said that there was no bystander intervention or support following the incident, and 65 per cent did not report the incident, either to their workplace seniors or to the police. There is a clear bias here.

Then there were the stories that went along with the survey, about people who had been born and raised in Scotland, and whose families were here, being told to go home—to eff off back to where they came from. Women had had their headscarves pulled from their heads in underground or railway stations. In 78 per cent of cases, people said that they were shouted or sworn at. People had been spat at in their own street, when they were coming out of their front door, or when they were entering a train station. People talked about being scared to go to work the next morning. Most startlingly of all, a clear majority of people said that they had thought twice about using the public transport system in Scotland.

**Patrick Harvie:** Does Anas Sarwar agree that the way in which politicians use language in relation to matters such as this is one of the factors that make some people think that that kind of violence is acceptable? What does it say about our situation that the language that Boris Johnson, for example, used when he described the appearance of Muslim women attracted no censure or discipline from within his party, and that he is still being touted as a potential leadership candidate?

**Anas Sarwar:** I agree completely with Patrick Harvie and I could spend the afternoon speaking about why Boris Johnson should not be the Prime Minister of the United Kingdom.

However, the important point is that when we ask people if they believe that prejudice and hate are on the rise, the answer is most often “Yes”. If we ask them to what they attribute that rise, their answer is “Politicians and the media”. We must reflect on the language that politicians use, the creation of us versus them, the othering of our citizens and the attempts to fuel and sow the seeds of hate for the purpose of political gain. Alongside that, we must reflect on how that is reported and amplified, either through mainstream broadcast media or through social media platforms.

Many people say that they think twice about travelling on our public transport system, and that is simply not acceptable. I know a woman in my constituency who refuses to use public transport because of the risk of abuse, threats or violence. Something must be done specifically around our public transport infrastructure, and I am keen to engage with the minister on that in more detail.

Silence is no longer an option. We can no longer afford to pick and choose what forms of prejudice and hate we will stand up against. Most crucially of all, we must find allies. We must not think that the solution is talking only to people with whom we identify. We must build alliances with people who are subject to all forms of prejudice and hate. We must come together to root it out of our society, politics, public discourse and communities around the country.

**The Presiding Officer:** I am conscious that, as well as the minister, three more members wish to speak. Therefore, I am minded to accept a motion without notice to extend the debate by up to 30 minutes to accommodate them.

*Motion moved,*

That, under Rule 8.14.3, the debate be extended by 30 minutes.—[*Rhoda Grant*]

*Motion agreed to.*

13:18

**Stewart Stevenson (Banffshire and Buchan Coast) (SNP):** None of the behaviours that Rhoda Grant has described will ever, in any context, place or time, in public or private domains, be acceptable. In signing Rhoda Grant’s motion, I found myself agreeing with every single word of it. However, I do not think that it is a matter only for public agencies; there are a great deal of issues in the private sector as well, and I will make some reference to that.

I am not as well prepared as I would like to be with regard to the specifics of Rhoda Grant’s contribution, because I was not aware that that was to be her focus. It might have been helpful to have let me know that she was going to focus on

that case, because I would have wished to respond in that regard. There is no discourtesy in my failing to engage directly with the detail. I am not wholly familiar with the case, and my shorthand did not enable me to take enough of it down. Do forgive me.

More than 30 years ago, a simple little thing illustrated to me attitudes in other people that I had not quite twigged. I recruited a systems analyst—a lady—who had been out of the job market for some time while she raised her family. I recruited her as a part-time member of staff. I assessed her as being highly competent, with good previous experience. In the computer industry, things move fast, so I agreed with her that I would pay for her to go on a full-time course for her first week, and I sent her on that course. My boss discovered that I had done that and I got quite severely criticised for spending money on a course for a part-time woman employee. I was absolutely shocked. It had never occurred to me to think in those terms and it was shocking to me that my boss did.

Let me take that example further. That person continued in her employment for several decades and then retired. On the day that she retired, she would not leave the office until 8 o’clock at night, because she wanted to complete the work that was in her in-tray. She was a dedicated, committed person, who, in her part-time employment, delivered much more than many male colleagues did in their full-time employment.

That is the sort of situation that we have had historically. It is a great shame that, to this day, we are in a position where the natural behaviour of too many of my gender in particular—Anas Sarwar is absolutely correct on that point—has not moved. That is a huge gender issue.

Until 1975, my wife, a highly paid professional lady, was not allowed to join her company’s pension scheme—something for which she continues to suffer today as she is in receipt of pension. This is a long-running issue.

On race and ethnicity, in my constituency we have a very diverse population. In Peterhead academy, 24 languages are spoken. When many of the people in the area initially came there from elsewhere, that created genuine difficulties—there was resistance and abuse of people. I commend Aberdeenshire Council—my party is not in the administration there, so I do so entirely honestly—which organised ways of getting the community to realise the value of that diversity and what people were contributing economically, socially and in every possible way. Today, I see the benefit of that.

Have we eradicated misogyny, racism, harassment and sexism? No—alas, no. However,

the situation is dramatically different from where we were.

**The Presiding Officer:** Mr Stevenson, could you draw your remarks to a conclusion?

**Stewart Stevenson:** I will. The word “eradicate” is used twice in the motion. I think that we must all work to eradicate these things. I have to say that I am a wee bit pessimistic that we will ever succeed, but we must never stop trying.

13:22

**Maurice Corry (West Scotland) (Con):** My goodness—what a powerful speech that was from our fellow member telling us about DeeAnn’s shocking experience. I thank Rhoda Grant for bringing forward this members’ business debate.

Misogyny, harassment, sexism and racism are big on-going issues that are wholly unwelcome in our workplaces and wider communities.

Racism alone deserves its own focused discussion to find nuanced solutions, and tailored ones at that. Across our society and sectors there is still deep-seated and completely unfounded prejudice. Surely none of us can deny that. Women in particular strive to counter prejudiced stereotypes every day.

That problem seeps into everyday life, especially into our workplaces. It manifests itself in the gender pay gap, a distinct lack of promotions for women, lower expectations of women and presumptions about women. I am sure that those examples merely scratch the surface of how women experience sexism. It is unfortunate that it has taken this long to realise the scale and magnitude of sexual harassment, especially in the work environment. The me too movement has shed an important light on the injustices that women can face in their employment. The Scottish Parliament, like every other workplace, is not immune to the issues surrounding gender bias and we, as Scotland’s policy makers, need to set an example, which we are trying to do now.

As I see it, at the heart of the problem is an underlying culture and attitude that limits opportunities and presents barriers. Although we need to whole-heartedly support more effective policies and practices that open the way for greater respect and fairness, that cannot be achieved without recognising the need for a major societal shift at its root. If that underlying culture remains, laws and policies will struggle to cause lasting change that promotes gender equality. If men turn a blind eye and ignore instances of sexism, it harms the prospect of change. No one is immune from doing their part to tackle the issues that we speak of today.

Harassment has far-reaching consequences: being targeted, particularly through sexist, misogynistic comments, can knock a person’s confidence. In some instances, those women can feel too unsafe to socialise with colleagues, or even to progress in their career and put themselves forward for promotions. Indeed, in many cases, their advancement is limited precisely because of the impact on their self-confidence. It is completely unacceptable that women who are subject to casual or overt sexism can lose out on opportunities to advance and perform well at work.

As I have said in the chamber before, the opportunities for and the contribution of women in the workplace strengthen our economy. A more diverse and insightful workforce makes for better results. Surely, part of the answer is to encourage employers to set out clear guidelines and policies to tackle those problems. One of the main challenges can be a lack of confidence in reporting the issue in the first place, which should never be the case. Workplaces need to have established practices that properly consider the feelings of the complainant, in an environment that is free from intimidation, apathy and ignorance.

Moreover, a modern working environment—one that breaks away from a male-orientated traditional culture—can also create welcome changes. For example, ensuring the availability of childcare provision and more part-time posts encourages a greater inclusion and awareness of women in the workplace. A responsive place of work can make all the difference.

I welcome the discussion, and the Scottish Government’s consultation on its review of hate crime offences in Scotland. We have to recognise that we cannot have a one-size-fits-all answer for targeting harassment and misogyny. Surely, the differing contexts, needs and complex issues that are faced by women, wherever they are, deserve a tailored approach. That rings especially true when we consider women of colour, who wrongly face their own particular barriers at work and, as we have heard from Anas Sarwar, on public transport. The presumptions that are made about them, which are based upon an inherent prejudice, mean that even applying for jobs can present challenges for them. Therefore, I hope that the Scottish Government will encourage the involvement of charities and organisations that can really shape the solution for those women.

I join colleagues in saying that there is absolutely no place for harassment, sexism, misogyny or racism in Scotland, or indeed anywhere. Although I have focused on problems that are centred in the work environment, I recognise that they can be seen in everyday life. I hope to see more entrenched policies that



encourage greater awareness and equality for women and target the discriminatory practices that they come up against.

13:27

**David Stewart (Highlands and Islands) (Lab):**

I congratulate my colleague Rhoda Grant on securing this important debate and on her first-class campaigning and advocacy on behalf of her constituent for more than a decade. I have watched intently from the sidelines, and I am pleased to have the opportunity to contribute today.

Having been involved with staff in the on-going review of the NHS Highland bullying and harassment investigation, I am in no doubt that every employee deserves to be treated with dignity and respect at work. There is no excuse for bullying in the workforce—no excuses, not ever.

Bullying and harassment are totally unacceptable and, of course, constitute a violation of international human and legal rights. Bullying and harassment undermine physical and mental health, as we have heard from many speakers. Today, we have heard from Rhoda Grant that DeeAnn was subjected to institutional racism, sexism, harassment and abuse at the hands of Marine Scotland, which, for 10 years this week, has been a part of the core Scottish Government. After becoming a whistleblower, DeeAnn was excluded and cut out by many of her work colleagues. Over the years, the oppressive behaviour was constant and undermining. She was constantly being held to a different standard than others with regard to time off in lieu, holidays and time off for compassionate leave or for medical reasons. On every occasion she was questioned, while others were not. We have heard about the language that was used. Who would believe that we are talking about a Scottish Government office?

On 28 May 2014, DeeAnn received a letter from Paul Johnston, who is now the director general at the Scottish Government in charge of education, communities and justice, following her fairness at work appeal hearing.

I quote from the letter:

“It was clear to the Panel, on reviewing the findings of the Deciding Officer, alongside the report from the Investigating Officer, and the extensive material that you have submitted to support your case, that there have been significant historical shortcomings in the way in which you have been treated as a member of Scottish Government staff based in the Scrabster office.”

The letter goes on to say:

“there seems to be substantial agreement among all parties that the culture that prevailed historically in the Scrabster office was not acceptable”.

Moreover, Mr Johnston says that the panel concluded that DeeAnn should receive a “very specific apology” because personal information about her was placed on a public calendar. He continues:

“I wish to apologise on behalf of the Scottish Government for the fact that personal information about you was made available in this way”.

As a result of the hearing, disciplinary proceedings taken against DeeAnn were found to be flawed and were removed from her record. After the apology, things were looking up for DeeAnn, as she was promoted to senior fishery officer in the Scrabster office. However, that progress was short-lived and it appears that, as soon as her line managers thought that the focus had shifted, they again pursued her and sought to punish her for speaking out on behalf of colleagues.

Here we are today, with DeeAnn refused the right to return to work and Marine Scotland and the Scottish Government turning a deaf ear to her case for justice. What we have heard today is the tip of the iceberg of what DeeAnn has endured over the past decade.

Rhoda Grant’s plea for an independent inquiry into DeeAnn’s treatment by the Scottish Government is well founded, and the time has come to heed that call.

13:31

**The Minister for Older People and Equalities (Christina McKelvie):** I join members in commending Rhoda Grant for lodging the motion. Misogyny, racism, harassment and sexism have no place in today’s society or in our working environment.

I am very pleased to see the revised sexual harassment policy that has been sent to all Scottish Parliament staff and to MSPs and their researchers. I know that Rhoda Grant and Rona Mackay have taken great care with that piece of work. The policy is necessary and I am very glad that it is being implemented. In addition to reporting sexual harassment it records sexist behaviour. Let me be clear: sexist behaviour creates a culture in which harassers continue to harass without consequence. That will no longer be the case.

That means that we need to broaden some men’s understanding of what constitutes abuse. As Rona Mackay and Patrick Harvie said, behaviour that might seem harmless to such men—so-called office banter—is felt differently by the person who is the subject of it. Those men are probably not thinking about the levels of sexual violence in society or the dozens of women killed

by men in the United Kingdom every year, but their victims are.

Everyone has the right to a safe and respectful working environment and it is the responsibility of everyone who works in an organisation to ensure that that is so. Leaders, such as ourselves, need to encourage mutual respect, set an example, challenge attitudes and hold staff accountable for their actions. We want to do more to help to make that type of positive culture in the workplace the norm, rather than the negative culture that many of us have experienced.

It is imperative that the Scottish Government continues to make it clear that sexual harassment is unacceptable and that we all have a part to play in making it a thing of the past. That is why as part of the work of our equally safe strategy we are in the process of developing a public campaign to raise awareness and ensure that such behaviour is called out wherever it takes place. That will complement our wider work around prevention and challenging the underlying attitudes that allow violence against women and girls to flourish.

Annie Wells, Patrick Harvie, Maurice Corry, Stewart Stevenson and other speakers have clearly linked misogyny, discrimination and harassment to women's inequality and the power imbalance across our society. That point has been eloquently expressed over the years by Engender, Close the Gap and other organisations. That is why we are funding the equally safe at work pilot, to provide a set of standards for employers to use, to make sure that they do not condone harassment and that their working environments encourage mutual respect and clearly deal with harassment and the attitudes that foster it.

The Scottish Parliament noted the importance of the pilot in a members' business debate led by Gail Ross last month.

**Rhoda Grant:** I have not written to the minister in the past on behalf of DeeAnn Fitzpatrick, so I understand that some of the information that she has heard today will have come as a shock and she will not have been prepared to hear it. I know that she is not in charge of the directorate in question, but will she give a commitment that she will speak to her colleagues about putting in place a totally independent inquiry? Until that is sorted, people will think that they can get off with that behaviour—the case stands out as a beacon and empowers people who would treat women and other colleagues in that way.

**Christina McKelvie:** I appreciate and know how strongly Rhoda Grant and many others feel about the issue that DeeAnn has faced. It is still subject to an on-going process, which means that there is an internal process that I should not get involved in. It would be completely inappropriate for me to

comment on it at this time. I know that Rhoda Grant has been offered a meeting with Scottish Government officials to discuss the matter and I urge her to take up that offer if she can.

We are taking a number of steps, through our equally safe strategy, to help to create a society in which violence against women and girls is a thing of the past. That includes investing in prevention work in schools, public awareness raising and funding initiatives such as the white ribbon campaign, which encourages men to see themselves as part of the solution and to stand up for progress. Our work on equally safe sits alongside a number of other strategies and action plans that work together to make Scotland a fairer and more equal place to live for everybody here.

It was my pleasure to address the race equality employment conference last week with regard to the issues that Annie Wells and Anas Sarwar raised in their speeches. The conference was a joint effort between different policy areas of human rights, race equality, fair work and economic development, to address the systemic barriers that minority ethnic people face in the workplace—intersectionality in relation to women in the workplace was a key theme. I look forward to seeing similar work that brings people from different sectors to pool their skills and address those pervasive problems. I would be happy to discuss with Anas Sarwar the issues that he raised today.

We spend about a third of our waking lives at work. The importance of setting an example for a safe and respectful working environment cannot be overestimated. As leaders, we must remember that what we say, what we do and what we allow to pass without comment has a wider impact. What we do not condemn, we condone—I want to make that absolutely clear here today. The thought of Boris Johnson being our Prime Minister should chill us all—that issue was raised earlier.

