



OFFICIAL REPORT  
AITHISG OIFIGEIL

# Meeting of the Parliament

Thursday 9 May 2019

Session 5



The Scottish Parliament  
Pàrlamaid na h-Alba

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# Scottish Parliament

Thursday 9 May 2019

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

## General Question Time

### South Lanarkshire (Care Homes) (Discussions)

**1. Monica Lennon (Central Scotland) (Lab):** To ask the Scottish Government what discussions it has had with South Lanarkshire Council and integration joint board regarding residential care homes. (S5O-03212)

**The Cabinet Secretary for Health and Sport (Jeane Freeman):** The Scottish Government is aware of plans to modernise South Lanarkshire Council residential care facilities, in keeping with the integration joint board's strategic commissioning plan to deliver a more flexible care model for older people.

We have not had any direct discussions about the configuration of services, as those are matters for local determination. An integration meeting between Scottish Government officials and representatives from the integration authority, the national health service board and the council will take place on 23 May.

**Monica Lennon:** South Lanarkshire Council's care homes have an excellent reputation and are valued by residents and their families.

The cabinet secretary mentioned modernisation, but the council is looking to close care homes, and 100 long-term beds could be lost across South Lanarkshire if the proposals are implemented in full. Does she agree that local communities are right to be concerned, given the projected 25 per cent increase in the over-75 population in our area in the 10 years to 2026?

I appreciate that this is a local decision, but will the cabinet secretary advise what national guidance is available to councils that are looking to close care homes?

**Jeane Freeman:** My understanding is that the current model of delivery has remained static for more than 20 years. I think that anyone would understand that the current model is no longer fit for purpose, given significant changes not only in demographics and demand, but in where people want to receive care and in the complexity of people's needs. In addition, four of South Lanarkshire Council's eight care homes are ageing.

I understand that the council is developing an innovative flexible care model. In 2016, it undertook a pilot test of change with existing care facilities, through the provision of 22 intermediate/transitional beds and an increased focus on enabling people to return home. Of the people who were supported, 56 per cent successfully returned home, which supports the proposition.

I will be interested to see how South Lanarkshire Council wants to remodel and reconfigure the balance of care to respond to what we know are people's preferences to receive care at home, if that is possible, or in a homely setting, and to use intermediate care beds and enabling services effectively.

That is why the purpose of the meeting with my officials later in May is, first, to consider the shape of the remodelling and the level of consultation, which I understand has been significant to date, and secondly, to understand the phased proposition from the IJB, so that we can be sure that it is addressing what it can evidence by way of local need and demand.

**Graham Simpson (Central Scotland) (Con):** I am encouraged to hear that that meeting will take place.

The move to get people out of care homes and back into the community, or to have them stay in their own homes, started in South Lanarkshire under a Labour council, when Monica Lennon and I were councillors. Does the cabinet secretary therefore agree that this smacks of hypocrisy from the Labour Party?

**Jeane Freeman:** It is not for me to comment on that. Members will draw their own conclusions.

Mr Simpson is right in that aspects of our developing thinking on integration and people's need and desire to receive care in their home or a homely setting are founded, in some measure, on innovations that South Lanarkshire Council introduced and their impact. We are, of course, grateful to the council in that regard.

The whole point about health and social care partnerships and integration joint boards is that they can take account of the needs of their local population and plan and commission the redesign of services to meet those needs. Given that, I would not want diktats from central Government to interfere with those important local decisions, albeit that we must ensure that they are properly consulted on, and that the care on offer is safe, effective and person centred.

### ScotRail (Performance Improvement Action)

**2. James Kelly (Glasgow) (Lab):** To ask the Scottish Government what action it is taking to

improve performance on ScotRail services. (S5O-03213)

**The Cabinet Secretary for Transport, Infrastructure and Connectivity (Michael Matheson):** The remedial plan that is in place with ScotRail aims to address performance issues. Over the last reporting period, around nine out of 10 trains ran on time, which was the best punctuality on Scotland's railways since September last year.

In the Glasgow area, the ScotRail Alliance's implementation of the Donovan recommendations has improved performance across the Strathclyde electric network, with the last period delivering improvement of more than 1 per cent in the public performance measure compared to the previous period. Network Rail's £5 million of investment has delivered consistently high PPM of more than 94 per cent at Glasgow Central station in the last three periods, with it being as high as 97 per cent in some weeks.

**James Kelly:** The latest figures for Glasgow Central low-level station, which is widely used by passengers who travel from Rutherglen and Cambuslang, show that 51.9 per cent of trains—more than half—did not arrive on time. The figure are atrocious, and are made worse by the revelation in yesterday's Which? survey that ScotRail's compensation scheme is one of the most complicated in the United Kingdom, with some passengers needing to retrieve 24 pieces of information in order to make a claim.

What is the cabinet secretary doing to reverse those drastic performance figures, and will he immediately review the compensation scheme at ScotRail to make it easier for passengers to claim compensation?

**Michael Matheson:** On James Kelly's latter point, we expect ScotRail to consider how it can simplify the existing process to help those who are claiming compensation to do so as reasonably as possible.

On the principal point that he raised, as I pointed out, performance across the Strathclyde electric network—which includes the low-level line on Argyle Street to which he referred—has seen overall improvement. However, there is more to be done, which was a key issue that was set out in the Donovan review to drive up improvement. The £5 million of investment in the Glasgow area is about ensuring that that is done.

James Kelly might also want to consider the report that was issued by the Office of Rail and Road towards the end of last year that reviewed the work that has been undertaken around the Donovan recommendations and highlighted that good progress has been made. However, it also highlighted that there is more to be done, and that

both ScotRail and Network Rail must implement those changes to ensure that we sustain the service and make the improvements that we want to see.

**Jamie Greene (West Scotland) (Con):** The cabinet secretary might be aware that ScotRail is trying to encourage retired drivers out of retirement and into service. Is that a sign that there is a shortage of drivers in ScotRail? Given that it takes 18 months to train a new driver, is he as concerned as I am that there might be shortfalls, which will affect services?

**Michael Matheson:** It should come as no surprise to Jamie Greene that ScotRail indicated in the remedial plan that it intends to employ an additional 55 drivers to ensure that it has greater resilience in its overall train crew numbers. We support that intention and encourage it to make good progress on it. However, how it goes about recruiting those drivers is an operational matter for ScotRail.

I am sure that Jamie Greene welcomes the provisions that were set out in the remedial plan to address the issue of crew numbers, which include recruiting an additional 55 drivers.

**The Presiding Officer (Ken Macintosh):** I will not take the additional two members who wish to ask supplementary questions, because we are not making much progress through the questions.

Question 3 has been withdrawn.

#### **M74 (Noise Surveys)**

**4. Richard Lyle (Uddingston and Bellshill) (SNP):** To ask the Scottish Government whether it will provide an update on the noise surveys of the upgraded section of the M74. (S5O-03215)

**The Cabinet Secretary for Transport, Infrastructure and Connectivity (Michael Matheson):** The ambient noise assessment has commenced and is expected to be completed by the end of May, and the results will be published on the Transport Scotland website as soon as they are available. In addition, a further ambient noise assessment will be carried out within three months of all snagging works being completed. That will establish whether the ambient noise levels exceed the pre-construction ambient noise levels or the levels reported in the environmental statement.

**Richard Lyle:** When the work was carried out on the M74, the contractors removed a number of fully grown trees and bushes that had acted as a noise reducer. Through my pressure and discussion with Transport Scotland, the fully grown trees and substantial bushes have now been replaced with what I can only call very-few-twig trees and small bushes along the route. The local primary school and my constituents whose

properties back on to the M74 are not happy, as I am not. What more could be done to alleviate the noise on that section of the motorway?

**Michael Matheson:** I understand that fast-growing trees and bushes are planted along major trunk routes in order to address the issue that the member has raised and that that is what happened in this instance, although it will take a number of years for the trees and bushes to become fully established. If the ambient noise assessment that is being undertaken highlights on-going noise issues that are outwith what was predicted prior to the construction of the upgraded section of the M74, further measures may have to be taken. Once the study is complete, we will have a better understanding of those noise levels and of whether further measures need to be implemented.

#### International Museum Day

**5. Colin Beattie (Midlothian North and Musselburgh) (SNP):** To ask the Scottish Government how it plans to celebrate international museum day on 18 May. (S5O-03216)

**The Cabinet Secretary for Culture, Tourism and External Affairs (Fiona Hyslop):** International museum day is a great opportunity for museums to engage with the public in creative activities. The popularity of this annual event has grown, and, in 2018, more than 40,000 museums in 158 countries participated. Scotland will be playing its part this year, when the theme is museums as cultural hubs. I look forward to speaking at the garden lobby reception on 14 May to mark international museum day. I encourage colleagues to attend that reception and to celebrate the event by visiting a local museum on 18 May.

**Colin Beattie:** The cabinet secretary may be aware of the parliamentary event that I am sponsoring on 14 May in conjunction with Museums Galleries Scotland. Could she outline what support the Scottish Government intends to provide to museums across Scotland this year to ensure that those vital elements of local, national and global history and culture remain embedded in our communities?

**Fiona Hyslop:** The Scottish Government is a strong supporter of the museums sector. The 2019-20 budget allocates a total of over £50 million in funding to support Scotland's museums and galleries, including grant-in-aid funding for the national museums and national galleries as well as support for Scotland's three national industrial museums and the V&A in Dundee. We do not provide core funding to local museums, as they are funded by local authorities. However, we do support Museums Galleries Scotland, which is the national development body that provides advice

on all matters relating to museums and galleries, and the 2019-20 budget includes £2.5 million for Museums Galleries Scotland to support the sector.

#### Societal Inequality (Big Data)

**6. Clare Adamson (Motherwell and Wishaw) (SNP):** To ask the Scottish Government its position on the use of big data to tackle societal inequality. (S5O-03217)

**The Cabinet Secretary for Communities and Local Government (Aileen Campbell):** The Scottish Government is committed to using data to improve outcomes for the people of Scotland and to help us in working towards meeting our objectives, which are set out in the national performance framework. We use big data to inform policy and practice, to tackle complex problems such as societal inequality, health, homelessness and unemployment, and to support work in many other portfolio areas.