It is up to us to be clearer and more fearless in openly saying what we stand for and what we will not condone on any level, and to set that example every day in our work environment and our personal lives. The message from Anas Sarwar in this place is that we must not be bystanders. Silence is not an option. By showing that misogyny, racism, harassment and sexism have no place in the political governance of Scotland, we will reinforce our efforts to tackle them across the country and give the people of Scotland the opportunity to see that we mean exactly what we say.

**The Presiding Officer:** Thank you, minister.

**Elaine Smith:** On a point of order, Presiding Officer. I wish to clarify that the procedure that was referred to with regard to Rhoda Grant's

constituent DeeAnn Fitzpatrick is not a legal procedure; it is a disciplinary procedure and as such should not have precluded the minister from indicating that she would be willing at least to look into an independent inquiry into the issue with her colleagues who knew about the case previously.

**The Presiding Officer:** I thank Elaine Smith. That is a point of clarification that I am sure all members, including the minister, will have noted.

I thank all members for their speeches and I suspend the meeting.

13:38

*Meeting suspended.*

14:30

*On resuming—*

## Portfolio Question Time

### Finance, Economy and Fair Work

#### Public Finances (North East Scotland)

**1. Mike Rumbles (North East Scotland) (LD):** To ask the Scottish Government how it ensures that its management of the public finances takes account of the needs of the people of the North East Scotland region. (S5O-03068)

**The Minister for Public Finance and Digital Economy (Kate Forbes):** The 2019-20 budget maintains our social contract, provides support for the economy and protects public services for the people of the north-east and all of Scotland. The north-east will also benefit from city deal funding for Aberdeen, access to the new £50 million town centre fund and extended transitional business rates relief for offices in Aberdeen city and Aberdeenshire.

**Mike Rumbles:** Although those points are welcome, the minister must be aware that Grampian NHS Board is the worst-funded health board in the country and that Aberdeenshire Council and Aberdeen City Council are the second and third-worst funded councils. Coupled with that, the Scottish Government has underfunded Grampian NHS Board by £239 million over the past 10 years under its own funding formula. How long does the minister believe that the people of the north-east will put up with underfunding, particularly of the health board, which results in such long waits for treatment?

**Kate Forbes:** Of course, Mr Rumbles entirely absented himself from all decisions on public finances during the budget process. For the second year running, NHS Grampian will receive the highest uplift of any territorial board, taking its funding to £958 million in 2019-20. That is an increase of more than 64 per cent under this Government. Over the past five years, NHS Grampian has received more than £56 million for the specific purpose of moving towards NHS Scotland resource allocation committee parity.

**The Deputy Presiding Officer (Christine Grahame):** I call Bill Bowman. Briefly, please.

**Bill Bowman (North East Scotland) (Con):** The Audit Scotland report, "NHS in Scotland 2018", states that there was a total maintenance backlog of £899 million in 2017-18 and that

"45% of all backlog maintenance is classed as significant or high risk".

In NHS Tayside, in the North East Scotland region, 74 per cent of such maintenance is classed as significant or high risk. Will the Scottish Government commit to allocating NHS Tayside funding, so that my constituents' needs are met? In Angus and Dundee, they do not receive the healthcare—

**The Deputy Presiding Officer:** Thank you; thank you. I did ask you to be brief—there is no point warbling on.

**Kate Forbes:** The member will be fully aware that the Scottish Government is committed to increased funding for the NHS and to driving a programme of reform, to ensure that everybody in Scotland gets access to the health services that they need.

I have already outlined to Mike Rumbles the increased finances in this year's budget, particularly how much additional funding has been made available to NHS Grampian to ensure that there is adequate support for health services in the north-east.

**The Deputy Presiding Officer:** I call Jackie Baillie. Briefly, too.

**Jackie Baillie (Dumbarton) (Lab):** In the north-east and, indeed, across the country, small businesses account for 98 per cent of our business community, yet a recent Federation of Small Businesses report revealed that only about 20 per cent of Scotland's £12 billion procurement budget goes directly to small and medium-sized enterprises. What action will the minister take to improve small businesses' share of our procurement pot?

**Kate Forbes:** We are committed to supporting small businesses—we have the most generous rates relief in the entire United Kingdom, which includes taking 100,000 small businesses out of paying rates altogether.

I agree with Jackie Baillie that getting the procurement policy right often allows small businesses to get their foot in the door. We have committed to change and to reconsidering how we do procurement. One of our most exciting initiatives is the CivTech programme, which allows us to totally rethink procurement and give small entrepreneurs, in particular, the opportunity to get public sector contracts and, as I said, get their foot in the door.

### **Tax Changes (Scottish Government Employees)**

**2. Murdo Fraser (Mid Scotland and Fife) (Con):** To ask the Scottish Government how the tax changes in its budget will impact on its own employees. (S5O-03069)

**The Cabinet Secretary for Finance, Economy and Fair Work (Derek Mackay):** Under Scottish income tax policy, 55 per cent of taxpayers are better off than they would be if they lived elsewhere in the United Kingdom. Next year, 70 per cent of public sector workers covered by our pay policy will get a 3 per cent pay award. When our progressive pay and income tax policies are combined, our own lowest-paid employees will, after tax, be £628—or 3.3 per cent—better off in 2019-20, ensuring that our public services are well funded and the people who deliver them are fairly paid.

**Murdo Fraser:** Thousands of employees of the Scottish Government and its agencies with attached workplace parking face being hit by the car park tax, thanks to the Scottish National Party-run councils in Glasgow and Edinburgh talking about introducing the new tax. What assessment has the Scottish Government done of the likely overall costs to its own finances as a result of the introduction of the car park tax, and does it intend to pay the tax itself, or will it pass it on to its employees?

**Derek Mackay:** As Murdo Fraser knows, his question is premature, because the legislation has not been taken through Parliament yet.

**Murdo Fraser:** It's in your budget!

**Derek Mackay:** Murdo Fraser now seems to want to have a debate rather than ask a question. I quite enjoy a debate too, but his question was about the costings. The legislation has not gone through Parliament, and Parliament will naturally engage with that question as it goes through.

Interestingly, I heard Murdo Fraser say, "It's in your budget". Actually, in financial year 2019-20, when we will be spending £42.5 billion on Scotland's public services, no workplace parking levy will be initiated. In that respect and in that regard, then, the answer is no, it is not in the budget.

### **New National Park (Economic Impact)**

**3. Finlay Carson (Galloway and West Dumfries) (Con):** To ask the Scottish Government what assessment the finance secretary has made of the potential economic impact of a new national park. (S5O-03070)

**The Cabinet Secretary for Finance, Economy and Fair Work (Derek Mackay):** The Scottish Government has no plans for any new national parks and has therefore not undertaken any economic impact assessment.

**Finlay Carson:** As I highlighted earlier this week, the economy of Galloway is struggling, with annual average weekly earnings that are 10 per cent lower than those in the rest of Scotland. In

stark contrast, research on the Cairngorms national park has shown that the unemployment rate was just 3.2 per cent, with 9,500 people employed. More important, it showed that more people were coming to the area and fewer youngsters leaving. Will the cabinet secretary recognise the economic opportunities for young people that national park designation would bring and that legislation for the creation of additional national parks would allow for sustainable economic development to be a priority?

Moreover—

**The Deputy Presiding Officer:** No, that is plenty.

**Finlay Carson:** I have not asked my question yet.

**The Deputy Presiding Officer:** I got lost in the long preamble to it. Could you perhaps ask your question briefly and not give us another paragraph?

**Finlay Carson:** I certainly will. Economic impact can be realised only when this Government commits to plans for a feasibility study for a Galloway national park—

**The Deputy Presiding Officer:** I think that there is a question in there somewhere.

**Derek Mackay:** There was more of a question in what Mr Carson was saying before he was cut off than there was in what was supposedly the question.

I want to be supportive here. If the campaign for a national park had the aim of sterilising a whole part of the south of Scotland, I do not think that that would be welcome, because that would not allow economic opportunities to be realised. However, what I heard Finlay Carson talk about was delivering economic opportunities, and I would be interested in exploring further how such a proposal could unlock those opportunities—indeed, in exactly the same fashion as the legislation to establish a south of Scotland enterprise agency is a vehicle for delivering economic growth. I am interested in hearing more about how any campaign for a new national park would add to rather than stymie economic opportunity and sustainable development, but I would also point out that the matter is primarily one for the minister for rural affairs, who I know has met the member and I think will be happy to continue to explore the subject.

#### **Workplace Parking Levy (Impact on Business Rates)**

**4. Edward Mountain (Highlands and Islands) (Con):** To ask the Scottish Government what assessment the finance secretary has made of the

impact on business rates of its proposed workplace parking levy. (S5O-03071)

**The Minister for Public Finance and Digital Economy (Kate Forbes):** As the workplace parking levy would be a power for local authorities, not the Scottish Government, it would be for those authorities to conduct an impact analysis of any scheme that they might propose, should they wish to use that discretionary power.

**Edward Mountain:** Well, there you go—so you are saying, “It’s not our fault.”

Let us go through this. Workplaces that have the levy imposed on them will seek to have their rent and thus their rateable value reviewed. If every local authority introduces the levy, by how much do you suspect the revenue from business rates across Scotland will be reduced? That must have been part of the assessment when you introduced the proposal.

**The Deputy Presiding Officer:** Please do not say “you” when you speak to another member in the chamber. The only person who is “you” is the Presiding Officer.

**Kate Forbes:** The most interesting thing in all of this is that, in government in the UK, the member’s party agreed to keep the levy on the statute book in 2017. In other words, his party presides over a workplace parking levy right now.

On non-domestic rates, if rateable values went up or down, the Scottish Fiscal Commission would be expected to forecast the impact as part of its statutory duties. However, as I said, the power is for local authorities and, as the member knows, the workplace parking levy will be subject to both parliamentary scrutiny and the parliamentary process.

#### **Advanced Manufacturing Challenge Fund**

**5. Gail Ross (Caithness, Sutherland and Ross) (SNP):** To ask the Scottish Government whether it will provide an update on the progress of the advanced manufacturing challenge fund. (S5O-03072)

**The Minister for Trade, Investment and Innovation (Ivan McKee):** I am pleased to confirm that strong progress has been made in the development of the advanced manufacturing challenge fund. Approval for our plans has now been received from the managing authority which has overall responsibility for supervision and implementation of the European structural funds in Scotland. We have appointed Scottish Enterprise as the lead partner for programme delivery and an experienced and focused team is now in place to develop the fund’s detailed guidance and structures.

We are preparing to launch the fund in late spring or early summer. The fund will target up to £18 million of European regional development funding to support the provision of services for improving manufacturing productivity and efficiency.

**Gail Ross:** Dounreay is a major employer in my constituency and the minister will be aware that it is in its decommissioning phase. What support from the economic action plan, which seeks to respond to the rapidly changing skills needs of businesses and employees, can be or is being offered to the workers and the supply chain in Caithness and north Sutherland?

**Ivan McKee:** The economic action plan sets out our ambition to ensure that Scotland has a skilled and productive workforce in the future and it includes an important focus on the skills needs of the existing workforce. This year, we will publish a future skills action plan to meet the opportunities and challenges presented by changes in the labour market and a new national retraining partnership will establish how best to support the upskilling, reskilling and development needs of the existing workforce.

The Scottish Government is an active member of the Caithness and North Sutherland regeneration partnership, which aims to address the socioeconomic effects of decommissioning at Dounreay. I am aware that Gail Ross is a member of the advisory board. The partnership is developing a local skills investment plan for the area with Skills Development Scotland, the Highland Council and the Caithness Chamber of Commerce. The plan will provide area-based information on appropriate skills and learning pathways to help individuals and employers implement workforce transition and reskilling opportunities.

**Dean Lockhart (Mid Scotland and Fife) (Con):** Under the United Kingdom Government's industrial strategy challenge fund, £4.7 billion is available for investment in research and development across the UK. What specific steps is the minister taking to ensure that the Scottish manufacturing sector will fully benefit from that unprecedented level of funding?

**Ivan McKee:** A range of activity is going on to encourage businesses in Scotland, be they small and medium-sized enterprises or larger businesses, to put forward bids in co-operation with academic institutions for money from the industrial strategy fund. That is happening across a range of sectors that I engage with, be it manufacturing or life sciences—where we have had some significant successes in getting money from that fund—or other sectors across the economy.

I am aware that my colleague the cabinet secretary is meeting Greg Clark next week to discuss this further and explore how Scotland can get at least its fair share of investment from that fund.

### **Brexit (Impact on Aberdeen and North-east)**

**6. Maureen Watt (Aberdeen South and North Kincardine) (SNP):** To ask the Scottish Government what the impact has been on the economy of Aberdeen and the north-east of business uncertainty resulting from Brexit. (S50-03073)

**The Cabinet Secretary for Finance, Economy and Fair Work (Derek Mackay):** Brexit is already impacting the Scottish economy, with the associated uncertainty impacting business and consumer confidence and leading to increased stockpiling and reduced investment intentions.

We recently published a report showing that all areas in Scotland will be affected by Brexit, especially by a no-deal Brexit, with the north-east in particular being hit. The report showed specifically how the north-east and areas within the north-east would be hit.

While there is no broad consensus in the United Kingdom Parliament for the Prime Minister's Brexit deal, the decision should be put back to the people in a second European Union referendum.

**Maureen Watt:** Businesses in the north-east continue to live with uncertainty, none more so than the fish-processing sector, which is particularly concerned about licences for the trucks taking their fresh produce to markets on the continent. The sector's justified concerns were compounded earlier this week when Michael Gove refused to fight for lorries with fresh produce to have preference in the queue. What advice does the cabinet secretary have for my constituents?

**Derek Mackay:** The Scottish Government's resilience committee continues to meet. It is looking at a range of actions, including those on transport. However, our seafood sector will be severely impacted by disruption at ports, so it needs to find alternative transport routes to satisfy customs requirements. That will jeopardise the vital just-in-time nature of the seafood supply chain. Businesses in the seafood sector tell us that the cost of export health certificates and the breakdown of supply chains will lead to lay-offs and business failures. Although the Scottish Government is doing everything that it can to minimise the risk and mitigate the impact of Brexit, the damage to business and the unavoidable consequences of a no-deal Brexit are incredibly concerning, which is why we should avert Brexit at all costs.

**James Kelly (Glasgow) (Lab):** When she was asked on “The Andrew Marr Show” how much of the £92 million no-deal Brexit fund was allocated to local authorities, Nicola Sturgeon was unable to answer. I therefore ask the cabinet secretary how much will be made available to cash-strapped councils in Scotland, given that money has been allocated to councils in England.

**Derek Mackay:** Local authorities south of the border got reductions in their budgets, whereas there was real-terms growth in local government budgets in Scotland. I did not ring fence or earmark funds to local government for Brexit purposes, and the Parliament and local government tell me not to do that kind of thing. The consequentials from Brexit moneys are part of the budget, as I explained when the budget was produced.

Local government is enjoying a real-terms increase, and the consequentials are part of its allocation, but I did not separate out a ring-fenced pot for Brexit. How local government spends its resources is up to it. The consequentials were part of the budget, and the local government part of the Scottish budget enjoyed a real-terms increase. That is what I did with the Barnett consequentials, and that is how they are helping local government.

#### Employment Security (Young People)

**7. Iain Gray (East Lothian) (Lab):** To ask the Scottish Government how it plans to monitor the number of young people in precarious, temporary and zero-hours work. (S5O-03074)

**The Minister for Business, Fair Work and Skills (Jamie Hepburn):** We take the challenges that face those who are on exploitative zero-hours contracts seriously and we want to understand better how prevalent the contracts are among young people. We will continue to monitor that through the information that is made available by the Office for National Statistics, and we are in discussions to ensure that the information is as robust as possible for young people in Scotland.

**Iain Gray:** Once the minister has that information, will the Government stop counting zero-hours contracts as a positive destination for young people? They are not a positive destination; they are a form of exploitation.

**Jamie Hepburn:** I am responding seriously to a serious request from the Education and Skills Committee about whether we can understand better the prevalence of zero-hours contracts in Scotland. We should celebrate the fact that record levels of young people are in positive destinations. I would love the Labour Party to welcome that. Once we have the information, we will lay it out.

It is interesting that the Labour Party continues to focus on the counting of the contracts, when

what we should do is deal with them head on as a challenge in our economy. Such contracts are governed by employment law but, when Mr Gray was a member of the Smith commission, he opposed the devolution of employment law, which would have allowed us to tackle the challenge adequately. That is Mr Gray’s record, but we will get on with delivering for young people in Scotland.

#### Court of the Lord Lyon (Budget)

**8. Emma Harper (South Scotland) (SNP):** To ask the Scottish Government how much of its budget it allocated to the Court of the Lord Lyon in Scotland, and how the finance secretary reached this decision. (S5O-03075)

**The Cabinet Secretary for Finance, Economy and Fair Work (Derek Mackay):** I know that the subject is of great interest to the entire chamber—*[Interruption]*—and particularly the Tories.

The Scottish Government’s judiciary budget provides for the running costs of the Court of the Lord Lyon, which were set at £100,000 in 2019-20 and have remained consistent since 2012-13. The figure does not include salary costs for the Lord Lyon or the Lyon Clerk. The court generates its own income, which is offset against the budget and results in the Scottish Government in effect funding only the difference between expenditure and income. The budget is monitored through monthly income and expenditure returns that are provided to the Scottish Government.

**The Deputy Presiding Officer:** I ask Emma Harper to be brief.

**Emma Harper:** I have been working on a challenging constituency case that involves the Lord Lyon and I have been assisting one of my constituents through the court process because of the Lord Lyon’s inability to adhere to an agreement that his court made with my constituent. The case is costing the Scottish Government and my constituent a great deal of money unnecessarily. How can the Parliament and its committees hold the Court of the Lord Lyon to account?

**The Deputy Presiding Officer:** I ask the cabinet secretary to be brief, too.

**Derek Mackay:** The Scottish Government has a sponsorship role for the Court of the Lord Lyon. The Scottish ministers are ultimately accountable to the Scottish Parliament for the activities of the court and the use of its resources. They are not, however, responsible for day-to-day operational matters. Judicial decisions of the Lord Lyon have force of law and may be appealed to the Court of Session.

## Disabled People

**The Deputy Presiding Officer (Christine Grahame):** The next item of business is a debate on motion S5M-16593, in the name of Christina McKelvie, on progressing towards a fairer Scotland for disabled people. Those members who wish to take part in the debate should press their request-to-speak buttons now.

14:51

**The Minister for Older People and Equalities (Christina McKelvie):** It is my great pleasure to open this debate. I welcome the disabled people who join us in the public gallery, and I thank the British Sign Language interpreters who are here today.

I will start by noting the first sentence of the motion for debate:

“That the Parliament recognises the valuable contribution that disabled people make to Scottish society.”

We made that statement because people do not always recognise the value of disabled people in our society. I want us to move to a time when such a statement is unnecessary—when it is genuinely recognised across the whole of society that the more than 1 million disabled people in Scotland contribute to our communities and lives, and that they bring talent, energy and ability and add richness to all our lives.

For too many disabled people, their ambitions and dreams and achieving their promise are still denied to them because of the barriers that society has put in the way. Inaccessible communication, low expectations, discrimination and inequality affect the lives and chances of disabled people every single day. Let us be clear: the disabled person or their impairment is not the problem. The issue is the attitude of those of us who are not disabled—our limited expectations of our fellow citizens or our careless ignorance and toleration of the discrimination, abuse and inequality that disabled people face. The barriers that we continue to allow to stand in their way are the problem. Our homes, transport, workplaces, public services and local environments are all too often designed—or operate—in ways that exclude disabled people. Removing those barriers and achieving equality of opportunity is the change that the Government wants for Scotland, and there must be a genuine transformation in our attitude and approach.

“A Fairer Scotland for Disabled People” outlines the following five clear, long-term ambitions: support services that meet disabled people’s needs; decent incomes and fairer working lives; places that are accessible to everyone; protected rights; and active participation. The scale and

extent of the change requires concerted action over this parliamentary session and beyond. However, those ambitions are all achievable and we remain as committed to them now as we were when we published that delivery plan in 2016.

We are also committed to the principles that are contained in the United Nations Convention on the Rights of Persons with Disabilities, one of which is the right to work. For most of us, having a job defines a large part of who we are. It reinforces our feeling of being part of society, gives us a degree of choice and security, facilitates independent living and affects the quality of our life and the lives of our family members. Disabled people are no different. They rightly want the chance to contribute their talents and skills through meaningful employment. They make a vital contribution to our economy, yet too many of them are deprived of that opportunity.

In our plan, we set out our ambition to reduce the disability employment gap by at least half, which is an ambitious target. In 2016, the employment gap between disabled people and non-disabled people was 37.4 per cent. That makes our target hugely ambitious, and we quickly recognised that meeting it would take time and nothing short of a fundamental shift in how disabled people are regarded in the labour market. Disabled people’s organisations tell us that getting the first opportunity to work is a barrier that can affect disabled people’s future work and life chances.

Some of the changes that we have implemented since 2016 have been about removing those barriers. An increase in the amount of financial support for disabled people who are undertaking apprenticeships has led to a rise in the number of disabled participants, with nearly 3,000 starting a modern apprenticeship in 2017-18. An internship scheme in the public and third sectors that is managed by Inclusion Scotland is now being expanded to the private sector. Last year, I benefited from the internship scheme in my office. Many of those who have taken part have moved into permanent employment and, as a result of the opportunity, realised their personal goals.

Most of the actions that are set out in the 2016 plan on employment have now commenced or been completed. However, after engaging with disabled people and disabled people’s organisations, it became clear that “A Fairer Scotland for Disabled People” was not ambitious enough. I was at two events this week—one was with the national involvement network and the other was the kindness conference this morning—when disabled people made that loud and clear.

We must go much further in changing the culture, attitudes and practice with regard to employing disabled people, which is why my



colleague Jamie Hepburn, the Minister for Business, Fair Work and Skills, launched “A Fairer Scotland for Disabled People: Employment Action Plan” last December. The plan, which was developed in partnership with disabled stakeholders and disabled people’s organisations, sets out our initial actions to take us towards meeting the target of reducing the employment gap by half, which we aim to achieve by 2038.

The plan has three key themes that were highlighted by our partners, which are supporting employers, supporting disabled people into work and supporting young people to make successful transitions from school, which can be a key time in their life.

To be successful in implementing the plan, the Scottish Government must lead by example as an employer and a policy maker. In the spring, the Scottish Government will publish a recruitment and retention plan that sets a target for the employment of disabled people in core Scottish Government roles. We will encourage other public sector organisations to take part and follow our example. We will continue to work across Government to ensure that the policies that we develop to support disabled people help, rather than hinder, their ability to enter the meaningful work that they all want so much.

I will talk a wee bit about social security. Disabled people have a human right to social security and they should be supported to access the financial support to which they are entitled. We are building a rights-based system of social security that is founded on the values of dignity, fairness and respect. Social security in Scotland is being co-designed with people who have lived experience of trying to access the current benefits system, which will ensure that it works for and not against disabled people. That is in stark contrast to the United Kingdom Government, whose abolition of the independent living fund and welfare cuts were judged by the UN as

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

By early 2021, Social Security Scotland will welcome new claims for the three main forms of disability assistance for children and young people, working-age people and older people, which it will do with dignity, fairness and respect, as enshrined in the social security charter.

From April 2020, any family living in Scotland with a child who is in receipt of the higher-rate component of disability assistance for children and young people will be eligible for winter heating assistance.

In spring 2021, the delivery of additional financial support to carers of more than one disabled child will recognise the particular

challenges that impact carers in such circumstances.

I will talk about how the Scottish Government is working to improve the lives of disabled people with learning disabilities. Last week, with my colleague Clare Haughey and representatives of the Convention of Scottish Local Authorities, I had the joy of launching our exciting refreshed framework on learning disabilities, which is called the keys to life. I am hoping that it will be the keys to success for many.

**Jackie Baillie (Dumbarton) (Lab):** Although I welcome the refreshed framework, does the minister acknowledge that it is quite late in the day and the majority of the recommendations in the keys to life framework will not be met?

**Christina McKelvie:** I know that Jackie Baillie has a commitment to this issue, but in my experience at the national involvement network the other day and at the framework launch last week, people with learning disabilities were keen to see the keys to life framework working and wanted to tell us how they saw it working. We will continue to make sure that it works, and I am sure that Jackie Baillie will continuously be on my tail to make sure that that happens.

At that event and at previous engagements, I met individuals with learning disabilities who told me that they want and need better lives. They were in no doubt about that. The framework represents a journey that involves people with learning disabilities, alongside many organisations, at every step in the work that we need to do.

The framework takes a whole-life approach, involving both adults and children, and it covers a much wider area than just health and social care. That was a real issue that many people talked to me about at the national involvement network the other day. It reflects our priorities on education, further education, employment, housing and transport. In addition, the framework strongly recognises the role of relationships, including sexual relationships, the rights of girls and women over their reproductive health and the need to protect people against gender-based violence. Individuals with learning disabilities, particularly girls and women, are subject to many assumptions about their ability to have and sustain relationships and sexual relationships, their reproductive rights and their capacity to become parents. That is simply a right. The framework is an exciting opportunity for us to collaborate and work together to make real change happen for people with learning disabilities, who asked us for that.

We are also looking at how we can work more closely on accessible places. I am sure that my colleague Kevin Stewart will be delighted to know

that we have now had 906 responses to the changing places consultation, which is wonderful. We want places to be accessible for everyone. The Scottish Government is committed to continuing the provision of changing places toilets—I see my friend and colleague Mary Fee nodding her head vigorously, and I know that her commitment to that is the same as mine. We are currently consulting on the proposal to require changing places toilets to be included in new larger building works through the building standards system. Changing places toilets enable those with complex care needs and their families to get out and about. Quite simply, they can be life changing for many families. The consultation does not close until 13 May, so there is still loads of time to encourage more people to take part. Let us see whether we can get the number of responses to break through the 1,000 barrier.

I was delighted recently to be able to support PAMIS—a charity that raises awareness of the needs of those with complex care needs and enables them and their families to get out and about. We do not often get the chance to announce money, so it was great to announce funding of £45,000 to design and purchase the equipment for a second mobile changing places toilet. That will enable more individuals and families to get out and experience what Scotland has to offer.

Housing has been described as the cornerstone of independent living. Living in the right home with the right support can be the key to enabling people to live life independently at home. “A Fairer Scotland for Disabled People” includes a commitment to ensure that each local authority sets a realistic target in its local housing strategy for the delivery of wheelchair-accessible housing across all tenures and reports annually on progress. That was reaffirmed in the programme for government, and we will shortly issue guidance to local authorities requiring them to have all-tenure wheelchair housing targets in place this year.

We have also started work on our approach to housing supply beyond 2021, with many contributions from our partners on that. Given the long lead-in times for housing delivery—we cannot just build houses tomorrow—we are engaging with our partners to plan together how our homes and communities can meet the needs of our changing communities by 2040, with options and choices to get there as quickly as we can.

Our shared goal is nothing less than for all disabled people to have choice, control, dignity and the freedom to live the life that they choose with the support that they need to do so. The reason is simple: equal rights for disabled people are about human rights. None of us can enjoy our

human rights when even one of us does not. We are not standing still on that commitment, as members have heard. We will keep working with disabled people and their representative organisations and we will continue to listen to the views of the UN as we undertake work in response to what we hear. We have high ambitions for the changes that we want to see, and disabled people have the right to no less.

I move,

That the Parliament recognises the valuable contribution that disabled people make to Scottish society; believes that progress has been made to realise equality for disabled people, but acknowledges that inequality persists and must continue to be challenged by all in society; agrees that transformational change is needed in order for disabled people to realise their full potential and agrees that this can only be achieved by working with disabled people’s organisations; reiterates its support for the co-production approach and actions set out in *A Fairer Scotland for Disabled People: Our Delivery Plan to 2021*; notes that, since the plan was launched, progress has been made toward the goal of at least halving the disability employment gap, with further actions set out in the publication of *A Fairer Scotland for Disabled People: Employment Action Plan*, and recognises the Scottish Government’s commitment to implementing the UN Convention on the Rights of Persons with Disabilities so that disabled people in Scotland can exercise all of their human rights.

15:03

**Jeremy Balfour (Lothian) (Con):** I thank the minister and the Government for bringing this timely and important debate to the chamber this afternoon.

It is fair to say that we have seen significant improvements in the law to protect the rights of disabled people. The United Nations Convention on the Rights of Persons with Disabilities, the Equality Act 2010 and the United Kingdom Disability Discrimination Act 1995 have helped to protect the rights of disabled people. At face value, we appear to have travelled far, but my conversations with disabled people and disability organisations suggest that we are a long way from achieving equality. A report by the Equality and Human Rights Commission described disabled people in Scotland as being “left behind” and facing significant inequalities, including low attainment rates and higher unemployment.

The Scottish Conservatives have supported the Scottish Government’s delivery plan for disabled people from its launch and we agree with the Scottish Government’s stated ambitions for it. Like the Scottish Government, we want support services that promote independent living, meet needs and enable life choices, opportunities and participation.

**Alex Cole-Hamilton (Edinburgh Western) (LD):** Sarah Newton, the UK Minister of State for Disabled People, Health and Work, resigned two

weeks ago and has not been replaced. It emerged yesterday that Theresa May is going to wait until after the Brexit impasse—whenever that may be—before appointing a successor. Given that we all agree about the issues that Jeremy Balfour describes, should he not put pressure on the UK Government to move faster than that?

**The Deputy Presiding Officer:** I have some time in hand for interventions, so you will get your time back, Mr Balfour.

**Jeremy Balfour:** First, I put on record my appreciation for the good work that Sarah Newton did across the UK. In my meetings with her, she really understood what the disabled community wanted and pushed a very positive agenda. I agree with the member that we need a minister to be appointed as soon as possible. I am sure that we all want that to happen at the earliest possible moment.

Disabled people want decent incomes and fairer working lives. One disabled lady said to me a few weeks ago:

“I just want a normal job, not a job that was created because I am a disabled person.”

That is key because, historically, we have sometimes created jobs for disabled people and allowed only disabled people to apply for them. However, that misses the point. Disabled people want to be in the mainstream of universities, colleges and daily life. We fully support accessible workplaces, homes and transport, and we want society to do everything that it can to ensure that people with disabilities have full and active participation in all aspects of public life, free from stigma and discrimination.

I gently suggest to the Scottish Government that drafting a plan is the easy bit; the challenge is ensuring that it is deliverable. At the heart of the delivery plan is the ambition that support services should be designed and delivered to enable all disabled people to have control and to live the life they choose. Self-directed support is at the core of that ambition; it allows people, and their carers and families, to make informed choices on what that support looks like and how it is delivered. That said, at the SDS conference that was held in Stirling a couple of weeks ago, service users outlined issues around SDS payments and management. One service user described the process of working with his local authority to receive SDS as “tortuous”. Another spoke of

“a good policy but poorly implemented at a local level”.

Some felt that their social work department was not listening, while many felt that there was a lack of awareness and understanding of the policy.

If the Scottish National Party Government is genuine when it refers to real lived experience

being the best guide for developing policy, an urgent review of the agreement between the Scottish Government and local authorities is required. Many disabled people’s organisations are giving increased priority to employment issues. Disabled people, like most of us, see the importance of work. As the minister has pointed out, one in five working-age people in Scotland have a disability and they can contribute a wealth of talent, experience and views to the workforce, helping companies to grow and strengthening Scotland’s economic performance.