**Clare Adamson:** According to the UN Women report "Gender Equality and Big Data: Making gender data visible", big data has an essential role to play in achieving sustainable development goals, particularly the empowerment of women. What use can the Scottish Government make of big data analytics to improve the lives of women and girls in Scotland?

**Aileen Campbell:** As I said in my previous answer, the Scottish Government's vision is that data is used systematically to improve decision making, outcomes and the lives of our citizens. We recognise the opportunities that it creates to improve the lives of women and girls. For example, since October 2018, the Government has been involved in the administrative data research centre Scotland, which is part of the Scottish administrative data research partnership. The partnership aims to champion the use of data for research in the public interest by bringing together world-leading academic research to address the important social and economic challenges that we face, and it is building on the first phase of that work, which delivered insight into maternal and children's health outcomes.

We are also providing £1.5 million over three years to support the establishment of a UNICEF data for children hub in Scotland, and we will continue to explore other ways in which we can improve outcomes using big data. I am happy to discuss the matter with Clare Adamson, whom I know has particular expertise and knowledge in the field.

#### Suicide Prevention (Almond Valley)

**7. Angela Constance (Almond Valley) (SNP):** To ask the Scottish Government how it is

supporting suicide prevention work in the Almond Valley constituency. (S5O-03218)

**The Minister for Mental Health (Clare Haughey):** In August 2018, the Scottish Government published its suicide prevention action plan, “Every Life Matters”, which sets out 10 measures to continue the strong decline in the country’s rate of death by suicide. It has a target to reduce the rate by 20 per cent by 2022 from a 2017 baseline.

The approach to suicide prevention work in West Lothian is currently under review. Once the review is complete, a new strategy and action plan will be developed. Action 1 of the suicide prevention action plan commits the national suicide leadership group to make recommendations on supporting the development and delivery of local prevention action plans and is backed by £3 million of funding over the course of this parliamentary session.

**Angela Constance:** The Neil’s Hugs Foundation is a charity in my constituency that supports families and friends who are affected by suicide. It says that our top priorities must be to ensure that no one who has attempted suicide leaves hospital without immediate follow-up support and to reduce waiting times for child and adolescent mental health services. Given that NHS Lothian is a poorer-performing health board in that regard, how will the minister ensure that we do more earlier to prevent poor mental health and suicide?

**Clare Haughey:** I am aware of the charity that Angela Constance spoke about. Donna Paterson-Harvie, who is the chief executive of the Neil’s Hugs Foundation, has been involved in the lived experience events hosted by the Health and Social Care Alliance Scotland for the national suicide prevention leadership group. I thank her for her participation in that, and I thank the others with lived experience who participated.

The member will be aware that last year the Scottish Government and the Convention of Scottish Local Authorities announced a joint task force on children and young people’s mental health. The task force is examining our whole approach to mental health services. Specialist clinical services are not the whole answer and other services in young people’s lives, including education, social work and the third sector, are vital to provide practical and emotional support.

#### **Tattoo Parlours (HIV)**

**8. Kezia Dugdale (Lothian) (Lab):** To ask the Scottish Government what its response is to reports that some tattoo parlours are refusing services to customers who disclose their HIV status. (S5O-03219)

**The Minister for Public Health, Sport and Wellbeing (Joe FitzPatrick):** Like the member, I am concerned to hear of the difficulties that some HIV-positive people are experiencing in getting a tattoo. I am clear that there is no place for HIV stigma in today’s Scotland. The standard infection control procedures that all tattoo studios should have in place provide protection against the transmission of blood-borne viruses including HIV.

**Kezia Dugdale:** Will the minister confirm that it is a breach of the Equality Act 2010 to refuse service to somebody because of their HIV status? Will he encourage local authorities where such tattoo parlours exist to revoke the licences of those that are discriminating against HIV-positive people?

**Joe FitzPatrick:** The member makes a very important point. I understand that HIV Scotland is working with the British HIV Association to develop a consensus statement on this matter. Once that statement is available, we will ask local authorities to highlight it to all tattoo studios. What Kezia Dugdale described should not be happening in Scotland. We need to raise awareness, as part of tackling stigma, which I think we all want to achieve.

#### **Christian Persecution Overseas**

**9. Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** To ask the Scottish Government what action it can take in response to Christian persecution overseas. (S5O-03220)

**The Cabinet Secretary for Communities and Local Government (Aileen Campbell):** The Scottish Government condemns all incidents of religious persecution and the targeting of innocent people based on their beliefs. The appalling attacks in Sri Lanka and Christchurch highlight the need for continued international effort to end religious persecution. The First Minister wrote offering condolences and solidarity to the people of Sri Lanka and New Zealand, and the Scottish Government has repeatedly raised concerns over religious persecution overseas with the United Kingdom Government. The Scottish Government is committed to ensuring that Scotland is a modern, inclusive nation that protects, respects and realises internationally recognised human rights.

**Rachael Hamilton:** The Scottish Conservatives align ourselves with the cabinet secretary’s comments about the atrocities in Sri Lanka.

Eighty per cent of people who suffer persecution because of their faith are Christians—that is nearly 250 million people around the world. Scotland has a proud Christian heritage. The UK Government recently launched a review of our response to the persecution of Christians abroad, and I hope that



the cabinet secretary will join me in welcoming that review. What support can the Scottish Government provide to ensure that Christians are protected in Scotland? What action is it taking to prevent hatred towards religious groups through better education?

**Aileen Campbell:** I welcome any efforts that are taken to ensure that we continue to provide support to people around the world and that we build on our vision of a modern, inclusive world that respects and realises internationally recognised human rights and which protects people who want to practise their faith.

I am happy to meet Rachael Hamilton to discuss the matter further, given the time constraints. We provide support through Interfaith Scotland, and we promote and support interfaith work through our dialogue, to ensure that we create the tolerant society and the modern, inclusive Scotland that we all support and want to achieve. We continue to try to achieve those aims through our work with Interfaith Scotland and other faith groups.

Following the attacks in Sri Lanka, I wrote to many members of the Christian faith in Scotland to ensure that they were supported and that they understood that we stood in solidarity with Christians in Scotland and around the world.

**The Presiding Officer:** That concludes general questions. Before we turn to First Minister's question time, I invite members to join me in welcoming to the gallery the Hon Sue Hickey, who is the Speaker of the Tasmanian House of Assembly. [*Applause.*]

## First Minister's Question Time

12:01

### Education (Positive Destinations)

**1. Ruth Davidson (Edinburgh Central) (Con):** Does the First Minister accept that what she describes as "positive destinations" for young people when they leave school, in fact "may be no such thing"?

**The First Minister (Nicola Sturgeon):** No. We want all our young people to go into not only positive but meaningful destinations. That means further education, further training or a good and meaningful job.

At the weekend, I heard Ruth Davidson talk about lifelong apprenticeships. I am not sure whether she is aware that we already have lifelong apprenticeships in Scotland—there is no age limit to our modern apprenticeships. We are increasing the number of such apprenticeships, as we are increasing the reach of vocational education in our classrooms. We will get on with the job of improving early years and school education, further and higher education and the routes into work for all our young people.

**Ruth Davidson:** My question quoted directly from the Institute for Public Policy Research Scotland—a well-respected think tank, which this week welcomed the Scottish Conservatives' proposals to introduce a new skills participation age of 18. IPPR Scotland warned that what the Scottish National Party Government calls "positive destinations" for young people are often "no such thing", and that, in reality, we are letting down young people right across Scotland. Keir Bloomer, the architect of curriculum for excellence, said that the leaver destination statistics are "a fraud".

Under the SNP Government, the proportion of pupils who leave school with no qualifications whatsoever is at the highest level since 2011. Many others are leaving school at 16, without going on to get the skills and education that they will need to thrive in the modern world. I know that that is the First Minister's stated priority, so can she tell me what percentage of 16 to 19-year-olds are currently not in education or any formal training?

**The First Minister:** Three months after leaving school, 95 per cent of young people are in work, training or study. I am sorry to disagree with Ruth Davidson, but I do not consider a young person who is in further or higher education or is doing a modern apprenticeship as doing something that is not positive and meaningful.

Since 2014, we have reduced the level of youth unemployment in this country by 40 per cent. The number of young people who stay on in school is rising; more people stay in school beyond the age of 16 than has ever been the case. Record numbers of people are going into positive destinations.

A couple of weeks ago, I had an exchange with Jackson Carlaw about school qualifications. A higher proportion of young people get qualifications at level 5—the figure was 71 per cent in 2007 and is now 86 per cent. A higher proportion of young people also get qualifications at level 6—the figure was 41 per cent in 2007 and is now 62 per cent. More young people now leave school with five or more highers.

The problem with the analysis that Ruth Davidson brings to Parliament is that it is not borne out by the excellent results that are being achieved by young people the length and breadth of our country.

**Ruth Davidson:** I might have been away for six months, but the format has not changed—once again, the First Minister is answering a different question from the one that she was asked. The figure is one in five: fully 20 per cent of our 16 to 19-year-olds are without any form of education or formal training. That figure has been flatlining for years and that is simply wrong.

The Conservatives are not the only people who are talking about a skills participation age of 18. Indeed, that approach already works well in Belgium, Denmark and the Netherlands. It had previously been proposed here in Scotland, too, yet when the Scottish National Party Government came to power, the idea was quietly dropped and no explanation was ever really given as to why. Does the First Minister believe that that was a mistake?

**The First Minister:** The policies that we are pursuing to ensure that more of our young people leave school with qualifications and that more of our young people go into work, training or further study are the right ones and we will continue to pursue them.

As an aside, I suspect that many of the young people that Ruth Davidson has just referred to as not being in study or training are young people who are in work. I go back to the statistics that I quoted earlier: we have reduced youth unemployment in Scotland by 40 per cent in the last five years. We see the number of modern apprenticeships increasing and foundation apprenticeships are now available at the vast majority of secondary schools across our country—their numbers are also increasing.