However, there are still many barriers. As we have heard—again from the minister—the employment gap stands at 35 per cent. Over the past couple of years, I have met many business communities and found overwhelming support for the recruitment of disabled people. Employers see an opportunity to increase the pool of high-calibre candidates in their business. They recognise that reflecting the diversity of their customers in their workforce can help them to maintain a long-term proposal that people will buy more readily.

Again, I welcome the launch of the Scottish Government’s employment action plan and the input of disabled people and disability organisations into the development of the plan. Members will be aware that the UK Government has also been looking into this area and, in 2017, published “Improving lives: the future of work, health and disability”. I genuinely hope that Scottish Government ministers will have discussions with the UK Government on the potential for co-operation. As the Scottish Government’s action plan acknowledges, the ambitions that we have need the public, private and third sectors to work together with communities and with disabled people and organisations that represent them. It will be key to achieving those objectives.

I was pleased to learn that the Scottish Parliament is now a disability confident leader; disability confident is a scheme that is run by the UK Government to help businesses to think differently about disability and improve how they attract, recruit and retain disabled workers. By changing behaviours and cultures in their businesses, they can help to change attitudes across society.

Disabled people’s organisations believe that better support needs to be provided both for disabled people who are looking for employment and for employers who are seeking to recruit disabled people. My discussions with businesses back up that view. The split in employment legislation between Westminster and the Scottish Government creates complexity. Employers refer to a crowded landscape, where they receive conflicting advice when they are looking for

guidance. There is wide support for a pragmatic, one-stop portal, where employees and employers can find advice on disability employment. Again, I genuinely encourage ministers both north and south of the border to explore that idea further. I hope that ideology will not get in the way of good practice.

Disabled people must not be treated less favourably than other citizens. We must build a fair and inclusive society in which everyone has equal opportunities to thrive and succeed. To achieve that, we must put the rights of disabled people at the heart of our society. I urge the Scottish Government to continue to use its influence to work in partnership to reduce stigma and increase opportunity.

I thank the people in the public gallery for attending the debate; I hope that they find it helpful, and I apologise to the signers if I have spoken for too long.

I move amendment S5M-16593.1, to insert after "Employment Action Plan":

"; further notes that the UK Government's Disability Confident scheme encourages employers to recruit more disabled people; believes that the Scottish and UK governments should work together to develop a one-stop-shop portal, bringing together all of the key support offers into one cohesive package to ensure joined-up services and a clearer picture for disabled people and employers".

15:11

**Mark Griffin (Central Scotland) (Lab):** I thank the Presiding Officer and the Scottish Parliamentary Corporate Body for again making the Parliament an exemplar in the provision of access to people who are deaf and use British Sign Language.

Today's debate is a useful reminder that more needs to be done to support Scotland's disabled people to live their lives to the fullest, unrestricted by Governments, employers, businesses and society. One in five people in Scotland live with a disability, which means that more than a million people are often left to the whims and attitudes of everyone else. Although the experience will not be universal, many will either be patronised or suffer ignorance about the barriers that they might face. They are likely to experience discrimination and—worse still—they can face abuse because of their disability.

A person is not less able or unable to do something because of their medical condition, nor are they less of a human being because of it. Instead, it is society that determines that a person who has a particular condition is unable to live their life in the same way as a person without that condition. Society stigmatises the person with that long-term condition; employers put barriers in the

way of their dream job; and Governments design policies for and not with disabled people, which means that often their voices go unheard and their needs are unmet, and they can be left in poverty.

We will support the Government's motion today, but I ask ministers to respond directly to the criticism from the Scottish independent living coalition that the delivery plan does not fully reflect disabled people's lived experience or priorities for action and that it lacks ambition and

"in many ways ... is simply a round-up of pre-existing activities".

I know that the minister was loud and clear in her opening speech about the demands and ambitions that disabled people have for themselves in the action plan.

Today's debate comes two weeks after disabled access day, and this year's access survey found that some of our ancient castles can be more accessible than the local pub. As we point out in our amendment, people with a disability are twice as likely to report severe loneliness as the general population. The consequence of disabled people being excluded from the local pub or community venue or a particular activity is that they are prevented from living their fullest lives, because such exclusion can be isolating, can hinder participation and will have a wider impact on their health.

Just a few weeks ago, we debated social isolation and loneliness, which we heard severely affects disabled households. Financial, emotional and practical pressures, alongside stigma and the lack of suitable services, prevent families from being integrated, while low incomes can sometimes restrict their freedom to get out.

When I saw the title for today's debate—before I read the motion—I expected it to be about the Government's consultation on disability assistance in Scotland. Statistics updated today confirm that a household with a disabled person would be twice as likely to be in poverty if it were not for their disability benefits. Although personal independence payments, disability living allowance and attendance allowance are not income replacement benefits, they are benefits that are being devolved to this Parliament. The consultation, which was published three weeks ago, set out how the Government intends to support 550,000 disabled people in Scotland with £2.4 billion of assistance every year. Such support helps with extra costs and keeps some disabled people above the poverty line. It would be good to hear from either the cabinet secretary or the minister in the closing speech whether the Government plans to bring a wider debate to the chamber after the Easter recess to inform the consultation and to raise awareness, which the

cabinet secretary referred to in her opening speech.

**The Cabinet Secretary for Social Security and Older People (Shirley-Anne Somerville):** I thank Mark Griffin for the opportunity to respond, because I will not close the debate. I believe that I will discuss the consultation with the Social Security Committee, of which Mark Griffin is a member. I reinforce the invitation that I made to all political parties to meet me to discuss their views on wave 2. I do not think that I have had a reply from the Labour Party yet, but I am more than happy to meet Labour members. I have met members of other parties and will do so again next week.

**Mark Griffin:** I am happy to meet the cabinet secretary to discuss the wave 2 benefits; I am glad to have received that invitation.

In the debate on social isolation, I asked the minister to raise with the cabinet secretary the issue of extending mobility payments for older disabled people. That is backed by a variety of third sector groups, including Marie Curie, Citizens Advice Scotland and Inclusion Scotland, because it would help older people get out of their homes and live their fullest life. Such a measure was backed overwhelmingly when people were asked about it in the consultation on social security in 2016. Far gone are the days when older people, whether disabled or not, wanted to retire and be stuck at home; they want to get out, and the social security system should support them to do so.

I am doubtful that the new Scottish legislation that creates a benefit that discriminates on the basis of age would be permissible under the fairer Scotland duty, or that it complies with the non-discrimination principles in the Social Security (Scotland) Act 2018. I ask the Government to reflect on that. If we are truly building a social security system that is based on dignity and respect, I hope that we can reassure disabled people that the system will help them get out into their communities to participate for the sake of their health, regardless of their age.

We will support the Conservative amendment, but I say gently that cross-Government work will happen only if there is a team of ministers in place to carry it out. I urge the Conservative Government to rethink its decision not to appoint a minister for disabilities until the Brexit crisis is over.

I move amendment S5M-16593.3, to insert after “disabled people’s organisations”:

“; notes that people with physical health problems, long-term conditions or a disability are twice as likely to report severe loneliness than the general population; agrees that this can only be reduced with adequate funding for good social security support, education strategies, employment opportunities and more accessible public spaces and housing”.

15:19

**Andy Wightman (Lothian) (Green):** I, too, welcome this debate on progressing towards a fairer Scotland for disabled people, and I thank all the organisations that provided briefings. We say that traditionally, as a matter of routine, but the briefings that we have received for the debate, including from the Scottish independent living coalition, CAS, People First Scotland, Enable and Royal Blind, have been extremely helpful.

As members have said, the key to the debate is in the title, “Progressing Towards a Fairer Scotland for Disabled People”. Progress has been made in Scotland’s social security system and in recent changes to public attitudes to hidden disabilities in particular, but too many barriers, both financial and social, persist.

As we know, disabled people are more likely to live in poverty and face higher living costs of, on average, around £630 a month. Today’s figures on disability poverty are deeply concerning. Between 2015 and 2018, the poverty rate after housing costs for people in families with a disabled person was 24 per cent—that is around 440,000 people—compared with 17 per cent for people in a family without a disabled person, and it was up 3 per cent from the lowest recorded figure in 2009.

Benefits such as the disability living allowance were meant to meet those higher costs, but the transition from DLA to personal independence payments has been disastrous for many disabled people. Fifty-six per cent of new claims are being turned down and 28 per cent of reassessment claims are also refused, and those figures do not take into account the thousands of Scots who are awarded PIP at a much lower rate. The refused reassessments alone cost disabled Scots around £56 million a year. To be clear, the money is for disabled people to live and experience a quality of life that everyone else takes for granted. In cutting that support, the UK Government is attacking the rights of disabled Scots to live in dignity.

I welcome the minister’s commitment to work with people with disabilities and their representative organisations to build a clear consensus around how disability assistance should be assessed, how it should work and how we can all take forward that vision—with the increased funding that will no doubt be required.

Disabled people continue to earn less than non-disabled people, which compounds the problems. With regard to working hours, disabled women are much more likely than disabled men to work part time, and they are more likely to be in underemployment and to be in low-paid jobs. Thirty-five per cent of disabled women are paid below the national living wage, compared with 25

per cent of non-disabled men and 29 per cent of non-disabled women.

Despite the urgent need for action, the target that is set out in the delivery plan of achieving the ambition to close—or only to halve—the employment gap by 2038 is progress that is far too slow for far too many people.

**The Minister for Business, Fair Work and Skills (Jamie Hepburn):** I readily concede that, for individuals, we cannot possibly move fast enough on the issue. In the lifetime of any person on the planet, 20 years is a long time. Does the member accept that, at the current rate of progress, the most optimistic estimates see a period of 200 years being required to at least halve the disability employment gap? We are proposing to move in one tenth of that time. Surely the member will accept that that is a fairly ambitious thing to do.

**The Deputy Presiding Officer:** Minister, I understand why you turned sideways to intervene, but I think that it could be quite hard for the BSL interpreters to interpret your comments when you turn away from the microphone.

**Andy Wightman:** Two hundred years is out of the picture and an ambition of one tenth of that is, on one reading, good. I take the minister's point: it is going to be difficult but, as he rightly points out, for anyone who experiences a disability, progress is too slow.

The number of disabled people who are on public boards has decreased in recent years and there are, of course, very few politicians with a disability. To achieve greater equality, that needs to be addressed by all political parties in the Parliament and in councils across the land.

The minister mentioned appropriate housing, and inappropriate housing is, of course, a barrier to allowing people the independence that they deserve. That needs to be tackled by ensuring, to begin with, that all new social housing is fully accessible. We scrutinised the issue in the Local Government and Communities Committee as part of our budget scrutiny, and it was raised and highlighted by the Equalities and Human Rights Commission more recently. Such measures do not benefit only disabled people; they benefit our ageing population more generally, many of whom will experience and be the victims of mobility problems in particular. In that context, I welcome the amendment from Mark Griffin and the Labour Party, and I have been encouraged by the growing appreciation of the role of co-housing and other more appropriate housing options.

However, the issues that disabled people face in their day-to-day lives stretch far beyond their homes and their workplaces. Many of the organisations that sent briefings noted that

practical support in the everyday lives of people with disabilities is either lacking or not ideal, citing issues with accessible justice, parenting support and social care that supports independent living.

Although we recognise that some progress has been made and we welcome the Government's commitment on the topic, we know that there is still more to do. Far too many people face real constraints and unacceptable barriers in their daily lives, work and play, compared with those of us who take so much for granted. The delivery plan and the employment action plan begin to address some of those issues, but—as with so much more—we need more inclusive decision making and faster progress.

13:25

**Alex Cole-Hamilton (Edinburgh Western) (LD):** I thank the Government for making time for today's debate and I thank the minister for the tone that she set at the top of the debate. The motion commands the support of the Liberal Democrats—as it should command the support of every party in the Parliament. We have to strip the party politics out of the issue because we have all been collectively failing in the shared endeavour to improve the lives of people with disabilities. We have made progress, but there is still a lot more to do.

The reality is that there has always been a disconnect between the good will found in the words spoken in the Parliament—and in councils around the country—and the lived experiences of people with disabilities in Scotland.

In 2009, I worked as a policy officer and I had to digest all 32 single outcome agreements—the local authorities' road maps for delivering on the national outcomes framework. One metropolitan authority said that it would endeavour to get 200 young people with a disability into employment by the end of that year. Reporting on that effort 12 months later, it noted that it had succeeded in getting only 11 such people into work—that is the extent of the gulf between rhetoric and reality.

There are many reasons for that gap. We have heard a lot about the fact that the built environment can still be inaccessible, particularly in our older cities, such as Edinburgh, where there are inaccessible toilets in accessible buildings. There is also the absence of a falls strategy, which is an issue that I have mentioned in Parliament before. All of that compounds the loneliness and isolation that people feel when their social universe is decreased by the physical realities of the spaces that they simply cannot occupy.

It is fair to say that underrepresentation of people with disabilities in our society is rife. Only 7 per cent of people with any kind of learning

difficulty will be in any kind of employment. There is a massive gulf between MSPs and the society that we seek to serve. We do not reflect the rich panoply of mixed abilities in our society. Similarly, public boards fail to reflect that mix. The Scottish Parliament moved mountains with its Gender Representation on Public Boards (Scotland) Act 2018. That was great, but there is still a job of work to be done to see people with disabilities and other equalities groups more effectively represented on the public boards that we appoint.

The UN Committee on the Rights of Persons with Disabilities said:

“In Scotland, disabled people continued to be omitted from the key policy areas concerning them, and a range of policies, while positive in intent, were not adequately supported to deliver disabled people’s rights in practice.”

That is not an assault on our Government; it is an assault on us all. It is a challenge that we should all heed. In part, it is due to the fact that since the first days of organised social policy, Governments have had a slightly paternalistic approach to disability legislation and policy. That comes from a well-meaning place, but we got it wrong: we were trying to overly protect people, rather than to empower them and, because they have no place at the table, their voice has been missing from the debate. That is a charge that can be laid at the feet of all the Administrations that have served in the Scottish Government.

Being heard matters—I would have said a lot about that if my amendment had been selected today. The reality of public policy in some areas still denies both self-determination and agency. To make one’s own decisions and to be heard in one’s own voice has to be part of the fabric of our human rights approach to public policy. However, we are getting that right.

The general comment on article 12 of the Convention on the Rights of Persons with Disabilities reinforces the assumption that all people with disabilities have full legal capacity and that the perceived or actual deficit in mental capacity should not be used as a justification for denying or restricting legal capacity. That is really important. One of the things that the committee points to—and I raised the issue with the Minister for Mental Health following the announcement of the review of the Mental Health (Care and Treatment) (Scotland) Act 2003—is the fact that we are still overusing curators when those who sit in judgment on mental health tribunals do not believe that it is possible to get the views of the person who is the subject of the tribunal. We are also overmedicating in psychiatric wards to the point of incapacity, meaning that people cannot use their own voice to be heard, and we still have an insufficient use of independent advocacy.

Again, I do not ascribe party-political blame on the issue; it is a reality, and we have an imperative as a chamber to work together to solve the problem. The review of the 2003 act and the Adults with Incapacity (Scotland) Act 2000 is an opportunity for us to work together to answer the challenges that the UN has laid down for us.

Last week, I held a great reception, which some members were at, for an organisation in Edinburgh called get2gether. Get2gether is about adult self-determination. It is about recognising and busting myths. Adults with disabilities are adults—with disabilities. They have the same interests, desires and needs as other adults. Get2gether seeks to provide for that, whether that is by scotching myths about sexuality among people with learning difficulties or adults with other kinds of disability or by recognising that adults with disabilities want the independence to stay out late, come home drunk or find their own way home drunk. It fosters an environment that supports the kind of social interaction in relation to which many people in political circles have often written off disabled people.