More of our young people are leaving school with qualifications, more of our young people are

leaving school with vocational qualifications and more of our young people than ever before are going into good, positive and meaningful destinations. The attainment gap is narrowing, too. We will continue to pursue and implement the policies that are delivering those results for young people all over our country.

**Ruth Davidson:** Half the time the First Minister complains that folk do not bring ideas to the chamber and today she is complaining when we do.

Ours is a serious proposal, and there is no reason why it cannot command cross-party support. We can all agree that we are not doing nearly enough for young people who do not go to university and that politicians of all stripes need to up our game to deliver for those young people.

We spend so much time debating the powers of the Scottish Parliament—this week, we have seen the Government put another power on hold—but education and training is an area in which the Parliament can act immediately and without question. Does the First Minister accept the need for change now? When it comes to a skills participation age of 18, will she give a firm commitment to act now?

**The First Minister:** I make the commitment that we will continue to act as we are doing: we will continue to take forward the policies in our schools and on modern apprenticeships, foundation apprenticeships, the places at further education and the investment in free higher education, which will always continue under the SNP. As I said earlier to Ruth Davidson, and as I said to her deputy a couple of weeks ago, the problem with their analysis is that it is not borne out by the results that young people are getting in our education system and as they go on into work.

We will consider ideas from wherever they come. However, if Ruth Davidson's idea is such a great one, why did she not bother to mention it in the leaflet that she sent out to every voter across the country? She manages to mention independence 15 times and me 12 times—I thank her very much for the free publicity—but she does not offer a single idea or policy, because the Tories do not actually have any.

## Affordable Housing

**2. Richard Leonard (Central Scotland) (Lab):** This week marks 20 years of the Scottish Parliament—20 years during which the Parliament has had full control over housing policy. During that time, the private rented sector in Scotland has trebled in size. We have seen the return of private landlordism and rents have soared, while wages have stagnated. The Government's response is rent pressure zones. However, the City of

Edinburgh Council has concluded that rent pressure zones are not fit for purpose. Does the First Minister agree?

**The First Minister (Nicola Sturgeon):** The private rented sector has increased—I know that from experience in my constituency; many members will know it from theirs, too—which is why we have introduced legislation to reform the sector. For example, the policy that has just been announced for consultation south of the border, on getting rid of no-fault evictions, is something that this Government has already done and implemented.

Rent pressure zones are the way forward; we will continue to examine whether they are appropriate and satisfactory and, where further action is required, we will consider taking that further action.

We are also—I have to point out that the Labour Administration in the early days of the Scottish Parliament did not do this—investing in affordable social housing for rent. We are putting record sums into that and are delivering record numbers of affordable and social houses. We also made reforms to get rid of the right to buy. This Government's record on housing is a good one. We will continue to ensure that we deliver the policies that people across the country need.

**Richard Leonard:** I think that the First Minister's calculator needs adjusting, because Labour built 35,000 social houses when it was in power.

Over the past 15 years, a private rented home has become the only housing option for an increasing number of families across Scotland. Housing costs are eating into people's incomes and, year on year, rents are going up. The average rent for a two-bedroom home in greater Glasgow has increased by more than 30 per cent in the past decade, and in Lothian the increase has been more than 40 per cent. Those increases are driving more and more families into poverty. Can the First Minister tell us how many children in Scotland in the private rented sector now live in poverty?

**The First Minister:** Too many children, whether they are in the private rented sector, the social rented sector or any sector, are living in poverty, and the increases in poverty are largely down to the welfare cuts that have been imposed by a Tory Government, and which Richard Leonard still wants it to be able to do.

We have already taken action on the private rented sector. The Private Housing Tenancies (Scotland) Act 2016, which was the most significant change for private renting in Scotland for 30 years, gives tenants greater security, greater stability and greater predictability. Private

residential tenancy landlords cannot evict a tenant simply because the tenancy has reached its end. Of course, the act also provides a range of measures to help to tackle high rents by limiting rent increases to one in 12 months, by enabling tenants to challenge unfair rent increases and by providing local authorities with the power to designate areas as rent pressure zones.

Perhaps it is because of all of those measures that the latest data from the Office of National Statistics shows that increases in rents in Scotland across all private tenancies are lower than they are in England or in Labour-run Wales. We are taking the action that needs to be taken, and will continue to do so.

Unlike Richard Leonard, we will also not only continue to oppose the Tory welfare policies that are driving people into poverty; we will continue to oppose those powers being in the hands of the Tories, in the first place.

**Richard Leonard:** If the Government were to use the powers that it has, it might have a better case to make for having more of them.

The First Minister spoke about the latest data. The latest data according to the Scottish Government's figures show that more than 40 per cent of all children who live in the private rented sector in Scotland are now living in poverty. That is 60,000 children. Here in Edinburgh, there is a particularly acute problem, which is why Dr Jim McCormick of the Joseph Rowntree Foundation recently concluded that

"Here and now, the single biggest challenge for Edinburgh is housing costs. The pathway to poverty reduction in Edinburgh has a lot to do with getting control of rents in the private rented sector."

Next week, Labour will take the next step in the parliamentary process of our Mary Barbour bill. We think that private sector rent rises should be capped and controlled. The First Minister has a choice: will she take the side of rogue landlords and a broken housing market, or will she join with us and side with tenants, tackle poverty and back our Mary Barbour bill?

**The First Minister:** We will continue to do what we have done over the past few years, which is to lead from the front with the changes that people in the private rented sector need.

Child poverty rates are too high in Scotland—not just in the private rented sector, but across our society. In Scotland, the child poverty rate is 22 per cent, which is far too high. However, it is lower than the 26 per cent child poverty rate in Wales, where Labour is in Government right now. That shows that although Labour politicians talk about all the things that they would do in Government, when they are in Government, they somehow forget to do any of them.

We will continue to take the actions that keep rent increases in Scotland lower than they are in other parts of the United Kingdom, and which will get child poverty rates down. We will consider on merit all proposals that come forward, but we will not wait for Labour. If we had waited for Labour over the past number of years, we would not have had the changes that we have had, and we would not have the record numbers of affordable and social houses that are being delivered around Scotland—which stands in sharp contrast to the six council houses that were built under the previous Labour Government.

### **NHS (Staff Bullying)**

**John Scott (Ayr) (Con):** The First Minister will be aware of allegations of staff bullying in NHS Ayrshire and Arran hospitals. I share the concerns that were raised by staff in the press. My concern is for patient safety, as well as the safety and mental health of not just staff in one radiology department but all hospital staff. Regrettably, in the past, my constituents have made similar allegations of bullying in those hospitals.

Today, the Sturrock report on allegations of bullying in NHS Highland will be published. Will the First Minister consider a similar investigation into the concerns that have been raised by staff in Ayrshire?

**The First Minister (Nicola Sturgeon):** We take all allegations of bullying in the national health service extremely seriously, as members would expect. This afternoon, the Cabinet Secretary for Health and Sport will make a statement to Parliament on the Sturrock review, which is a sign of how seriously we take such matters when they are raised with us.

On the NHS Ayrshire and Arran situation, the health board has advised that it is in contact with the Society of Radiographers, and that the chief executive offered to meet the staff concerned. That offer was declined, so arrangements are now in place to hear the grievance in accordance with the board's policy. It is important that the internal grievance process is given the chance to conclude in line with employment law before there is any consideration of further action.

I give an assurance that such issues are always taken extremely seriously by the Government.

### **Royal Infirmary of Edinburgh (Parking)**

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** Changes to parking policy at the Royal infirmary of Edinburgh have meant that the staff parking permits of several of my constituents who work there are now under review. If the permits are revoked, the option of public transport does not exist, because

of shift work and travelling from rural areas. Some people might even have to give up their jobs, and they are already experiencing stress.

Notwithstanding that the Royal infirmary of Edinburgh is a private finance hospital and the contract for parking is private, is there a role for the Scottish Government, given that the changes must surely affect the delivery of healthcare at that hospital?

**The First Minister (Nicola Sturgeon):** I thank Christine Grahame for raising this change to policy, and I will ask the Cabinet Secretary for Health and Sport to look into it and see whether any action requires to be taken. We want the staff who work in our national health service to be able to park at our hospitals, if they are required to do so.

Of course, if the private finance initiative contract for the Edinburgh royal infirmary had not been entered into under a previous Administration, we would be able to abolish car parking charges there as we have done already for NHS car parks around the country.

I undertake to ask Jeane Freeman to look into the specific issue that Christine Grahame raises and get back to her as soon as possible.

### **Private Nurseries**

**Tavish Scott (Shetland Islands) (LD):** The Central private nursery in Shetland will close in a month's time. The nursery failed to recruit staff because public sector nurseries are paying more and recruiting to fulfil the expansion of childcare. Twenty families will be directly affected by the loss of the nursery, which is run by Mairi Jamieson and her team. What can the First Minister do to ensure that wraparound care is provided, particularly for mums who want to stay in work, at a time when the expansion is happening? What can she do so that such private sector nurseries can stay open, rather than being forced to close?

**The First Minister (Nicola Sturgeon):** I am happy to ask Maree Todd, the Minister for Children and Young People, to liaise with Tavish Scott and Shetland Islands Council about the particular issue that he raises about the nursery.

Generally speaking, the expansion of early years and childcare is extremely important. In terms of recruitment and funding, part of the funding deal that we reached with local authorities includes money to allow fair funding rates for private sector nurseries, so that they can pay fair wages as well. We insist on the living wage being paid.

It is important that, as well as the expansion, we work with local authorities and they work with private and third sector providers to ensure the

wraparound care that is important for parents. I will ask Maree Todd to look into the specific issues and, after that, to come back to Tavish Scott in more detail.

### School Attainment (Dundee)

**Jenny Marra (North East Scotland) (Lab):** On Monday night next week, Dundee City Council will consider a very worrying report on attainment in our schools. At secondary 3, Dundee's results are down across every literacy and numeracy indicator and the attainment gap is closing, not because results are markedly better in our poorest communities but because attainment has declined rapidly among our most affluent pupils. Does the First Minister think that the problem could be the £3 million that the Scottish National Party has taken out of Dundee's education budget this year alone, the 160 teachers that it has taken out of our secondary schools since it came to power in the city, its blanket policy across the city of limiting Dundee pupils to six qualifications in S4, teaching S4, S5 and S6 in the same classroom in some schools and the disappearance of some core subjects in some schools? What does the First Minister think the problem is, or the reasons are, and what is she going to do about it?

**The First Minister (Nicola Sturgeon):** It is right that Dundee City Council looks closely at its attainment figures and, if there is action that it requires to take, it should take that action. The Scottish Government is providing additional funding to local authorities generally, but also additional funding specifically for attainment through the pupil equity fund, which schools and teachers the length and breadth of the country are using to good effect to close the attainment gap. We will continue to work with and support councils to make sure that the right action is taken, not just to raise attainment but to close the attainment gap. That applies to Dundee City Council as it does to every council across the country.

### Climate Change (Policies)

3. **Willie Rennie (North East Fife) (LD):** This week, the Scottish Government abandoned its plan to abolish air passenger duty. It said that it is not consistent with its climate change ambitions. Is the First Minister seriously telling us that she has only recently discovered that hundreds of extra flights are bad for climate change? Will the Government now ditch its support for the third runway at Heathrow?

**The First Minister (Nicola Sturgeon):** I am sure that Willie Rennie did not forget to notice that last week we had a new report from the Committee on Climate Change that recommended increased targets on tackling and reducing emissions. We, unlike any other Government in

the United Kingdom so far, have accepted those recommendations. That means that we have to look across the range of our policies to make sure that they align with that increased scale of ambition. The air departure tax is one of those policies. There is a case that can be made for it—I have made that case often in the past—but it does not any longer align with our ambition to reach net zero greenhouse gas emissions by 2045.

As I said in the chamber last week, very openly, we will require to look at all our policies across all areas of Scottish Government responsibility through that new lens of climate change. Whether it is the policy that Willie Rennie cites today or any other policy, that is the commitment that we are making. I put the same challenge that I put last week to all the Opposition parties in this chamber, with the exception of the Greens: when we come to discuss workplace parking over the next few weeks, will the Opposition parties look at that through the lens of climate change or will they stick to their knee-jerk anti-climate change opposition?

**Willie Rennie:** I think that everyone will have noticed that the First Minister deliberately dodged my question. The question was about Heathrow and the third runway. The time for dithering is over, First Minister. A third runway with hundreds of extra flights will not help climate change.

I cannot understand why the Scottish Government chose the 20th anniversary of the Scottish Parliament to hand a raft of powers back to Westminster. When John Swinney handed back income tax powers, we thought that it was a one-off, but this week it was powers away on value added tax and, of course, social security powers have been sent back for five years. We have had the shambles of the police merger, the law on waiting times broken, schools slipping down the international rankings and the failing railways. After 12 years in power, is it not true that the First Minister is handing back powers to Westminster because her Government is so incompetent that it just cannot cope?

**The First Minister:** If all of that is true, imagine how frustrating it must be for Willie Rennie to know that we are still around 30 points ahead of his party in the opinion polls. For goodness' sake! The fact of the matter is that, whether it is polls or real elections, people in Scotland know about the achievements of this SNP Scottish Government, which is why they want us to continue in office.

On powers for this Parliament, it is because of our use of new welfare powers that every carer across Scotland is getting an extra £450 a year and low-income families are getting more help when they have a child, when that child goes to nursery and when that child starts school.

What power over VAT is being devolved to this Parliament? What is being offered is not a power to set the rates or levels of VAT, but an assignment of revenues based on dodgy estimates. When the Fraser of Allander institute says that that process exposes the Scottish budget to “unnecessary” and “unreasonable” risk and is

“not a good way forward”,

why on earth do the Scottish Liberal Democrats want to do that to the Scottish budget? If they keep taking positions like that, they will keep languishing in the opinion polls.

**The Presiding Officer:** I will take a few supplementaries.

### Mesh Removal

**Neil Findlay (Lothian) (Lab):** This week, I have been contacted by constituents who are victims of mesh but do not want to be named. They have raised with me the issue of women being directed to the so-called centres of excellence in Edinburgh and Glasgow for treatment, where many have received partial mesh removal that has produced very poor and debilitating results. The belief is that clinicians at those centres do not have the required skill set to carry out full mesh removal using the latest techniques.

One woman who is not a constituent of mine who has broken her anonymity is Claire Daisley, who will lose her bowel and bladder if she does not get a full mesh removal procedure within the next two months. Will the First Minister personally intervene in Claire’s case to ensure that she gets the treatment that she deserves? Will she halt partial mesh removal at the Edinburgh and Glasgow centres until a full appraisal has been carried out?

**The First Minister (Nicola Sturgeon):** I thank Neil Findlay for raising what we all agree is an important issue. Obviously, I will not clinically intervene in any individual’s case, but I undertake to have the Cabinet Secretary for Health and Sport look into the case that has been brought to the Parliament’s attention to make sure that everything possible is being done for the individual concerned.

More generally, as Neil Findlay knows—he might have facilitated the meeting; he certainly attended it—the health secretary met a group of affected women. As a result of that, a group of medical directors and senior clinical managers are looking at a range of options to improve care and support. Among a range of issues, the group is considering the course of care for women who suffer complications. It met for the first time in early April, it will meet for a second time tomorrow and it aims to make recommendations to health

board chief executives by the autumn. It will fully take into account the views that patients are expressing.

I absolutely understand why some women will want to retain anonymity and privacy, but if Neil Findlay is aware of any women who want to speak confidentially to the health secretary or health officials, we would be happy and, indeed, keen to facilitate that on the assurance that we will protect their privacy and anonymity.

### China (Flights)

**Jamie Greene (West Scotland) (Con):** Visitors from China spend £36 million per year in Scotland. Last year, the First Minister said:

“Tourism is a vital part of Scotland’s economy, and these figures demonstrate the growing significance of Chinese visitors”.

However, yesterday we learned that the provider of Scotland’s only direct route to the country has stopped taking bookings from September and that the future of the route is now in doubt. Does the First Minister share my concern that the loss of that route would represent a huge loss to the Scottish economy and Scottish tourism, and that the Government should do everything in its power to retain such routes?

**The First Minister (Nicola Sturgeon):** The Scottish Government works very hard with our airports to protect air routes. We are disappointed that Hainan Airlines has suspended the winter schedule for its service. We hope that the service will return for the summer season, when passenger numbers are likely to be higher, and we will work with the airport and the airline to secure that. Hainan Airlines obviously operates other services, and we hope that it will continue its Dublin and Edinburgh service.

Our tourism sector has been an area of success in recent years. We know that the sector faces a number of challenges, and we will continue to work closely with it to support the continued sustainable growth of that Scottish economic success story.

### Devolution

**Bruce Crawford (Stirling) (SNP):** Last week, Michael Gove told the Tory conference that he wanted to change the rules so that the United Kingdom Government could get involved in areas that are devolved to Scotland, such as health and education. Does the First Minister agree with me that, after 20 years of devolution, the Tory Government at Westminster should keep its grubby hands off the Parliament of the people of Scotland?

**The First Minister (Nicola Sturgeon):** Yes, I do. When the UK Government devolves powers, it should not send us faulty goods, as it has tried to do on VAT and air departure tax. It should stop the creeping centralisation that we are seeing as a result of its Brexit chaos. This Parliament is better placed than a Tory, or any, UK Government to decide what is right for the people of Scotland, and the sooner we see more powers in this Parliament—in fact, the sooner we see this Parliament as an independent Parliament—the better for everyone.

#### **Her Majesty's Royal Naval Base Clyde (Appreciation for Staff)**

**Maurice Corry (West Scotland) (Con):** For 50 years, generations of submariners based at Her Majesty's Royal Naval Base Clyde, which is in Faslane in my region, supported by their families, have borne the huge responsibility of protecting the United Kingdom. They have accepted the sacrifice and commitment inherent in that duty. Their professionalism has never wavered, and they have delivered on their key task, often for many months at a time. Will the First Minister join me in recognising the professionalism, innovation, dedication and skills of the thousands of people at Faslane and Coulport who have supported and crewed our submarines for more than 350 patrols without one minute's break for 50 years? Will she thank them, their families and veterans most sincerely for their dedication and support to the Royal Navy submarine service and to our country's security?

**The First Minister (Nicola Sturgeon):** Yes, I will. I take a very different view from the member on the future of nuclear weapons and the nuclear deterrent. I want Scotland and, indeed, the world to be free of nuclear weapons. That is no reflection on the professionalism and the dedication of our service personnel—I would want Faslane in a nuclear-free Scotland to continue as a naval base. I take the opportunity today to pay tribute to the dedication, commitment and professionalism not just of submariners working in our services but of all service personnel who work so hard to keep us all safe.

#### **Drug Policy**

**4. Stuart McMillan (Greenock and Inverclyde) (SNP):** To ask the First Minister whether the Scottish Government considers that drug policy should be devolved or amended. (S5F-03317)

**The First Minister (Nicola Sturgeon):** We believe that there is a compelling case that the Misuse of Drugs Act 1971 needs to be substantially amended so that action can be taken to help halt the drugs deaths emergency. If the United Kingdom Government continues to refuse

to allow Scotland to take innovative approaches to tackling drug deaths, such as establishing medically supervised drug consumption facilities, we call on it to devolve the powers to this Parliament so that we can do what is necessary. This week, the Scottish Affairs Committee began its inquiry into problem drug use to examine the issue. The evidence that has been submitted to the committee so far overwhelmingly supports the need for Scotland to be given additional powers in this area.