I was very proud to host the reception. Get2gether taught me some things and dispelled some myths and preconceptions that I had held. It showed me what an important ignition self-determination can be in transforming lives—perhaps vulnerable lives and lives that have faced challenges—by giving them that spark of determination and self-sufficiency. We must do more to support it and organisations like it.

We must give people in this country with disabilities a seat at our table, or they will have every right to continue to rage at us from the street.

**The Deputy Presiding Officer:** We come to the open debate and speeches of six minutes. We have a few minutes in hand for interventions. If a member intervenes, their request-to-speak button will go off, so they must remember to press it again.

15:31

**George Adam (Paisley) (SNP):** I am pleased to speak in the debate because it means so much to me. Disability is part of my life. I feel a fraud in saying that, because, as members know, it is my wife Stacey who has the disability. Until we were married, access to buildings and services for those living with disability—let alone access to employment—was not my number 1 priority, as it is not for many people in Scotland. However, given how Stacey’s disability has progressed over the years of our marriage, due to multiple sclerosis, all of that has become a major priority for me.

In the Scottish Parliament, we do not have an elected member who is disabled. My sister was part of the Government-supported campaign—*[Interruption.]*

**Daniel Johnson (Edinburgh Southern) (Lab):** Will the member give way?

**George Adam:** I will take an intervention—if Mr Lyle is still having a conversation.

**Daniel Johnson:** I want to give the member the opportunity to recognise, first, that Mr Balfour is present and, secondly, that many people have disabilities that might not be visible. There may well be others in the chamber who have disabilities. Finally, Mr Adam should not feel a fraud. He is living with disability, and it is important that we all talk about it. I welcome his comments.

**George Adam:** I was speaking as the chief whip for the Scottish Government and about the SNP group, in particular. I was looking at the people I work with on a day-to-day basis.

My sister Jennifer was part of the Scottish Government-sponsored campaign to get more elected members with disabilities in local councils. Jennifer had a stroke when she was 25 that left her with a disability. We need to make sure that all parties—mine especially—work to be representative of all the people of Scotland.

I have often asked why someone with a disability should not get the support they need to access work, in particular. It is important that we push the boundaries. I will tell members a personal story regarding that—and Stacey will probably kill me for it when I leave the chamber. I had been an MSP for two years. My working practices were that I would leave first thing in the morning and come home at 10.30 at night. Stacey would want to talk, but I had to get ready to head back to Edinburgh in seven or eight hours, to get involved in work again. I suggested—in a discussion that became a rammy—that, as we met in politics, she should be involved with me in the Parliament. She has now been working for me for seven years.

Seven years later, Stacey is still here and she now runs my parliamentary office. She keeps me in check when I am in Parliament and ensures that I am organised and get to where I need to be at the right time. Although Stacey is an important part of team Paisley, I need to accept that, due to her worsening condition, she is not physically able to be here every day. People with MS can have issues with fatigue, so I need to understand that there will be days when Stacey needs to work from home.

The private sector, in particular, needs to provide flexibility for people who have disabilities. Luckily, the Parliament is a good environment for

someone with a disability to work in. Stacey loves working here. I am not sure whether that attitude has anything to do with working with me, but we are still married and, seven years later, we are still working together.

The Scottish Government's on-going work on the issue is particularly helpful. "A Fairer Scotland for Disabled People: Employment Action Plan" sets out the Government's commitment to disabled people in Scotland and recognises the valuable contribution that people with disabilities make to Scottish society and to Scotland as a whole. For me, the matter goes further than that: without the love and support of Stacey, I probably would not be here—God only knows where I would be without her. That support includes her work in the Parliament, such as going about her business with a smile and ensuring that I am able to deliver for the people of Paisley. However, Stacey is a volunteer, and she keeps telling me that she is an unpaid volunteer—that is an argument for another day.

The Scottish Government's goal is that every one of the 1 million disabled people in Scotland will have the control, dignity and freedom to live the life that they choose, and that they will receive the support that they need to do so. Disabled people make up 20 per cent of our population.

I will provide some examples of how difficult it is in the workplace for those who are living with MS. The Westminster all-party parliamentary group for multiple sclerosis produced a report titled "Employment that works: Supporting people with MS in the workplace", which states:

"(30%) of respondents who are currently in work said they had experienced MS-related stigma or discrimination by colleagues or managers over the past five years."

The all-party group also said that the on-going symptoms that those with MS have, particularly fatigue, limit the range of hours that they can work and the jobs that they can do. That is why our office needs to be so flexible with Stacey, who is a volunteer and sometimes needs to work from home. We now have the technology to enable her to do that, and we need to ensure that businesses catch up with us and become aware of the pool of talent that could be part of their team.

I welcome the fact that the Scottish Government wants to work with employers, because we need to establish best practice for disabled people, including those with MS, so that they can access the workplace. We need to ensure not just physical access, but access to the top positions, as disabled people are more than capable of holding them. There needs to be a change in attitude among employers and in the workplace. People need to see through the disability. The MS Society's "My MS, My Needs" survey found that 39 per cent of those with MS were not working or



were looking for work. Of those with MS in the workplace, 69 per cent have relapsing remitting MS. It is easier for those with relapsing remitting MS in the workplace but, for those with secondary progressive MS, such as Stacey, there are difficulties.

I welcome the debate. To make the strategy work, we need to encourage employers to see through the disability and accept the abilities of individuals. Far too many people with MS, in particular, are not getting the opportunities to be all that they can be. If I could say one thing to employers, it would be this: the issue might appear difficult, but it is our job and their job to create the space and support for disabled people in Scotland.

15:38

**Oliver Mundell (Dumfriesshire) (Con):** I am pleased to speak in this important debate. We have already heard very interesting speeches from across the chamber, and different issues have been raised.

It is not just those with disabilities who lose out as a result of discrimination; it is all of us. When people with disabilities are not able to play their full part in society, society is weaker. That is especially true for us, in Scotland. In what is a relatively small country, we simply cannot afford to miss out on the skills, talents and creativity of disabled people.

That is very evident in my constituency, as we often struggle to retain people of working age in the area. We must make sure that those who are there and who want to play a full part in society have the chance to do so. I was particularly interested in what the minister had to say about getting a first job and what barriers disabled people face in that regard.

That takes me on to education, which is where many of the problems that we face with employment and further down the line in our society start. It is laudable and important that we talk about having services that promote the human dignity of disabled people, but we must be honest enough to admit that that standard is frequently unmet at the early years stage and in primary school, secondary school and further and higher education. Across Scotland, there are many young people with additional support needs who are not getting the support that they deserve. I continually hear from concerned parents in my constituency who see their child's potential ebbing away as systems move too slowly and there is a failure to provide support. As the Parliament takes on more power over social security, it is vital that we focus on early intervention and redouble our efforts in that area, so that people get support at the earliest possible stage.

In my time on the Education and Skills Committee, time and again I have heard testimony that young people and their families are unaware of their rights. We have heard about cases in which young people are being forced to fail in mainstream schools and are not getting the support that they need for what can be very complex needs.

**Daniel Johnson:** Did Mr Mundell find some of the conclusions of "Not included, not engaged, not involved: A report on the experiences of autistic children missing school" shocking, as I did? Does he agree that the exclusion from school that many young people experience is illegal?

**Oliver Mundell:** I would probably go further than saying that I found those conclusions shocking; the situation that the report describes is a downright disgrace.

Daniel Johnson is absolutely right to doggedly raise the issue, because no member can be satisfied that we are doing our duty when young people are being denied their basic right to education by being unlawfully excluded from school. I am pleased that there are early signs that the Government is working with the organisations that produced that report. However, time is of the essence. It is easy to say that we are on a journey, that we are making progress and that we have targets, but we must remember that individual young people do not have the time to wait. Every day that we delay or spend discussing our ambitions for the future is an opportunity missed for them.

The Government needs to put education right at the heart of its goals and plans if it wants to get anywhere near meeting its target. Frankly, the gap in employment rates between people who are disabled and those who are not shames our society, and it should shame us all. The fact that that gap is not closing more quickly, despite all the policy ambitions and statements, points to the problem that I am highlighting.

I stress to ministers that there is a postcode lottery. Although there is good practice in some areas, the practice in other areas is not so good. Up to a point, it is fine to say that it is for local authorities to deliver education and to decide how much support disabled young people in their area need, but none of us can believe that it is possible for the proportion of pupils with additional support needs to be as low as 16 per cent in some parts of the country while it can be as high as 40 per cent in others.

Something is going wrong, and, at a national level, we have a duty to do something about the situation. If we want a fairer Scotland for disabled people, that support has to start from day 1, to make sure that people fulfil their aspirations.

15:45

**Kenneth Gibson (Cunninghame North) (SNP):** The Scottish Government, the Parliament and society must recognise the rich and valuable contribution that disabled people make to all aspects of public and private life. We also know that much work is still to be done in challenging inequality, to ensure that disabled people have full access to the social, civic and economic life of Scotland's communities.

As we stand at the midway point of our delivery plan for the United Nations Convention on the Rights of Persons with Disabilities by 2021, it is only right to discuss progress thus far and what is still to be achieved. I thank Inclusion Scotland and others for their excellent briefings ahead of today's debate, which highlight areas where we need to move forward. For example, disabled people are still more likely to live in poverty than a non-disabled person. Indeed, a disabled person in Scotland faces, on average, additional costs related to their impairment or condition of £632 a month. Sadly, there is also a real disability pay gap.

Those facts underline how important it is to reaffirm our commitment to delivering transformational change for disabled people. The delivery plan "A Fairer Scotland for Disabled People" could not be more distinct from the UK Tory Government's approach, which was to abolish the independent living fund and cut employability programmes and welfare such that the United Nations declared there to be evidence of "grave or systematic violations" of the UN Convention on the Rights of Persons with Disabilities. That was all in the name of austerity.

Indeed, the Prime Minister was this week accused of making disabled people her bottom priority after failing to replace the Minister of State for Disabled People, Health and Work, Sarah Newton MP, who quit on 13 March. Meanwhile, official figures reveal that 70 per cent of disabled people facing the possibility of losing their entitlement to social security benefits who proceeded to a hearing had that decision subsequently overturned. It is simply unconscionable that so many people in need are being failed, and the situation raises questions about the number who may have been successful but who choose not to proceed to a hearing because of the process involved.

The UK Government's punitive approach is demonstrative of its often callous attitude towards disabled and vulnerable people. Many people who are born with disabilities so severe that they are unable to work are still being subjected to repeated employment and support allowance work capability assessments over many years, despite the fact that their condition is permanent. It is

deeply stressful and pointless for one of my older constituents to be summoned for interview in Ayr, which is 22 miles from the southernmost part of my constituency. It is a costly box-ticking exercise. In contrast, the SNP Government believes that every disabled person in Scotland has the right to choice, control, dignity and freedom to live their life with the support that they need.

**Jeremy Balfour:** As Mr Gibson will be aware, from last week's debate, disabled people have to renew their concessionary bus pass every three years. The constituent that he mentioned, who has a lifelong disability, will have to go again and again to get their pass renewed. Does he recognise that, if such a process is demeaning with regard to work capability assessments, the same is true of renewing a concessionary bus pass? Will he put pressure on the Government to change its policy?

**Kenneth Gibson:** I refer Mr Balfour to the very detailed response that Michael Matheson, the Cabinet Secretary for Transport, Infrastructure and Connectivity, gave him a week ago today on that very question, which he will certainly recall.

Since 2013, the SNP Government has spent more than £100 million a year protecting people from the worst aspects of Tory welfare cuts. That includes fully protecting households that are impacted by the bedroom tax, 80 per cent of which have a disabled adult, and setting up our own independent living fund to ensure that disabled people are not disadvantaged by Westminster cuts—going even further by opening the fund to new applicants.

Of course, ensuring that disabled people have an income on which they can live is just one aspect of realising the human rights of Scotland's disabled people. The delivery plan sets out 93 actions that are to be progressed by 2021 in order to realise our long-term ambitions, which include halving the employment gap for disabled people. The employment rate among disabled people is currently 42.8 per cent, compared to 80.2 per cent among non-disabled people. The gap is comparable to that in the UK as a whole, which, as Jamie Hepburn pointed out, will take 200 years to close if it continues along its current track.

Fortunately, we are taking a proactive approach in Scotland, including the award of £50.5 million to colleges to develop and deliver access and inclusion strategies; creating fair start Scotland last April, which provides support for disabled people to find work; and many more actions that are outlined in "A Fairer Scotland for Disabled People: Employment Action Plan", which was published in December.

As employers, we MSPs can act, too. Last month, I addressed an excellent workshop in Saltcoats about the disability confident employer

scheme and how we can better assist people with health issues to return to work after illness. From small steps such as ensuring that our constituency offices are fully accessible by installing a disabled toilet and access ramp—as I did when I first rented my office in Dalry, 12 years ago—to offering an interview to any disabled person who meets the minimum job criteria, we can lead by example and become certified disability confident employers. As well as bringing individual advantages for the employed disabled person, utilising the talent that they bring to our workforce and thereby halving the employment gap could boost Scotland's gross domestic product by 3.5 per cent a year.

Looking beyond employment, I was incredibly impressed by a recent Scottish boccia training camp that I attended in Largs courtesy of Scottish Disability Sport. Some 350 para-athletes in 27 groups and teams across Scotland actively participate in boccia, and it is now our fastest growing para-sport. I am delighted that the Inverclyde national sports centre in Largs has, thanks to this Government and its partners, facilities and accommodation that are specially designed for para-athletes and that can accommodate such training camps. It is just one example of how incorporating accessibility into the design of our public spaces and buildings can benefit disabled people and all of us.

Inclusion Scotland and other disabled persons organisations are calling for more input from disabled people in the design, delivery and evaluation of policies that affect them, in line with the UN Convention on the Rights of Persons with Disabilities, which states that parties should actively “consult ... and ... involve” disabled people and their representative organisations. That begins with fundamentals such as supplying documents in easy-to-read formats and ensuring that meetings are inclusive and accessible. I trust that the Scottish Government will take heed of those calls and that disabled people and the organisations representing them will be at the heart of the plan's delivery and evaluation.

It is from the lived experience of disabled people that we must draw effective solutions to the problems and barriers that they face. Indeed, that is central to achieving the aims of the delivery plan and tackling inequality. I am confident that we will realise our ambitions for disabled people in Scotland and ensure that everyone has the opportunity to reach their full potential.

**The Deputy Presiding Officer (Linda Fabiani):** I give members notice that I might have to cut the length of the final speeches. I call Jackie Baillie, to be followed by Mark McDonald.

15:51

**Jackie Baillie (Dumbarton) (Lab):** That is clearly bad timing on my part, Presiding Officer, but I welcome the opportunity to take part in the debate. Judging from the briefings that we received prior to this afternoon's debate, I think that disabled people are disappointed with the Scottish Government's lack of progress. I, too, want to acknowledge the work of Inclusion Scotland, Enable Scotland, People First Scotland, the Scottish independent living coalition and many others besides, and I welcome Jim Elder-Woodward to the public gallery this afternoon.

I welcome the Government's commitment to a fairer Scotland for disabled people, but it is fair to say, now that we are halfway through delivery of the plan, that progress has been too slow. My genuine concern is that the Government consistently overpromises and then underdelivers.

I want to spend most of my time talking about learning disability, and I will start by reminding members of the two learning disability strategies that successive Governments brought forward. The first, “The same as you? A review of services for people with learning disabilities”, was widely regarded as a seminal document that truly changed the experience of people with learning disabilities in Scotland. Gone were the long-stay institutions such as Lennox Castle; gone was the lack of dignity and respect afforded to people with learning disabilities; and care and support were to be provided at home or as near to home as possible and close to family and friends. Lives were truly transformed.