**Stuart McMillan:** I refer members to my entry in the register of members' interests. Despite the emergency, the UK Government still refuses to act. Last November, every party in this Parliament except the Tories voted to call on the UK Government to change the law to allow the provision of safe consumption facilities, or to empower the Scottish Parliament to do that. Does the First Minister agree that further UK Government delay will mean further harm to and the further deaths of some of the most vulnerable people in Scotland?

**The First Minister:** Yes, I do. I think that there is a recognition across the Parliament—I think that that is without exception—that we need to look at different ways of tackling the drugs challenge and, in particular, reducing the number of people who lose their lives to drugs. As Jackson Carlaw and I spoke about a few weeks ago, that means a willingness to look at different approaches and to be innovative.

The Tories have called on the Government to do that—and we are willing to do that—but again I call on them to drop their knee-jerk opposition to safe consumption facilities. Just recently, Dr Andrew McAuley, senior research fellow at Glasgow Caledonian University, said that Glasgow's case for a drug consumption room is

“arguably the most compelling Europe has seen”.

If the United Kingdom Government will not act in that way, it should devolve the powers to allow this Parliament to do so as part of an overall approach to taking innovative action to deal with what is a massive challenge for all of us.

**Miles Briggs (Lothian) (Con):** I agree with the First Minister that there is a cross-party consensus on the need for change on this matter, but there are two things that she could do: first, have an independent review of the methadone programme in Scotland; and, secondly, have a third sector-led review of recovery services. Will she commit to those actions today?

**The First Minister:** We are already convening an expert group to examine exactly what changes either in practice or in the law could help to save lives and reduce harm. We are doing the kinds of things that Miles Briggs is calling on us to do.

Our mind is not closed to any suggestion about how we can do this differently, but my ask of others is that they do not close their minds, either. When health professionals and experts in this field are saying that this is one of the most important things that we can do in Glasgow right now, it is unconscionable for the UK Government—which has admitted that it knows what benefits the move might bring—to stand in the way of it. If we are going to take an open-minded approach to this—and I have certainly signed up to that—it has to apply right across the board, and I am sad to say that, so far, the Tories have been found completely lacking and wanting in that respect.

### Shop Closures (Action)

**5. Alexander Stewart (Mid Scotland and Fife) (Con):** To ask the First Minister what action the Scottish Government is taking in light of recent analysis, which suggests that a record number of Scotland's shops closed in the first three months of the year. (S5F-03305)

**The First Minister (Nicola Sturgeon):** We are doing everything in our power to support all sectors of our economy, including retail. We have put in place enhanced measures to support new development and the reuse of vacant properties in town centres as part of a total rates relief package of around £750 million. That package also includes the small business bonus scheme, which is lifting more than 100,000 properties out of business rates altogether.

In addition, we have established a £50 million capital town centre fund to enable local authorities to stimulate and support a wide range of investments and encourage town centres to diversify.

Finally, in 2017-18, there were more than 1,600 new starts in the retail modern apprenticeship framework.

**Alexander Stewart:** Is it not the case that the single most detrimental effect on our high streets comes from crippling business rates, particularly the large business supplement that this Government is imposing on hard-working retailers? Some business owners in my region have had to endure eye-watering increases that are making the costs and stresses of operating premises unsustainable. What further action will the First Minister take to turn the tide?

**The First Minister:** We will continue to support retail and our town centres, but I have to say that I find the question absolutely staggering in how much it ignores what is already being done in Scotland. We have the most competitive business rates package anywhere in the United Kingdom, with the lowest business rates poundage in the UK, meaning that over 90 per cent of properties

are being charged a lower rate than they would be charged in England.

We also have the most generous package of reliefs, which, as I have said, is worth over £750 million. It includes the small business bonus; the business growth accelerator, which is unique to the UK; the UK's first nursery relief; and, of course, enhanced relief for broadband. We have also expanded the small business bonus scheme, lifting a total of 100,000 premises out of business rates altogether. Moreover, following the Community Empowerment (Scotland) Act 2015, councils have the power to go even further and reduce rates even more at local level.

We are doing more than any other Government anywhere else in the UK and we will continue to do so. However, we would not be able to afford to do most of that if we went along with the Tories' suggestion to take more than half a billion pounds out of our budget to give tax cuts to the richest people in our country.

### Biodiversity (Transformative Change)

**6. Claudia Beamish (South Scotland) (Lab):** To ask the First Minister what the Scottish Government's response is to the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services report's call for transformative change. (S5F-03316)

**The First Minister (Nicola Sturgeon):** I welcome this important report and the new evidence that it provides. We are already doing a great deal here in Scotland to address biodiversity loss through our biodiversity strategy. We will consider the report's findings carefully and we will look to ensure that our actions produce the transformative change that is needed.

The report is a significant step on the way to the 2020 conference of the parties to the Convention on Biological Diversity, to be held in China, where world Governments will agree their response to the new evidence. Scotland is playing an active role in the work and I can tell members that we have agreed with the convention that a conference that will contribute to developing the response will be held in Scotland early in 2020, in the lead-up to the China conference of the parties.

**Claudia Beamish:** The report is, indeed, a stark look at how we are letting down our natural world globally. Scotland faces the same challenges. One in 11 species in Scotland is at risk of extinction and we need stronger laws and stronger implementation. In our climate and environment emergency, biodiversity deserves the same collective focus and energy as climate change does.

Does the First Minister agree that it now seems extremely unlikely that we will meet our 2020



global biodiversity targets, and will she commit today to developing a long-term plan for action post 2020?

**The First Minister:** I agree with the general thrust of what Claudia Beamish is saying. On biodiversity targets, Scotland has more to do, just as all countries have more to do. We are currently on track to achieve seven out of the 20 targets agreed by the international community in 2010. We are progressing towards meeting another 12 targets, but we need to step up our work to meet the deadline. That is not good enough, but it compares favourably with the global picture, where progress has been made on only four of the 20 targets.

We recognise the additional work that all countries, including Scotland, have to do. We are committed—and, if we do this, we will be the first country anywhere to do so—to carrying out a thorough analysis of what we are already doing, what more we need to do and what we need to do differently. By the end of this year, ministers will write to the Environment, Climate Change and Land Reform Committee with their initial assessments on that.

I agree with the member about the importance of biodiversity; it is as important as the challenge on climate change and, as on climate change, I do not underestimate the difficulties, complexities and challenges. However, as on climate change, I—and, I am sure, all of us—want Scotland to be leading the way.

**Mark Ruskell (Mid Scotland and Fife) (Green):** The United Nations-IPBES report highlights once again that our seas are under attack and beautiful habitats such as our flame shell reefs risk extinction. One fifth of Europe's coastline is in Scotland. Does the First Minister believe that just two fisheries protection vessels are enough to defend our coasts from vested interests intent on illegally plundering our marine protected areas?

**The First Minister:** That is something that we as a Government require to keep under review. I believe that our current fisheries protection resources are appropriate but, as with all such issues, the Government has to look into the situation on an on-going basis.

The protection of our natural environment is such a priority that, just as on climate change, the obligation on all of us is to look afresh at everything that we are doing and make a decision—as we had to make a difficult decision this week—about whether we are living up to our obligations.

As a Government, we are committed to doing that and I hope that we have not just the co-

operation but the whole-hearted support of parties across the chamber as we do so.

**Maurice Golden (West Scotland) (Con):** On 14 September 2016, I raised with the environment secretary the need for a biodiversity baseline in order to monitor the success of our efforts to protect Scotland's wildlife. Given the First Minister's answers, will she now recognise that a biodiversity baseline should be a priority?

**The First Minister:** As I said in a previous answer, we are carrying out an analysis of what we are doing, where we need to do more and what we need to do differently. We will report on that analysis to the Environment, Climate Change and Land Reform Committee by the end of this year, which will provide the baseline that Maurice Golden is asking for. He is absolutely right that we need to know the baseline so that we can then monitor our performance against it.

There are big challenges here for Scotland and for all countries. We can take some pride and some confidence from the fact that we are already leading the way globally, but that is not enough. As we have done on climate change, we need to raise the bar of global leadership and make sure that we are continuing to get much higher over the bar than anybody else. We are committed to doing that and I look forward to having the support of members across the chamber as we do so.

**The Presiding Officer:** That concludes First Minister's question time. We will have a short suspension to allow the gallery to clear and members and ministers to change seats before the next item of business.

12:44

*Meeting suspended.*

12:45

*On resuming—*

## Pension Credit

**The Deputy Presiding Officer (Christine Grahame):** The next item of business is a members' business debate on motion S5M-15570, in the name of Kenneth Gibson, entitled "Changes to Pension Credit Could Cost Mixed-age Couples £7,320 Annually". The debate will be concluded without any question being put.

*Motion debated,*

That the Parliament condemns the UK Government's decision that, from 15 May 2019, newly-retired people whose partners are younger than the state retirement age of 65 will no longer be able to claim pension credit (PC) and must instead claim universal credit (UC) along with their partners; understands that the couple rate of UC is £114.81 a week, compared with £255.25 for a couple receiving PC, which amounts to a potential loss of £7,320 a year; believes that this change could have a devastating impact on couples' finances, health and wellbeing and increase the number of older people in poverty; considers that, if the change comes into force, couples might find themselves in the position of being financially better off if they split up and live apart; is disappointed that the changes were set out in a written statement by Parliamentary Secretary for Pensions and Financial Inclusion, Guy Opperman MP, which was published online on the evening of 14 January 2019; believes that this allowed the announcement to go through largely unnoticed due to the Brexit vote, and notes the calls for the UK Government to reconsider this decision, which, it believes, could drive many older people and their partners in Cunninghame North, Scotland and across the UK into poverty.

12:46

**Kenneth Gibson (Cunninghame North) (SNP):** First, I thank Age Scotland and Engender for their helpful briefings. When I lodged the motion back in January, I held on to some hope that the United Kingdom Tory Government would reconsider its callous decision to force newly retired people whose partners are younger than the state retirement age of 65 to claim universal credit rather than pension credit. Unfortunately, as the change is to come into force next Wednesday—15 May—the Tories seem to have chosen to ignore the calls from Age Scotland, Citizens Advice Scotland, Engender, MSPs, MPs and campaigners who have expressed concerns about the impact that the change will have on some of Scotland's poorest pensioners.