It was followed a decade later by “The keys to life: Improving quality of life for people with learning disabilities”. Like “The same as you?”, it is a good strategy, but where it disappoints is that it is largely undelivered. There are lots of promises of action that have not been fulfilled. As the minister has said, a new delivery framework has just been launched, but there is little time left, and the majority of the strategy's recommendations will simply not be achieved.

One recommendation common to both strategies was the creation of a network of local area co-ordinators. At its best, it was a partnership between individuals, their families and service providers. Instead of people having to deal with a maze of services, they had the local area co-ordinator. They were the glue; they were on your side, and they helped you navigate a way through. Such was their value that they grew in number from five to 80 posts spread across two thirds of local authority areas.

Unfortunately, funding cuts have meant that many of the roles no longer exist or are delivered on a part-time basis. “The keys to life” spoke at

length about the importance of their role and promised a review to report by April 2014, but the review never happened. It is another example of overpromising but underdelivering. Whether they are supporting independent living to enable choices, opportunities and participation or ensuring that public services deliver a better experience for users with dignity and respect at their core, the posts contribute directly to the “Fairer Scotland Action Plan”, but their worth is simply not appreciated.

The Government can have the most brilliant strategies and plans, but if they are left gathering dust on a shelf in St Andrew’s house, they have little impact on the experience of people with disabilities, so we must renew our focus on implementation.

The recent “Coming Home” report by Dr MacDonald is a welcome but concerning piece of work. It established that 700 people with learning disabilities were being cared for away from home, in the majority of cases against their wishes. If we are to deliver a fairer Scotland for disabled people, implementing the “Coming Home” report recommendations must be a priority.

Of course, we should not think about disabled people just in terms of their care. As for us all, it is also about where they live and their ability to work, to be financially stable and to have strong social networks—in short, to live a full life. Often, that is based on individual circumstances and local decisions, but central Government has an overarching role and should be at the forefront of leading change. “A Fairer Scotland for Disabled People” adopts the social model of disability. As the minister rightly said, this recognises that it is society that disables people and we should act to remove those barriers. However, there is a long, long way to go.

The Scottish Government has left disability benefits—surprisingly, in my view—in the hands of the Tories until at least 2024, handing back control to the UK Government so that we are unable to make changes that I think people are crying out for.

There is a housing crisis for disabled people and the number of ASN teachers is being slashed. As council budgets are stretched to breaking point, self-directed support becomes much more elusive. The cuts and increased social care charges faced by many people with disabilities are truly worrying, because we are turning the clock back.

While I am talking about local government, I will mention the living wage for overnight care. If we want a sustainable social care infrastructure that provides good-quality care and enables self-directed support, we need to value and reward the workforce. I welcome the Government’s fair work

agenda. I welcome the strong view from the health secretary that all local authorities—not just a few—should provide the living wage for all commissioned services, not just for daytime hours but for overnight working as well. However, not every local authority has signed up to do that, despite receiving resources from the Scottish Government to do so. That is simply not good enough. The Scottish Government must ensure that the situation changes now.

With that, as with the overall “A Fairer Scotland for Disabled People” plan, I say to the minister, “Don’t just tell me what is important to you.” Although warm words are nice, they do not change people’s lives. Real action, backed by resources, can be transformational. I commend that approach to the minister.

15:58

**Mark McDonald (Aberdeen Donside) (Ind):** Like George Adam, I am a member whose life is affected substantially by disability, albeit not my own, as I am a parent of a disabled child. In that respect, many of the families and individuals I come into regular contact with also have their lives touched by disability, so I will reflect on some of the issues that they have highlighted as well as some that have been highlighted by the organisations that have contacted members in advance of the debate.

I want to talk about accessibility because it is a term that applies very broadly to the debate around disability. We have to start right back at the beginning, with diagnosis. The accessibility and availability of diagnosis for many in our society are still not where they need to be in terms of the length of time people often have to wait and in terms of how there is often a division in relation to people’s ability to access diagnosis.

As members will know, I have regularly spoken about autism in this Parliament. It remains the case that adults who seek an autism diagnosis are far too often excluded from receiving one and are forced to go private in order to obtain one rather than being able to achieve a diagnosis through the national health service. That situation is changing in Grampian and NHS Grampian is now talking about introducing an adult autism diagnostic pathway, which is welcome, albeit long overdue. However, it remains the case that many individuals whose autism is at the higher-functioning end, who might therefore be less likely to present in childhood and adolescence, find themselves excluded from achieving a diagnosis and accessing the support that they require.

Accessibility relates to support. Often, diagnosis can be empowering, because it gives someone the opportunity to understand their place and how

their condition affects them, but it can also be incredibly isolating, as has been highlighted in the speech and the amendment from Mark Griffin. If people do not have ready access or signposting to the support that is available out there, they go out into the world alone with their diagnosis and they are unsure of how to navigate the system that is in front of them.

Accessibility applies to transitions between the stages of an individual's life as they move through the services that are provided—whether that be from children's services to adult services or from adult services to older people's services. For many individuals, transitions are abrupt and like a cliff edge; many also fall into the gap between services. More flexibility needs to apply when people move through services, particularly when individuals have developed social circles that would be broken by a move to adult or older people's services, which could result in a retreat into loneliness.

We need to think about life chances. In its "Is Scotland Fairer?" progress report, the Equality and Human Rights Commission said that, although the

"proportion of university ... undergraduate entrants who reported they were disabled increased ... Disabled students were less likely than non-disabled students to successfully complete their qualification".

The Child Poverty Action Group has highlighted that part of the problem is that disabled students face significant difficulties in claiming universal credit, because the system is exceptionally complicated. That often results in students dropping out of courses. I hope that ministers have seen that information and are alive to the concerns.

We need to talk about accessibility in its widest sense. We often talk about making buildings and opportunities more physically accessible but, as a parent of an autistic child, I suggest that we must also think about sensory accessibility, which relates to lighting, ambient noise and equipment in venues.

**Daniel Johnson:** Will the member give way?

**Mark McDonald:** I will take a short intervention if I can have time back for it.

**Daniel Johnson:** Does the member agree that many such adjustments are good not just for people with neurodevelopmental disorders but for everyone, so they should be embraced?

**Mark McDonald:** It is clear that the member has read the rest of my speech, which is good, because I have not. I agree entirely with his point, which I will come back to.

My experience is that my son cannot use a communal public toilet, because the noise of a hand dryer sends him into a sensory meltdown.

When we take him out, we must use disabled toilets. That often leads to questioning looks, because my son is able bodied, and the perception remains that disabled toilets are exclusively for the use of wheelchair users. With that in mind, and because Iain Gray is not in the chamber, I commend the work of his constituent Grace Warnock, who has campaigned to ensure that people have a greater understanding of the wider range of individuals who require to use disabled toilets.

What Daniel Johnson said was correct. Making adaptations to accommodate a wider cohort of individuals does not exclude the rest of us in society but, if we continue to operate more narrowly, we will always exclude some individuals from opportunities that the rest of us take for granted.

The same point applies to changing places toilets. I have vehemently supported the campaign for them since 2011, when I shadowed a carer—Stephanie Chalmers—in the north-east and saw the difficulties that she faced in planning days out for her and her son Connor.

It is fair to say that a range of positive work is being done across organisations in the north-east and beyond but, as Daniel Johnson highlighted, it too often remains the case that we expect disabled people to adapt themselves to society's norms, when we should focus on adapting society's norms to include disabled people. I hope that we will continue to work together in that spirit to make progress.

16:04

**Bill Kidd (Glasgow Anniesland) (SNP):** The debate—as we now know, because there have been a lot of good contributions to it—provides an opportunity to examine the progress that has been made in ensuring that disabled people are afforded the same freedom, choice and dignity as others have the right to expect in Scotland.

The delivery plan "A Fairer Scotland for Disabled People" has rightly brought matters of equality and human rights to the forefront of politics on many occasions. Today, two years after the publication of that plan, we are discussing how fair a place Scotland is for disabled people to live in. The plan outlines five key ambitions and details 93 action points. The five ambitions are: support services that promote independent living, choice and opportunity; decent income and fairer working lives; accessible housing and transport; protected rights; and active participation in public life. Those ambitions, along with the action points, are to be delivered in this parliamentary session and thereafter. However, we all hope to see as much

as possible being delivered in this parliamentary session.

The trajectory that the plan establishes is highly important. Underlying its objectives is what I believe to be one of our key responsibilities as public servants. That responsibility, and prerogative, is to promote greater freedom, fairness and equity where we have the ability to do so. That is particularly true, and even more important, when it concerns promoting change for people who face disadvantage.

Disabled people have experiences of social barriers that vary according to their individual circumstances and locality. However, it is true that the social model of most societies often exacerbates the barriers that are faced by disabled people, which hinders full realisation of freedom, fairness and equity. It is therefore our duty to understand what the barriers are and to do what we can—now and in the future—to address them.

The specific barriers that face disabled people in Scotland include negative attitudes and lack of awareness; inaccessible buildings, transport and communication; poverty arising from cuts to benefits, social care charges, extra costs for and discrimination by employers; services that do not empower their users; and lack of information and power to make disabled people's voices heard. We Step Together is a learning disability charity that is based in my constituency. It cites isolation, bullying and harassment as issues that are faced by disabled people, and has actively combated them over the charity's 22 years of service.

The barriers that stop disabled people from living with freedom, fairness and equity are not inevitable—a point that disability charities emphasise. Since the publication of the Scottish Government's "A Fairer Scotland for Disabled People" delivery plan, a number of steps have been taken to address the barriers. It is significant that those steps include a large emphasis on ensuring that disabled people are listened to and are able to contribute to the changes that are being made.

Accordingly, the Scottish Government has funded the creation of the people-led policy panel. The panel is run by Inclusion Scotland and is made up of 50 disabled people who all have different experiences of what it is to be a disabled person in Scotland. The panel has open dialogue with the Scottish Government and provides feedback on policy proposals. The Glasgow Disability Alliance is also working to ensure that disabled people are able to engage in the participatory budget processes of local authorities.

Those are but two of the many steps that have been taken to instigate the movement that is

needed for Scotland to become a place where disabled people have full freedom, choice, dignity and control.

On disability rights, I am interested particularly in what living with full freedom, choice, dignity and control looks like when it comes to a person's ability to be connected to their community. That interest comes from having seen the good work that has been done in my Glasgow Anniesland constituency over the years through collaboration by many charities and community groups. For example, We Step Together—which I mentioned—works to connect people who have learning disabilities with charities including DRC Generations, where young people work with We Step Together's members. It also works with the Yoker Resource Centre to build connections between those people and the wider community.

Social isolation and loneliness have been mentioned. They are experienced by disabled people across Scotland and must be effectively combated. A sense of community can make people more connected and, often, happier. The report "A Connected Scotland: our strategy for tackling social isolation and loneliness and building stronger social connections" highlights how transport—to give just one example—can be used to make it easier for disabled people to build connections in their communities.

Simple changes such as the automatic ban on pavement parking and the continuation of free bus travel for disabled people are examples of effective and simple steps that can straight away change a disabled person's opportunity to connect with their friends and neighbours.

The United Nations Convention on the Rights of Persons with Disabilities states that all people have

"inherent dignity and worth and ... equal and inalienable rights ... as the foundation of freedom, justice and peace in the world."

As policy creators, we have the ability to take that forward for disabled people in Scotland. Let us reaffirm today our commitment to doing just that.

16:10

**Tom Mason (North East Scotland) (Con):** I should perhaps declare an interest in that I am, technically, disabled. However, in the context of the chamber, I am quite able to participate in the debate. My point is that physical disabilities can often be mitigated through technology and supportive care from others. Given the right circumstances, we can mitigate shortcomings and develop abilities that cast disadvantage into insignificance. Professor Stephen Hawking is a classic example of someone achieving much despite having a devastating condition.

A lot of good work is going on amid some real challenges. We have problems in respect of making sure that disabled people can get into work. The employment rate among disabled people is 45.4 per cent, which is significantly behind that among non-disabled people.

There are challenges in housing as well. Nearly half of adults in social rented housing report having a disability, and there was a housing waiting list of more than 100,000 disabled people in 2018, compared with 61,000 three years ago. That worrying trend needs to be addressed immediately.

However, it is only fair to discuss the good work to which I referred earlier. The UK and Scottish Governments both run back-to-work schemes for disabled people, participation rates for which are 75 per cent and 55 per cent, respectively. The UK Government has raised the workplace disability support grant to almost £60,000, which is a great step for getting disabled people into the workforce. In addition, the Scottish Government's "Fairer Scotland Action Plan" is comprehensive in its aims, but it is important that progress against it is monitored. Also, as many members do, I take part in the UK Government's disability confident employer scheme, to which about 11,000 businesses have signed up. I hope that that number continues to grow in the future.

Extra consideration should be given to the fact that disabilities are not always physical; they can be mental. In such cases, the sufferer might not understand their situation, and might not be able to innovate to circumvent or mitigate daily problems. Not least, they might have less understanding of the effect that their disability has on others.

When we see that the employment rate for people with learning disabilities is currently a mere 7 per cent, it is clear that such situations can present different challenges. I am thinking of, for example, people who are on the severe end of the autism spectrum, which is devastating for not only the individual but their parents, siblings and families, who do their best as carers. Caring for such individuals is hugely complex, and it appears that our health services are currently limited in their ability to take a holistic view of the needs of autistic patients and their supportive parents and families.

One of my constituents is an example of that. Jaxon will be 10 years old in two weeks. He is severely autistic, has severe learning difficulties and is non-verbal. He is becoming a strapping and powerful lad and is, due to the frustrations that he faces, sometimes quite aggressive and violent. He cannot be left alone for any time, because of the potential danger to himself and, perhaps, others. Jaxon requires a safety bed to keep him secure at

night. The bed is apparently not available for people who have behavioural issues, which leaves the entire family at risk during the night.

With his growing size and frustration, Jaxon's school is struggling to cope, and speech therapists are not making much progress. All the attention that is being focused on Jaxon also has a knock-on effect on his siblings.

His mother says:

"I am trying to do my best for my son to ensure that he has a good, happy and safe life, but I continue to have to chase around to speak to people in departments that don't seem to be able to help me or point me in the right direction for help for Jaxon. In fact, I have to fight for everything for my son. Where is the diversity and inclusiveness for Jaxon?"

Families such as Jaxon's should not have to go through such trauma: we should be able to organise our services to respond effectively. With the right support, families can cope with such disadvantages. I am sure that each department means well and operates correctly within its brief, but such families deserve better than to be passed from pillar to post and around departments to little or no effect. The frustrations of that add to the huge stresses that such families already experience. I ask the minister to review how services for young people with such learning difficulties are co-ordinated because, for many, current provision is not working. I would welcome a commitment on that from the minister, when he sums up.

We welcome the opportunities to strengthen the rights of disabled people in our country, and this afternoon's debate shows the commitment that exists across Parliament. I hope that, as we look to the challenges that are ahead of us, we will all commit to working together to ensure that, in Scotland, people with disabilities enjoy exactly the same opportunities as those without.

16:16

**Bob Doris (Glasgow Maryhill and Springburn) (SNP):** It is a privilege to speak in this afternoon's debate on the "A Fairer Scotland for Disabled People" delivery plan.

At lunch time, I bumped into a group from the Glasgow Disability Alliance, who were taking part in a parliamentary tour with members of the connecting Milton group. They had enjoyed First Minister's question time earlier—at least, when I met them, they told me that they had enjoyed it; I hope that that was true. The meeting was fortuitous, in that MSPs received several high-quality and deeply helpful briefings ahead of this afternoon's debate and, after our meeting, I went back and reread the briefing from the Glasgow

Disability Alliance and found it both powerful and compelling.

For those who do not know about it, Glasgow Disability Alliance is the largest grass-roots, disabled people-led organisation in Europe, with over 4,500 members across greater Glasgow. Through accessible programmes of learning, capacity building, peer support and participation, it brings together disabled people and those with long-term conditions to build their confidence and connections and support them to make their contributions—to have their voices heard, tackle barriers and work with others towards equality.