This is no minor change—the switch to universal credit could cost affected households £140.44 a week or £7,320 a year. The pension credit guarantee tops up a couple's income to a minimum of £12,940 a year. Under universal credit, the standard allowance entitles couples to less than half that. Such a cut could devastate a couple's finances and ultimately their overall

health and wellbeing. As Age Scotland said when the announcement was sneaked out on the day of the first meaningful vote on Brexit,

"Such an outrageous new policy will do nothing but penalise older couples of mixed age, making them poorer for living together."

As if forcing people on to universal credit—the problems of which are well documented—was not bad enough, the loss of pension credit will have a profound impact on other aspects of social security delivery, as it is a passporting benefit. People who are eligible for pension credit receive free national health service dental treatment, cold weather payments and help with housing benefit and council tax.

The loss of such support can only impoverish our poorest pensioners. To illustrate that, I offer the example of a mixed-age couple who rent a one-bedroom property in North Ayrshire that is in council tax band C and has a monthly rent of £373. If they receive a state pension of £160 a week and pension credit, their total loss after being moved to universal credit will be £9,223.80 a year, which is an enormous sum. The Scottish Government estimates that, by 2020-21, 3,800 mixed-age households in Scotland will collectively lose about £20.8 million.

It is shocking that the UK Tory Government has not considered that the change might force couples who find themselves financially pressured to split up. It argues that pension credit was not designed for working-age claimants, but universal credit was never designed for pensioners, as it includes no additional support for a couple in which one member is not expected to work because they are over the state pension age. The justification for the policy is therefore deeply flawed.

Even more gallingly, as I touched on, the changes were sneaked out in a written statement by the Parliamentary Under-Secretary of State for Pensions and Financial Inclusion, Guy Opperman MP, on the evening of 14 January 2019, when the Prime Minister suffered a crushing defeat at Westminster as MPs rejected her Brexit deal. That drama allowed the pension credit changes to be buried deep in the news agenda, even though they will drive many older people and their partners in Scotland—and across the UK—into poverty.

Age Scotland responded quickly to the statement and is working hard to help as many eligible people as possible to claim pension credit before the 15 May changeover.

Tories might try to cover their backs by stating that this change was legislated for in 2012 and it is too late to turn the tide. However, I note that Age Scotland told the Social Security Committee that the Welfare Reform Act 2012 was 182 pages long,

with provisions on mixed-age couples buried among provisions on the introduction of universal credit and personal independence payments. Further, I point out that the changes can still be stopped.

The UK Government presented the reforms as gender neutral because universal credit treats women and men in the same circumstances equally. However, Engender understood that pension credit changes will compound the situation that is already faced by women who are affected by the increase in the state pension qualifying age. Changes to pension credit entitlement, which might otherwise have offered a lifeline to women against state pension inequality, will hit that group of WASPI women especially hard. In addition, women are more likely to be the younger person in a couple and have to work or claim working-age benefits despite the likelihood that they already have unpaid caring duties.

It seems that the UK Tory Government cares little about the impact that the policy will have. When it announced the change, the UK Government must have known how many people would be affected in each UK nation. Such information is crucial to devolved Governments and the third sector, as it enables them to adequately prepare their services. In spite of that, the UK Government has still not provided a comprehensive geographic breakdown.

Of course, with Michelle Ballantyne as their welfare spokesperson, it is little surprise that Tory MSPs have not challenged their Westminster counterparts to reverse or delay the change. When asked at the Social Security Committee two weeks ago today whether she would sign a letter from the committee asking for a six-month extension to the 15 May and 13 August deadlines, to allow both the Scottish and UK Governments to do all that they can to maximise benefit uptake, she replied:

“do I care one way or the other? I probably do not, actually, if I am honest”.—[*Official Report, Social Security Committee*, 25 April 2019; c 52.]

That perfectly encapsulates the indifference that Tories have towards the real suffering that their policies inflict. Those same Tories propose to take free television licences away from over 75s and to deny women born in the 1950s their full right to state pensions, and they are pushing thousands of pensioners into poverty when the UK already has one of the lowest earnings-to-pensions ratios in Europe.

It is imperative that fairness be at the heart of our pension system and that older people be treated with dignity. The risks are not just financial. People on lower incomes are also susceptible to poorer health. Reducing the incomes of some older people will force them to choose between

heating and eating. It is undeniable that those who cannot afford to heat their homes are more likely suffer from poor health, which places more stress on our national health service. The Scottish Government and our local authorities will be left to pick up the pieces of this disastrous, short-sighted policy.

It is unrealistic to expect the Scottish Government to mitigate the impact of the cut. To do so for each Tory welfare reform would be impossible. By 2020-21, it is estimated that mitigating UK welfare cuts would cost £3.7 billion, which is three times the Police Scotland budget. Meanwhile 100 per cent of national insurance contributions that are raised in Scotland flow to the Treasury.

I encourage any older person who is listening today and is concerned about their income to call Age Scotland's excellent helpline. It is free and available from Monday to Friday from 9 am to 5 pm on 0800 12 44 222. It offers free benefit checks and can support older people with pension credit claims. It is vital that older people claim the support to which they are entitled.

Any situation in which an older person would be financially better off living alone claiming pension credit than living as a couple claiming universal credit is unacceptable. The UK Tory Government must act to prevent that, and must act now.

12:53

**Michelle Ballantyne (South Scotland) (Con):** I actually thank Mr Gibson for bringing this debate to the chamber, because, hopefully, it will ensure that anyone who is entitled to pension credit is made aware of the changes so that they can, if they want to, apply before the deadline.

Mr Gibson is right on a couple of points. The change was part of the 2012 act. The decision was made at that point, and there was debate and discussion around it at that time. He is also right that the announcement reminding people of the date of the change was made on the date that he said that it was. That was a concern to everyone. However, it is important to note that, although the change to entitlement takes place next week, applicants have until 13 August 2019 to register a backdated claim if they are eligible next week. That gap is really important in terms of making sure that as many people as possible get what they are entitled to at the moment.

Eligibility for benefits is probably one of the most contentious subjects and, whatever the decisions of Governments, there will always be individuals and organisations who will argue that a decision is not fair. It is, therefore, the role of Government to try and find a balance that is consistent in its application and transparent to people.

Pensions are particularly complicated. We currently have a situation in which people who have not reached state pension age can claim pension-age benefits. Pension credit is designed to help our most vulnerable elderly—people who have not built up a pension and have no other recourse to funds after they reach retirement age. It is rightly designed to ensure a minimum level of income, and I have no doubt that every member in this chamber supports it.

When Mr Gibson and others talk of a loss of income for mixed-age couples of £7,320, that will cause alarm. It should do. However, it should be made clear that the change is not retrospective: any mixed-age couple who are currently in receipt of pension credit or who successfully apply before the deadline will not lose the benefit unless their circumstances change.

The question that arises in relation to mixed-age couples is whether a working-age adult should be exempt from the obligations that their peers incur, by dint of a partnership with a pensionable individual.

As pension credit has a 100 per cent withdrawal rate for earnings over a small threshold of around £10 per week for most couples, there is a disincentive for a younger partner to work. The difference that Mr Gibson quotes assumes a couple who have no income beyond their welfare entitlements. However, as universal credit has a 63 per cent withdrawal rate for earnings over a much larger allowance—about £503 for a couple—the reality is that any pension that the older partner has, or any income that the younger partner earns, will mean that the gap is smaller.

An area of real concern to me is the entitlement to passported benefits. We should look closely at that area, because of the potential impact of the change. We should do so particularly because a number of the relevant benefits are being devolved to the Scottish Parliament, and the Scottish Government will be able to make decisions about the criteria and entitlement.

Around two thirds of people who are eligible for pension credit do not currently claim the benefit. I do not want anyone who is struggling to miss out on what they are due. I hope that this debate raises awareness.

On Mr Gibson's comment about what I said in committee, I cannot remember, off the top of my head, whether the discussion was in private, but if it was I will certainly bring the matter back to the chamber to discuss—[*Interruption.*] However—

**Bob Doris (Glasgow Maryhill and Springburn) (SNP):** Will the member give way?

**Michelle Ballantyne:** However—

**Members:** Give way!

**Michelle Ballantyne:** However, my comment was—[*Interruption.*] Do members want to hear what I have to say?

**Sandra White (Glasgow Kelvin) (SNP):** On a point of order, Presiding Officer.

**The Deputy Presiding Officer:** It had better be a point of order. If it is a debating point, it is not a point of order. I warn you, Ms White. Go ahead.

**Sandra White:** Thank you, Presiding Officer.

Ms Ballantyne said that the comment was made in private—

**Michelle Ballantyne:** No, I did not.

**Sandra White:** It was not in private; it is all over the newspapers—

**The Deputy Presiding Officer:** I heard what—

**Sandra White:** It was not in private.

**The Deputy Presiding Officer:** Excuse me, Ms White. Please sit down.

I heard what was said, and that is not what Ms Ballantyne said; she said "if".

**Michelle Ballantyne:** Members should listen.

**The Deputy Presiding Officer:** I will not take comments from the Conservative front bench, either. The matter can be raised by members in the debate, if they wish, or afterwards. Thank you.

Please continue, Ms Ballantyne.

**Michelle Ballantyne:** I was merely going to say that the comment was in reference to whether we should send a letter at that time and was backed up by my saying, if I remember correctly, that I felt that we were probably too late.

12:58

**Gillian Martin (Aberdeenshire East) (SNP):** At the weekend, Ruth Davidson returned to front-line politics and said, in her conference speech, that a secure pension age has gone. That is too true. Pension security in the UK has gone, and the Tories are set to make life even harder for pensioners. I thank Kenneth Gibson for securing this debate to allow the matter to be discussed.

Changes to pension credit will cost the poorest in Scotland up to £7,000 a year. That is a large chunk of money for anyone to lose, and for our poorest pensioners it will mean a choice between eating and heating.

The fact is that the UK state pension is already the worst in the developed world. According to data from the Organisation for Economic Co-operation and Development, the UK Government pays out only 29 per cent of earnings, which puts it at the bottom of the table. Let me compare that

with what other European Union nations provide. The Netherlands pays out 100 per cent, Portugal offers 94 per cent and Italy offers 93.2 per cent.

Before the independence referendum, in 2014, Labour's Gordon Brown warned that Scotland's leaving the UK would come with a pensions "time bomb", and the Tory Government backed that claim. We now know that the Tory Government went on to increase the pension age for women without notice, which means that some women will lose up to £30,000. Now, that is a pensions time bomb, and I stand with the WASPI women in their condemnation of the UK Tory Government, which has let them down.

Low earners and women are bearing the biggest cost of pension reforms, and the number of pension-age people who have to use food banks is a national disgrace. Of course, the announcement of this latest pensions time bomb was revealed by the Tory Government on the eve of Prime Minister Theresa May's humiliating Brexit-deal defeat in January—it was slipped in under the radar, with no debate or vote in the House of Commons. The cut was made as part of the Welfare Reform Act 2012, and the pensioners of the UK, present and future, have been scammed.

This is simply more bad news for women who were born in the 1950s, who have already been affected by the increase in the state pension age.

**Jeremy Balfour (Lothian) (Con):** Will the member take an intervention?

**Gillian Martin:** No, I will not.

Hundreds of women in North East Scotland and in my constituency of Aberdeenshire East have been affected by the increase in the pension age. I have met them repeatedly, and I stand with them in their condemnation. They are already struggling under the weight of the changes that have been made, and this policy could impact them even further.

My party does not support the unfair manner in which the changes were made, and we have repeatedly asked the UK Government to give those women their money. More than 2 million women have been affected by the changes that have already been made, and changes to pension aid will cause them more financial uncertainty. People who also claim a disability benefit will be heavily impacted—and more than 50 per cent of those who receive pension credits also claim a disability benefit. In 2018, the Joseph Rowntree Foundation's report on UK poverty highlighted that previous falls in pensioner poverty were due, in part, to the introduction of pension credit.

Members of the Labour Party are not off the hook, as they campaigned with the Tories in 2013

and 2014 to frighten pensioners into thinking that they would lose their pension in an independent Scotland. It is time that we took control of pensions for our Scottish older people and gave them the retirement that they deserve. The UK is not working for Scotland's pensioners.

13:01

**Elaine Smith (Central Scotland) (Lab):** I, too, thank Kenneth Gibson for securing this debate on an issue that will affect thousands of pensioners and couples across the country. The motion condemns the Tory Government's decision to make the change, and I certainly support that. It is a particularly harmful change to the way in which pensioners and mixed-age couples receive income, and it will undoubtedly result in hardship, pushing people further into poverty and affecting their health and wellbeing.

Although this detrimental change is part of the Tories' failed austerity policies, which have caused misery for families up and down the UK, it is disappointing that the Scottish Government has not done more to raise awareness of it. However, Kenneth Gibson's motion and this debate should help to do that, since the change will take place imminently.

A further issue—which has been mentioned—is the high number of people who are eligible but not claiming due to lack of awareness. As I mentioned when I asked a question in the chamber last week, Age Scotland cites figures from the Department for Work and Pensions, which estimates that up to 40 per cent of couples who are entitled to receive pension credit are not receiving it. Although couples who currently receive pension credit will not be affected by the upcoming changes immediately, they could be affected if their circumstances change at any point in the future. That is a massively important point that must be made in the debate.

This policy is the latest in a long line of Tory Government reforms that, as usual, will have a greater impact on the most vulnerable in society. Age Scotland tells us that 38 per cent of people who are over the age of 50 are financially squeezed and that four in 10 pensioner couples struggle to pay their bills. Pension credit is a vital tool in helping people who are in pensioner poverty, which affects an estimated 170,000 people in Scotland.

There is no doubt that the benefit change will also have a greater effect on women. As Gillian Martin mentioned, those woman have already suffered due to the increased state pension age, because they were not adequately warned of that or given time to make alternative arrangements for retirement. These new pension credit rules will

have a further harsh impact on those women. As Kenneth Gibson mentioned in his opening speech, although the UK Government has presented its welfare reforms as being gender neutral, the circumstances of men and women who apply for universal credit are rarely the same and are often very different.

That is due to the societal persistence of underlying traditional gender norms, with many women spending longer out of work and at home in caring roles. As a result, state and private pension levels are more unfavourable to women. Part-time work, the gender pay gap and historic maternity and gender discrimination at work also mean that contributions will have been lower and perhaps that no national insurance contributions will have been made. Women who have had long or multiple breaks in employment are also often more reliant on the basic state pension as their core income. Clearly, the change has not been poverty proofed, and neither has it been subject to a gender impact assessment.

The impact of the policy does not even end with the people who are directly affected, as there will also be unintended consequences for local economies. If new applicant couples are in receipt of over £7,000 less per year, that will definitely impact on local economies. Our high streets have long been declining as more people shop online and jobs are being lost, and pensioners are still the people who are least likely to buy online. Even if the Tories are not interested in personal hardship, I would have thought that the impact on business might cause them some concern.

In conclusion, the UK Government really must think again about this harmful policy change. If it is not going to do that—and it does not look as though it is—the Scottish Government needs to do its best to highlight the fact that the change is happening imminently, as it will undoubtedly have a massive impact on pensioner poverty in this country.

13:05

**Alison Johnstone (Lothian) (Green):** I thank Kenny Gibson for bringing this very important issue to the chamber for debate today.

It seems that, just when we have got our heads around one change and its impact, along comes another, often affecting the very same people. The change to pension credit that is outlined in the motion is yet another policy that will have a hugely negative impact on the incomes of the households that are affected. Some 3,800 households in Scotland could be as much as £7,000 a year worse off claiming after 15 May compared to claiming before.

With so many cuts and changes coming down the line, it is all the more important that people are well informed, yet, as we have heard, that has not happened. The new mixed-age couple rules were legislated for as long ago as 2012, as has been mentioned, yet they were announced only in January, just four months before the policy will come into force, in the most low-profile way possible—a written statement.

There are clear parallels with the change to women's state pension age, which was similarly legislated for ahead of time but was not clearly notified to people. As a consequence, WASPI women are retiring much later than they thought they would, with their plans for retirement in tatters. It is shocking that the lesson that is highlighted by the tireless campaigning of the WASPI women has not been learned by the UK Government.

The situation is made even worse by the fact that pension credit already has an insufficient take-up rate, with 40 per cent of those who are eligible for it not claiming it. That means that many couples who are eligible to claim under the current system will, in less than a week, have to claim under the new system and may lose thousands of pounds as a result. There simply has not been enough time for organisations that support older people to raise awareness.

The DWP's justification for that is that pension credit was not designed for people of working age and that the change will mean

"the same work incentives apply to the younger partner as apply to other people of the same age".

Although pension credit may not have been intended for people of working age, it is equally true that universal credit was not intended to be claimed by pensioners. It includes no additional support for a couple when one partner is not expected to work because they are over the state pension age, and, as the state pension age rises, they will be in that unfair situation for longer.

The phrase "work incentives" is very telling: this is really about making the younger partner subject to benefit sanctions. Yet, we have overwhelming evidence suggesting that benefit conditionality and sanctions do not work. A study by the University of Glasgow and Heriot-Watt University found that

"the threat or experience of a benefit sanction ... is routinely ineffective in facilitating people's entry into, or progression within, the paid labour market over time"

and causes huge stress and worry in the process.

In the name of extending the reach of benefit sanctions yet further, the UK Government is making almost 4,000 households worse off. That is shameful. It is no surprise that Age Scotland refers to it as an

“outrageous new policy”

that

“will have a devastating impact”

on

“Scotland’s poorest pensioners”

and is urging the Government to reverse it.

I, too, draw attention to the gendered impact of the policy, which has been highlighted by Engender and other members in the chamber. It is yet another change to social security entitlements that hits women harder than men. In this case, women are more likely to be the younger partner and subject to conditionality. For women who have been impacted by poorly notified increases in the state pension age, the changes to their pension credit entitlement, which may otherwise have offered a lifeline for them in the absence of their pension, mean that they will be hit especially hard.

Greens are dismayed by yet another hole being made in our already severely frayed social security safety net—one that was announced in the quietest way possible—meaning that couples who might have been able to exempt themselves will no longer be able to do so, and all to extend a thoroughly discredited system of sanctions.

13:10

**Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP):** I thank Kenneth Gibson for bringing the debate to the chamber.

As we have heard, from Wednesday newly retired pensioners will be barred from claiming pension credit if they have a partner who is younger than state pension age, and will instead be forced on to universal credit. Estimates of the impact of the changes on the average claimant are in the region of £5,000 to £6,000 per year. The financial consequences could be even more far reaching than that.

As members will know, pension credit is a passporting benefit, which means that mixed-age couples could lose out on other forms of assistance, including cold weather payments, housing benefit, council tax reductions, social fund funeral payments and, possibly, their entitlement to the warm home discount.

As if the policy was not bad enough, the means by which it was delivered adds considerable insult to injury. As Kenneth Gibson said, by sneaking the amendment out by way of a written statement from a DWP minister on the same day as the first meaningful—if I may use that word rather broadly—vote in the House of Commons on Brexit, the UK Government clearly wanted it to go as unnoticed as possible and to avoid scrutiny of a decision that it knew very well would be unpopular.

I pay tribute to Age Scotland for its efforts in highlighting the changes. It is certainly worth considering a hypothetical example that has been provided by Age Scotland to illustrate what the changes could mean for a typical household in the situation. Peter, aged 70, draws a state pension of £140 a week. His wife, Jean, aged 62, gave up work five years ago to care for her father, who has recently died. They own their own home and have a few hundred pounds in savings. They receive pension credit to top up their joint income to £248 a week. After the rule change, Peter and Jean’s position will be protected if they are still receiving pension credit when any changes come in, as long as their circumstances stay the same.