It also has a track record. Glasgow Disability Alliance members helped to shape and launch the delivery plan and have contributed to implementation through input to the employability strategy, social security development, including the charter and the experience panels, and other work. I will not go on with the list because of time constraints, but the crucial point is that, at a local level, the GDA continues to drive partnership work to progress disabled people's rights and improve outcomes in Glasgow. It sees the delivery plan as a framework document, but it also wants to drive local change and local action; it wants to see that delivered and not just to have a framework for delivery.

The GDA has a key ask: a requirement to establish regional delivery plans in each local authority area, co-produced with disabled people. I think that that is a reasonable ask. It also gives some good examples of co-production and partnership work. Glasgow City Council and the GDA are working in partnership on the "Rights Now!" welfare rights project to help to mitigate the impacts of universal credit on disabled people in Glasgow—that is something that is happening now—and there is local work to reduce the disability employment gap and boost "employerability". The GDA also mentions opportunities around the 2018 European championships, as well as hate crime partnerships in local areas, facilitated by community safety. The alliance is not just talking about action for those who live with disabilities; it is delivering it.

The GDA is right to ask how local progress will be captured in the national plan, how it will be shared, how we will drive and champion it and how we will monitor the extent to which it happens across all local authority areas. Regional and local monitoring and, potentially, targets could be powerful tools, so there are some reasonable requests there.

There are positives. Many members have mentioned the negative figure in relation to the employment gap: the employment rate for disabled people is half of that for non-disabled people. However, there is a hugely ambitious plan

to halve that gap and to improve the employment rate for disabled people. People will say that those are warm words, but there have been concrete actions, some of which we have heard about this afternoon.

I should mention fair start Scotland, which is a new employment support service, with dignity and respect at its core, which helps people living in Scotland to find work. Crucially, participation in fair start Scotland is voluntary, which means that people can choose to take part without fear of it affecting their existing benefits. Fair start Scotland is funded by the Scottish Government, with Scottish ministers committing an additional £20 million in each year of Parliament, over and above UK Government funding, with £96 million in total having been committed. That is concrete action.

I could have talked about the concrete action of the keys to life framework, self-directed support and the independent living fund but, due to time constraints, I will not.

If I did not mention the different approach that the Scottish Government, with the new social security powers, is taking in relation to replacements for PIP and DLA, my constituents would say, "Why didn't you raise your voice to talk about the good things that are happening and to condemn the things that are unacceptable about the current system?" My constituents would also not forgive me if I did not say that Remploy used to be in my constituency—shame on the UK Government for closing that amazing, inspirational, supported workplace.

I want to say something positive about the UK Government, and it relates to Sarah Newton, the former Minister of State for Disabled People, Health and Work, whose resignation is a sad loss. I also have in my constituency Royal Strathclyde Blindcraft Industries, which works closely with City Building. The unions came to me very worried that the end of protected places funding would put RSBI in huge financial difficulty, which might put 107 visually impaired workers under threat of losing their jobs. RSBI is vitally important to my constituency, but we worked closely with Sarah Newton and, in partnership with the Scottish Government and as a result of work that we did locally, she secured a two-year extension to the scheme. Sarah Newton said:

"We're committed to ensuring that disabled people have the necessary support to thrive in the workplace and Protected Places plays a big part in helping thousands to reach their full potential."

Right now, though, we do not have a UK disability minister. I hope that the Scottish Government will consider ensuring that when we eventually get a new minister, the reassurances that Sarah Newton was able to give to my constituents endure.



It has been a pleasure to speak in the debate.

16:22

**Mary Fee (West Scotland) (Lab):** I want to use my time today to talk about the lived experience of families who live with disabilities. I begin with a fact: the average public toilet floor has, on average, 77,000 germs and viruses. I ask everyone in the chamber whether they would be content to lie on that public toilet floor, because, sadly, that is the only option available to many disabled children and adults when they leave their home.

According to the brand Firefly, which is a disabled equipment manufacturer, 86 per cent of parent carers have stated that they have had to leave a venue because of inadequate accessible toilet facilities for their loved ones. The traditionally known disabled toilet is suitable only for those who are able to transfer themselves from their wheelchair to the toilet and back, or for those who can transfer with minimal assistance. Disabled children and adults with continence issues who require vital support from carers need more space.

Research commissioned by Mencap for the Scottish Government indicates that there are in the region of 20,000 people in Scotland who would directly benefit from the use of a changing places toilet. Fully accessible toilets, commonly known as changing places toilets, provide more space for a carer, a wheelchair, a changing bench and a hoist. Lifting a disabled child or adult compromises the health and safety of the disabled person and their carer. A hoist can safely transfer the person on to the changing bench or toilet. To date, in Scotland, there are 190 changing places toilets. For any member who is not aware, there is a changing places toilet located in the garden lobby of the Parliament. However, members might be surprised to realise that, on Scotland's road network, there are only two changing places toilets.

Unfortunately, the law is confusing. The Equality Act 2010 states that, while it is not compulsory for businesses to install a changing places toilet, they do have

“a duty to make reasonable adjustments”

to ensure that those with disabilities can access toilets. However, the definition of what is “reasonable” has been left up to campaigners. Organisations such as PAMIS have worked with my colleague Jeremy Balfour to try to make changes to the regulations through the Planning (Scotland) Bill.

As Christina McKelvie said in her opening speech, the Scottish Government is currently consulting on the provision of changing places

toilets; to date, there have been more than 900 responses. The consultation closes on 13 May and I encourage everyone to respond to it.

Campaigners are aware that not every business can provide such facilities, but it is not unreasonable to ask larger businesses and larger public buildings to provide fully accessible toilets—

**Jeremy Balfour:** Will the member take an intervention?

**Mary Fee:** A brief intervention, yes.

**Jeremy Balfour:** I acknowledge the work that Mary Fee has done so far. Does she acknowledge that changing places toilets also bring an economic benefit to businesses? Families can stay longer at a place, they can spend more money and they are more likely to go there if that facility is there.

**Mary Fee:** I agree that installing changing places toilets, particularly in cinemas, shopping centres and theme parks, would encourage families to come out and would be beneficial to the businesses.

Campaigner Lorna Fillingham states:

“Inclusion means much more than building ramps. If we're going to have an inclusive society, at least build toilets that everyone can use.”

We must also consider the fact that disabled children become disabled adults. Fiona is carer to her brother Ewan and they live in the Highlands. Fiona told me:

“Ewan is a 34-year-old man with profound and multiple learning difficulties, who, like most people his age, enjoys living life to the full. Together, we participate in lots of different activities, both within our local community and further afield. Ewan is unable to use a standard accessible toilet, so, over the years, in order for him to be able to do the things that he enjoys, we have had to develop all kinds of ways of trying to meet his personal care needs”—

**Christina McKelvie:** Will the member take an intervention?

**Mary Fee:** A very brief intervention, because I am fast running out of time.

**Christina McKelvie:** It will be very brief, because I hope that Mary Fee will take the opportunity to welcome the new, second-generation mobile pamiloo, which will have the Highlands as its stomping ground.

**The Deputy Presiding Officer:** I can give Ms Fee a further 30 seconds.

**Mary Fee:** I absolutely welcome the pamiloo.

As my campaigner said, sometimes, they have no choice but to abandon what they are doing and drive home, which, when they live in the Highlands, can be difficult and is not dignified. It is difficult for them to put into words the massive

difference that a changing places toilet would make to their lives.

It is important for all the family to be able to join in living life to the full. Not being able to participate in society due to lack of facilities has a severe impact on the mental health of the disabled person, the carer and their family.

I will leave members with a few quotes from Laura Rutherford, who is mum to seven-year-old Brody, from Falkirk:

“No-one chooses to have a disability; it can happen to any one of us at any time of our lives”,

“Is it unreasonable to ask for all of our citizens to feel included? Is it unreasonable to ask that all our citizens be treated with dignity?”,

and finally,

“Is it reasonable that we even have to debate this in 2019?”

**The Deputy Presiding Officer:** Tight timings, please.

16:29

**Alexander Stewart (Mid Scotland and Fife) (Con):** I am delighted to take part in the debate on progressing towards a fairer Scotland for disabled people.

There is no doubt that disabled people contribute to our communities and our society. We have heard today some passionate speeches from members about how disabilities have affected people in their constituencies, their families and lifestyles. We have come some way, but there is further for us to go. Government, employers and communities must all play their part to ensure that people with a disability are supported.

Prior to becoming an MSP, I spent nearly two decades working for and with individuals with learning disabilities and difficulties. During that time, it was a real revelation to me to see the constant struggles that many had to endure in their everyday lives. Indeed, as a result of my previous involvement and experience I was given the opportunity to open the making where we live better conference in 2017, which was organised by my former council, Perth and Kinross Council. I was able to recall my experiences and knowledge of private landlords, local authorities and employers in many parts of Scotland that are not fully aware and are not supporting individuals with disabilities enough.

As my colleague Jeremy Balfour indicated, this is a vital debate. We have gone some way with fair work, but people just want a normal job, not a job that has been created for them. They want to be mainstream; they want accessible workplaces, homes and other environments. They want a

chance to deliver and a chance to be part of all that.

Jackie Baillie, who is not in the chamber at present, talked about giving people chances to unlock their potential. Mary Fee made a passionate speech about the difficulties that individuals face using toilet facilities. Those are basic, normal things and we should support individuals through all that. It is vital that we acknowledge that all that these individuals want to do is lead independent and normal lives. We must ensure that we are supporting individuals in all aspects of life.

I pay tribute to the many independent groups and charities in my region of Mid Scotland and Fife—and across Scotland—that are doing outstanding work to ensure that individuals are getting support and opportunities to unlock their potential.

We have received lots of reports from organisations in the past few days. Enable Scotland said:

“A fairer society begins with fairness and equality in schools where every pupil is supported to achieve and thrive in a truly inclusive environment.”

That is fundamental, but we learned that only 7 per cent of people with a learning disability are in paid employment. That has to change. A vital building block of a fair society is the provision of excellent and high-quality, self-determined social care support.

Enable Scotland also talks about what it sees as an achievable social care infrastructure that supports people with disabilities to live the life they choose. That depends on the recruitment, training and retention of staff to support them.

There are opportunities for flexible working to ensure that career opportunities are there. The Scottish Government has talked about its fair work agenda. Yes, we must have a fair work agenda, but it must support individuals with difficulties and disabilities.

The Scottish Conservatives very much support increased diversity and fairness in the workplace. I agree that barriers need to be taken down so that people can live in adapted homes.

The Disability Discrimination Act 1995, which came in under the Conservative Government, went some way, with the requirement for reasonable adjustments, to ensure that employers were providing opportunities.

We are now halfway through the five-year action plan that was launched in 2016. When we started that, the disability employment rate was at 42 per cent, which meant that 58 per cent of those individuals did not have the opportunity to work.

A report from November 2018 found that working women still experienced a gender pay gap and harassment. Disabled individuals found themselves with poorer opportunities to get a job. The report states:

“Disabled people were less likely ... to have attended an education course or received job-related training.”

It is vital that we tackle that.

Disabled people are still less likely to be employed and more likely to be unemployed. Women are still more likely than men to be employed in part-time work. That is all still going on.

We need to look at education, employment and training, as disabled young people are twice as likely as non-disabled young people to not be in education, employment or training. Once again, that is something that we cannot continue to see.

The November 2018 report says:

“Many disabled people lived in homes that did not meet their requirements to live independently.”

When many disabled people get to their home, it has not been adapted for them; the adaptation has to happen after.

It has been a pleasure to take part in the debate. We want to see that people are given the chance to show what they can do—it is not about what they cannot do.

**The Deputy Presiding Officer:** The last of the open debate contributions is from Richard Lyle, and I would appreciate a speech of under six minutes, thank you.

16:35

**Richard Lyle (Uddingston and Bellshill) (SNP):** Under six minutes; that is five minutes.

I welcome the opportunity to debate progressing towards a fairer Scotland for disabled people. For me, the subject touches on the most crucial aspect of the debate on our country and its future. What type of Scotland do we wish to shape and mould? What type of Scotland do I want my grandchildren to grow up in? The answer to those questions is clear. I want a Scotland where everyone has equal rights. Then, and only then, will we have shaped a fairer Scotland.

I am proud to represent a party that recognises absolutely the truly valuable contribution that people with disabilities make to Scottish society and Scotland as a whole. It is important to note this fact and declare it loudly: more than one million disabled people contribute to Scotland's communities and add talent, diversity and richness to our society, each and every day.

Our shared goal is for every one of the million disabled people in Scotland to have choice, control, dignity and freedom to live the life that they choose, with the support that they need to do so. That forms just a part of the Scottish Government's wider efforts to create a stronger economy, by focusing strongly on tackling inequality and creating the environment for growth to thrive.

Of course, with disabled people making up 20 per cent of our population, it is crucial that we take steps to address the negative attitudes that are still so prevalent, and which directly contribute to the inequality that is faced by disabled people. Those negative attitudes belong firmly in history.

Time and again, the contribution that I see made to our communities by people with disabilities is immense and incredibly valuable. I pay tribute to local work that I am aware of in that respect. NL Industries is a supported business that was established by North Lanarkshire Council. The definition of a supported business is a factory or business where 50 per cent of the employees are disabled persons who, by reason of the nature or severity of their disability, face challenging barriers to taking up work in the open labour market.

NLI provides a wide range of products and services across the marketplace, with customers consisting of both public and private sector organisations. The supported employment service assists people with learning disabilities, mental health issues and acquired brain injury to gain employment, and it offers practical support to the employee and employer. That is just one of the many practical examples of the important contribution that is being made by those with disabilities to employment in Scotland.

Those practical examples are set against the policy backdrop of the Scottish Government's disability action plan, with its commitment to the principles of the United Nations Convention on the Rights of Persons with Disabilities. The action plan covers the period 2016 to 2021 and aims to make equality of opportunity, access to services and independent living a reality for all disabled people in Scotland.

The delivery plan is based on the social model of disability. Unlike the medical model, in which an individual is understood to be disabled due to their impairment, the social model views disability as the relationship between the individual and society. The delivery plan recognises that the human rights of disabled people must underpin all our activity across the whole range of policies and legislation.

Importantly, the plan has been shaped by the experiences of disabled people and the insights of disabled people's organisations. That is crucial to

achieving our ambition that consultation and engagement and the development of policy puts those with disabilities at its core. That engagement is so important as effective solutions to the problems and barriers faced by disabled people must be drawn from those with lived experience.

I am proud of the record of the SNP Government. Whilst reflecting on the positive work of government, it must be said that it is a tale of two Governments. The UK Government's welfare cuts are having a serious impact, while the Scottish Government has already taken action to respond to harmful UK Government policies. I could go on and on, but I do not have time.

Against that backdrop we see the creation of Scotland's first social security system, which has been established as a distinct system with dignity, fairness and respect at its heart. Those actions, our delivery plan and the plethora of work being done by the SNP Government are paving the way towards a fairer Scotland. I welcome that.

**The Deputy Presiding Officer:** We move to the closing speeches. It is disappointing to note that not all members who spoke in the debate are back in the chamber.

16:40

**Daniel Johnson (Edinburgh Southern) (Lab):** Those members are missing out on a treat, Presiding Officer.

At the beginning of his speech, George Adam said that he felt something of a fraud discussing living with disability, because the disability was that of his wife. That relates to a point that I want to reflect on, which is that we must all embrace disability. We may have disabilities that we do not feel we have earned the right to describe as disabilities, or the disabilities may be those of family members, but it is important that we have the courage to talk about them.

If there is a fundamental thing that we can agree across the chamber it is that we need to have greater acceptance in discussing disability, so that we can look at the issues and resolve them. That has been my experience. As I have discussed in Parliament before, I have attention deficit hyperactivity disorder. I was reticent about describing that as a disability until about nine months ago, when Jeremy Balfour approached me in the garden lobby and asked me whether I had notified Parliament of my ADHD as a disability. I said that I was not sure whether I could or should and whether it was justified. Jeremy told me that I absolutely had to, because unless people stand up, acknowledge their disabilities and talk openly about them, we cannot make progress. Similarly, I had a more recent conversation with Pam Duncan-Glancy, who told me just to own it.

We have to create understanding and the only way in which we can do that is if people stand up and talk about their experience of disability, whether it is their own or that of people around them. That is particularly true for invisible disabilities—I am thinking in particular of people with neurodevelopmental disorders, mental health conditions and learning disabilities. People sometimes feel that they have not earned those disabilities because they are not obvious or visible. However, they are still disabilities.

The litmus test for me was, if someone with one of those conditions approached me and asked whether they had a disability and whether they had rights under the disability at work legislation, I would say, "Absolutely you do, and you must fight for those rights." That was the point.

It often starts in the workplace. For people with invisible disabilities, there is often an anxiety about disclosure—whether they should disclose and how that might be received. Mary Fee touched on the issue of reasonable adjustments, albeit in a different context. "Reasonable adjustment" is an opaque term that is often left undefined. It gets treated as a black box and we need to break that down.

I would like to commend the National Autistic Society in Scotland, the Scottish Association for Mental Health and the ADHD coalition in Scotland, each of which has produced excellent guides that have set out simple steps that can be taken to help people with autism, mental health conditions and ADHD at work. They are simple things, many of which Mark McDonald highlighted, such as lighting, making things explicit in the workplace rather than just implied and thinking about noise and clutter in the work environment. The point that I was trying to make in my intervention is that those are not just things that help people with neurodevelopmental disorders—that sounds like a good workplace for everyone.

We need dialogue and understanding. Whether people regard themselves as having a disability or not, the ability to talk about the requirements that they have at work and what will enable them to do their best work, is something that everyone needs—that is particularly true for people with disabilities.

I want to comment on some of the issues that have been raised. Speaking as somebody who has the Royal Edinburgh hospital in his constituency, I think that what Alex Cole-Hamilton said about the voice of disabled people and including those who are directly affected in policy making is vital. The lack of such inclusion is a frustration of those with conditions ranging from autism through to profound psychiatric conditions. We must include them, and I hope that the commitments by the Government are acted on.

There are fundamental equality issues, and we need a frankness and an unflinching approach as we talk about them. Andy Wightman was right to highlight the poverty gap that exists in society and the workplace between those who have a disability and those who do not. Many spoke of the invidious and deeply unfair approach of the UK Tory Government, and they are right to do so. We must also look at the decisions and policies closer to home. Recently, one of the special schools in my constituency described to me the anxiety that there will simply not be the support places available to school leavers this year; this is the first time that it has ever had that worry. That is the reality of decisions that have been made in Parliament on the Scottish Government's budgets and the impact that they have on local government and the ability to provide vital services for people with profound support needs as they become adults.

Both Mark Griffin and Jackie Baillie were right to say that we need more than simply a better approach and the right language. We need genuine ambition and implementation. We need to ask ourselves whether we could do better. Is it right that we are leaving disability benefits with the UK Tory Government until 2024? Is it right that we have so many unfilled posts that were vital to the keys to life strategy? We must do better.

Finally, I want to refer to the vital point about additional support needs in education. The fact that a third of the respondents in the "Not included, not engaged, not involved" report described how they had been informally and therefore illegally excluded is appalling. It starts with education, and those experiences cannot be allowed in modern-day Scotland.

16:47

**Michelle Ballantyne (South Scotland) (Con):** I am pleased to close the debate for the Scottish Conservatives. We will support the motion and all the amendments, because everything contributes to the discussion that we are having. It is clear, from the contributions to the debate, that we are moving—as we need to continue to move—past warm words and driving action that makes a real difference for disabled people. I echo what Daniel Johnson said: we need to own it. All of us can probably identify in ourselves or in people we know and love a disability that affects our, or their, everyday life.

It has been echoed around the chamber today that the opportunity to work is vital for many disabled people, and I welcome the minister's comment that 3,000 disabled individuals benefited from a modern apprenticeship last year and that access to internships is being expanded. However, a situation in which the disability

employment gap stands at 35 per cent is clearly one that we still need to tackle. Jeremy Balfour captured the views of disabled people in the words of one disabled lady:

"I just want a normal job, not a job that was created for me."

That is where we need to go. We know that many employers are happy to employ disabled people, and we must ensure that the support and help that they can access is allowing that to happen in a way that is meaningful and not tokenistic.

Several members—including Oliver Mundell, Alexander Stewart and Daniel Johnson—mentioned that a fair Scotland for disabled people starts with the right support and education early on. That leads us to the presumption of mainstreaming, which was developed to provide all children with the choice of attending a mainstream school. However, increasingly, young people are struggling to access specialist support and education, which can be vital in helping them to develop the life skills that will allow them to cope and compete in the adult world. It is important that we revisit the presumption of mainstreaming if we are serious about ensuring that disabled people have a level playing field at the start of their working life.

Mark McDonald, Daniel Johnson and Tom Mason spoke about some of the difficulties that autism can cause and the impact of transition. I totally agree that making sensory adjustments to our world, whether in our working environment, in our schools or in our public buildings, is important to everybody and can make a real difference to wellbeing and to the quality of everybody's lives, not just the lives of those who have recognised disabilities.

Tom Mason described Jaxon's family's experiences, which are similar to those of one of my constituents, who has complex disabilities. At 28, he has struggled to get adequate support from the local authority. As a consequence, he has spent years pretty much confined to a single empty room with minimal facilities and has not had a shower or a bath for two years. In this modern age, that is utterly unacceptable. We must provide suitable housing with suitable conditions, particularly for disabled people with complex needs, because the impact on them and their wider families of not having that support is significant. It is not acceptable for us to be in that position.

Bill Kidd highlighted the fantastic work that inclusion panels are doing to help us to understand the needs of disabled people. We should remember that there are lots of people with experience around us, and we need to be listening all the time. I spend a lot of time listening to what

my colleague Jeremy Balfour has to say, because we sometimes forget about the little, simple things.

Mary Fee said that, on average, there are 77,000 germs and viruses on a public toilet floor. She told me that yesterday, and the thought sat with me all night. Jokingly, we discussed yesterday whether we should test the parliamentary facilities, and I must admit that I went into the public toilet today and thought, "Ew". We have good accessible facilities in Parliament and we should be a leader, because, if we are not a leader, what example are we setting? However, the Parliament still has only one changing places toilet.

George Adam highlighted the fact that there is still a lack of disabled people among SNP members, but I am glad to say that disabled people are fairly well represented among Conservative members. Nevertheless, when we hear statistics such as the fact that there are only 190 changing places toilets in Scotland, with only two of them on the road network, we need to ask ourselves whether we are focusing on the important things.

Disabled people in Scotland have been faced with an ever-growing plethora of services, which has made things very confusing. We acknowledge that lots of good things are happening, but our amendment is about the need to bring them together. It needs to be easy for us to monitor what is going on and for disabled people to go online or talk to people and be able to quickly and easily get answers and access to the services that they need. Therefore, I hope that we will get support not just for our amendment but in taking that work forward and making it a reality.

Alex Cole-Hamilton referenced his experiences of the gulf between rhetoric and action, and he echoed the need for us to set politics aside in order to solve some of the problems that people face.

There have been a lot of comments about housing, and I would like us to do better in that area, in particular.

All members referred to the fact that disabled people do not want a paternal Government but want to be empowered to work, play and engage with society on an equal playing field. They want us to remove the barriers, so that they can participate on an equal footing. Disabled people just want to be treated like everyone else.

**The Deputy Presiding Officer:** Could you conclude, please?

**Michelle Ballantyne:** There is an opportunity for Scotland to become a real world leader on this issue and, if we put our heads together, we can get there.

16:53

**The Minister for Business, Fair Work and Skills (Jamie Hepburn):** I thank members for their speeches. There has been a broad sweep of consensus across the issues that we have discussed today. Inevitably, I will not be able to address every issue that has been raised during the debate, but I will touch on a few.

I begin with Jeremy Balfour's remarks, which allows me to say that we will support the Conservative amendment. He started from the premise that, over a number of years, there have been improvements in the law with respect to the rights of disabled people. That is undeniably the case, but, sadly, improvements in the law have not led to substantial enough improvements in outcomes. That is why we are having the debate.

Jeremy Balfour made another point with which I have sympathy. He talked about the concern that often exists about the creation of jobs for disabled people and said that, instead, we should ensure that people are enabled, through an enabling work environment, to work in any environment. I agree with that perspective, but I put on record the fact that we should continue to support the supported employment model and the many supported businesses that are doing fantastic work across the country. Dick Lyle mentioned a positive local example, and Bob Doris spoke about Royal Blindcraft, which I have had the pleasure of visiting in the past. As a Government, we will always look to work with and back such enterprises.

**Michelle Ballantyne:** On the subject of the Royal Blind, it has increasingly found that it is difficult for youngsters to get a place there, because the cost of such referrals is not being supported by local authorities. Will the minister look at that and, with his colleagues, try to make sure that youngsters who need to go there have the ability to do so?

**Jamie Hepburn:** I will look at that, although I do not think that Michelle Ballantyne was referring to Royal Blindcraft, which is a factory in the north of Glasgow and is what I was talking about.

Jeremy Balfour made a clear call—which Michelle Ballantyne reiterated—for us to co-operate with the UK Government and not to let ideology get in the way. When we think that the UK Government is taking the wrong course in relation to its welfare reforms, which have been very damaging and have harmed disabled people in Scotland, we will, of course, make that point, but we will seek to work with the UK Government when it is sensible and necessary to do so, as it is with this agenda. We already work with the UK Government through the fair start Scotland programme. Although that involves our taking a very different approach from the one that was

taken in the previous work programmes, we work with the Department for Work and Pensions and Jobcentre Plus on the practical delivery of that programme.

I concur with a point that was made by a number of members: our on-going interaction and co-operation with the UK Government will be much more straightforward when it gets round to appointing a replacement for Sarah Newton. It cannot be acceptable that the people of England do not have a Minister of State for Disabled People, Health and Work. I agree with what Bob Doris said about Sarah Newton. I found her to be very good to work with; we did not agree on everything, but she was highly effective in her role.

Alex Cole-Hamilton made a number of points about the need to consider the opportunity to better embed autonomy and self-determination for disabled people. I absolutely agree. We should always look to do so. We would happily have agreed to his amendment if it had been accepted for debate. The review of the mental health and adults with incapacity legislation gives us such an opportunity, and it is one that we will take.

In opening the debate for the Labour Party—we will accept the Labour amendment, too—Mark Griffin raised several issues. He mentioned concerns that disabled people's organisations and disabled people have raised about the action plan. The Scottish Government strongly believes in co-production. As Christina McKelvie laid out, we have—

**The Deputy Presiding Officer:** Excuse me, minister. There is a low buzz that is getting louder and louder. I ask members to stop their private conversations.

**Jamie Hepburn:** I thought that you were rather charitable in saying that it was a low buzz, Presiding Officer, but perhaps that is just my perspective.

In relation to my responsibility for employment, I will continue to meet disabled people's organisations and disabled people. If any organisation wants to meet me, it just needs to let me know.

I turn to the issue of employment. The pervasive nature of the disability employment gap is unacceptable. The point has been made that we have a disability employment gap of 35.8 per cent. That is nothing short of an economic injustice. In 2019, it cannot be acceptable that we have a disability employment gap of that nature. It leads to people not being socially included and to poor economic outcomes for disabled people.

Of course, such a gap is also economically futile. I know from the many employers who speak to me about the skills gaps and vacancies in their

workplace that they cannot overlook any segment of the population. Therefore, it is not only a moral imperative but an economic necessity that we take action to at least halve the disability employment gap and seek to go further. We have set ourselves an ambitious and stretching target, as I laid out very clearly to Andy Wightman. I embrace the leadership role that the Scottish Government has in that regard, but we need to take the target forward collectively, as a society. It is achievable; it can be done.

We reaffirm our commitment to disabled people tonight, as Bill Kidd suggested that we do. Our ambition is to build momentum across all economic sectors and to increase the numbers of disabled people who are meaningfully employed in our economy and meaningfully involved in our society. That will enhance disabled people's equality and their right to live independently. We can realise that ambition only if we collectively commit to delivering it. I know that, this evening, I can rely on Parliament to do that.

## Parliamentary Bureau Motion

17:01

**The Presiding Officer (Ken Macintosh):** The next item of business is consideration of Parliamentary Bureau motion S5M-16611, on First Minister's questions, portfolio questions, general questions and topical questions.

*Motion moved,*

That the Parliament agrees that the period for Members to—

lodge a Topical Question for answer on Tuesday 23 April should end at 9.30am on Tuesday 23 April;

submit their names for Portfolio and General Questions on Wednesday 1 May and Thursday 2 May should end at 12 noon on Tuesday 23 April;

lodge a First Minister's Question for answer on Thursday 25 April should end at 9.30am on Tuesday 23 April.—  
[Graeme Dey]

## Decision Time

17:01

**The Presiding Officer (Ken Macintosh):** The first question is, that amendment S5M-16593.1, in the name of Jeremy Balfour, which seeks to amend motion S5M-16593, in the name of Christina McKelvie, on progressing towards a fairer Scotland for disabled people, be agreed to.

*Amendment agreed to.*

**The Presiding Officer:** The next question is, that amendment S5M-16593.3, in the name of Mark Griffin, which seeks to amend the motion in the name of Christina McKelvie, be agreed to.

*Amendment agreed to.*

**The Presiding Officer:** The next question is, that motion S5M-16593, in the name of Christina McKelvie, on progressing towards a fairer Scotland for disabled people, as amended, be agreed to.

*Motion, as amended, agreed to,*

That the Parliament recognises the valuable contribution that disabled people make to Scottish society; believes that progress has been made to realise equality for disabled people, but acknowledges that inequality persists and must continue to be challenged by all in society; agrees that transformational change is needed in order for disabled people to realise their full potential and agrees that this can only be achieved by working with disabled people's organisations; notes that people with physical health problems, long-term conditions or a disability are twice as likely to report severe loneliness than the general population; agrees that this can only be reduced with adequate funding for good social security support, education strategies, employment opportunities and more accessible public spaces and housing; reiterates its support for the co-production approach and actions set out in *A Fairer Scotland for Disabled People: Our Delivery Plan to 2021*; notes that, since the plan was launched, progress has been made toward the goal of at least halving the disability employment gap, with further actions set out in the publication of *A Fairer Scotland for Disabled People: Employment Action Plan*; further notes that the UK Government's Disability Confident scheme encourages employers to recruit more disabled people; believes that the Scottish and UK governments should work together to develop a one-stop-shop portal, bringing together all of the key support offers into one cohesive package to ensure joined-up services and a clearer picture for disabled people and employers, and recognises the Scottish Government's commitment to implementing the UN Convention on the Rights of Persons with Disabilities so that disabled people in Scotland can exercise all of their human rights.

**The Presiding Officer:** The final question is, that motion S5M-16611, in the name of Graeme Dey, on First Minister's questions, portfolio questions, general questions and topical questions, be agreed to.



*Motion agreed to,*

That the Parliament agrees that the period for Members to—

lodge a Topical Question for answer on Tuesday 23 April should end at 9.30am on Tuesday 23 April;

submit their names for Portfolio and General Questions on Wednesday 1 May and Thursday 2 May should end at 12 noon on Tuesday 23 April;

lodge a First Minister's Question for answer on Thursday 25 April should end at 9.30am on Tuesday 23 April.

*Meeting closed at 17:02.*



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