However, a couple in that situation who need to claim benefits for the first time after 15 May 2019 would not be entitled to pension credit, due to Jean’s age. Peter’s state pension is too high for them to receive universal credit, so their joint income will be just Peter’s state pension. If Jean cannot find a job, which might be difficult, given her age and time out of the labour market for caring, that will be their income for another four years, until Jean reaches SPA at age 66. By that time, Peter will be 74.

However, if Peter was living on his own, because they had separated or Jean had died, he would be able to claim pension credit, in which case his state pension would be topped up to £163 a week—which is considerably more than the universal credit standard rate for a couple, which is about £115 a week.

It is clear from that and many other examples that changes to pension credit will have a significant impact on mixed-age pensioner households when they come into force next week.

For the UK Government to penalise people simply for having a younger partner is completely unacceptable. The benefit is designed for our poorest pensioners, who should not be forced to pay the price of the Tories’ ideologically driven cuts to welfare.

The UK Government and its supporters cannot continue to brush aside the deep and damaging failings of its social security system. Mr Gibson said that only a few weeks ago in committee. When the Tories’ social security spokesperson was asked whether she would support a cross-party letter to the UK Government calling for a delay to the changes, she replied:

“do I care one way or the other? I probably do not, actually, if I am honest”.—[*Official Report, Social Security Committee*, 25 April 2019; c 52.]

I hate to break this to Michelle Ballantyne, but that comment was not made in private session. I was quoting from the *Official Report*; the discussion is on the public record.

The more important point is that the indifference of the UK's governing party continues to push families into poverty and forces people to turn to food banks so that they can get by. I hope that this Parliament, in contrast, does not share the Tories' indifference about the matter. It is time for the Tories to reverse the attack on low-income pensioner households.

**The Deputy Presiding Officer:** In view of the number of members who remain to speak in the debate, I am minded to accept a motion without notice, under rule 8.14.3, to extend the debate by up to 30 minutes.

*Motion moved,*

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

*Motion agreed to.*

13:15

**Jeremy Balfour (Lothian) (Con):** It is important to start by explaining what pension credit was designed to do. It was designed to provide long-term support for pensioner households that are no longer economically active—"economically active" being the key words. Pension credit was never designed to support working-age claimants, so it is simply wrong to make that claim.

The Scottish Conservatives want to make work pay, and to encourage people to be in work. The change means that the same work incentives will apply to the younger partner, as well as to other people of the same age. It will ensure that taxpayer support is directed towards those in society who most need help.

We need to be careful to make it clear that the change is not retrospective. I am sure that Gillian Martin did not say that it is, but that was, perhaps, implied. Anyone who is in receipt of the benefit now will not be affected by the change; pension credit will still be paid to current mixed-age pensioner couples. New claimants and, as we have heard, people whose circumstances change will be affected. Therefore, we need to be careful about the language that we use in the chamber.

**Elaine Smith:** Does Jeremy Balfour have a view on whether the outrageous policy might be subject to legal challenge in relation to sex discrimination, or on whether it undermines the right to family life, as set out in the Human Rights Act 1998?

**Jeremy Balfour:** As I have not practised law for more than 30 years, I will avoid getting into a legal debate.

An issue on which there might be consensus relates to take-up. As Alison Johnstone said, at least 40 per cent of people who could claim the

benefit are not doing so at the moment, which is disappointing. I agree that the way in which the policy was announced was, perhaps, disappointing, and that there has been a lack of advertising about what will happen from the UK Government. However, as Michelle Ballantyne said, people can apply for the benefit until August this year.

I ask the Scottish Government to commit to advertising the issue more over the next few months. In the Government's response to the Social Security Committee, it pointed out that some work is being done by Age Scotland, but no work has been done by the Scottish Government. I make the same plea to the UK Government. Over the remaining weeks and months that we have available, more should be done on advertising so that the take-up rate improves.

It will be interesting to find out why take-up is so low. As we roll out new benefits in Scotland, we need to look at how people take up the benefits to which they are entitled, and at why some people are not doing so.

We need to be careful about the language that we use, so that we do not put fear in people who are already on the benefit. We also need to work carefully to ensure that take-up of the benefit and others is maximised, so that people get what they deserve.

13:19

**Pauline McNeill (Glasgow) (Lab):** I thank Kenny Gibson for a very well-written motion, and I commend him for an excellent speech and for bringing the subject to Parliament. I hope that there is the opportunity for full consensus and cross-party support for what Kenneth Gibson is trying to achieve, and consensus against the Tory policy.

I will go so far as to say that I have not seen a more callous welfare reform; I have not seen a welfare reform proposal that will undermine family life as much as the one that we are debating. I remember when the Labour Government introduced pension credits, along with child tax credits. Gordon Brown introduced those credits to lift thousands of pensioners and families out of poverty. He did so in the full knowledge that there were some such couples in which one partner was of working age. He did it to improve the living standards of those pensioners dramatically, and he was successful in that. As other members have said, to roll back those achievements will push more pensioners into poverty.

We know that the change will affect new claimants, but we also know from experience of the tax credits system that any change to a person's circumstances means that they are put in



the pot of new claimants, so they will lose their pension credit.

Elaine Smith is right: the element that is so scandalous is the unfairness to mixed-age couples. That is an important point on which to concentrate. It must be, at least, indirect discrimination, if not direct discrimination, because women will bear the brunt of the policy change as it tends to be women who are the younger partners. I hope that organisations are already looking at how the change of policy can be challenged.

People have from 14 May until 13 August to submit a claim, if they have not already done so. However, I think that thousands of people will still lose out, so we have a job to do to make people aware of that when they reach pension age and do not have an adequate pension. Inadequate pensions are the root of the problem. Although employers are required to provide a pension these days, some—particularly in the private sector—are absolutely appalling.

Low pay has led to low pensions. A person who retires and has that sharp drop in income will be penalised in every respect if they are part of a mixed-age couple. The change places a much greater burden on the younger partner, who must play the role of the state by providing and making up that income.

It is a heartbreaking policy, and there is no doubt that for couples who have age gaps of 10, 12, 15 or more years, there will be a heavy burden on the younger person and on the relationship. That is why I said that I have not previously seen a policy that undermines family life to the extent that the one that we are debating will.

Members heard the figures from Kenny Gibson. They are real figures—they are not manufactured. It is not just the loss of up to £7,000: we already know about the hardship and trauma that is experienced by people who are forced on to universal credit, which is a system that is far from fit for purpose. I fear for couples in that situation—I deliberately use the word “fear”.

Elaine Smith said that the impact on local economies will be substantial, if we consider how much money will be lost in the future—never mind the substantial impact on the housing crisis that Alasdair Allan mentioned. We face losses of £20.8 million, which will cause a large societal impact.

Do I have four minutes, or five, Presiding Officer?

**The Deputy Presiding Officer:** You have four minutes.

**Pauline McNeill:** I will finish by saying that it is a heartbreaking policy. Most people have no control over the situation because it has been

sprung on them at a time when they cannot even plan to change their family income.

We must stick together on the issue. It is not too late to stop the decision. We have to get out there, argue our case and hope that something can be done. Perhaps the Tories on the other side of chamber might show some compassion for once in their lives, and decide to join us in calling for change.

13:24

**Bob Doris (Glasgow Maryhill and Springburn) (SNP):** I thank Kenneth Gibson for securing this vital debate. As convener of the Parliament’s Social Security Committee, I am deeply worried by the pension credit changes, which are effectively cuts to some low-income pensioner households.

Some pensioners are being targeted simply because of the age of their partner, which is not right. Concerns about that led our committee to hold an evidence session with Age Scotland and Citizens Advice Scotland, and the evidence that they gave was deeply worrying. It was alarming, but alarm bells should be ringing. The original policy document on the change dates back to 2011 and was produced by the UK Government minister Chris Grayling MP. We should not be surprised that the man who gave ferry contracts to companies without ferries designed a policy to deny pension protections to low-income pensioners.

Adam Stachura from Age Scotland told our committee that the cuts would have a

“devastating impact on the finances of the poorest pensioners”.

He also raised concerns about the impact on passported benefits, as we have heard, such as cold weather payments, council tax reduction and housing benefit. Those who do not rely on passported benefits will lose up to £7,000 a year and those who rely on them could lose £10,000 a year.

This is not an abstract debate but a looming reality for low-income mixed-age couples. Adam Stachura gave this example to our committee:

“I was speaking to a gentleman at a meeting of older people in Glasgow last week, who told me that he was 70 and his wife is 60 and still working. He was the first person whom I had spoken to who was part of a mixed-age couple and on a very low state pension. He did not realise that he might be entitled to pension credit,”

—he was not claiming it—

“so his first step was going to be to call our helpline. Because of the 10-year age gap between him and his wife, and the rise in state pension age”

—WASPI women are affected, as has been mentioned—

“he realised that it could be six or seven years until they could claim pension credit after the policy change.”—  
[*Official Report, Social Security Committee, 7 March 2019; c 4-5.*]

That is simply appalling.

Our committee agreed to urgently write to the UK Secretary of State for Work and Pensions, Amber Rudd, raising our concerns and urging that the cuts be scrapped—except, of course, for the Tory members, who did not agree to sign up to the letter. We received a reply from the UK minister for pensions and financial inclusion, Guy Opperman MP. Given the policy intent of what he is proposing, his ministerial title is laughable, but one aspect is accurate—he is the minister for pensions and is certainly not the minister for pensioners, because he is categorically letting them down.

Unsurprisingly, the minister rejected our representations. His reply said:

“It is important to be clear that this is about making sure that all working age people, irrespective of their partner’s age are subject to the same labour market approach”.

What an idiotic thing to say. Fundamentally, he is discriminating against pensioner households. He has distinguished between some low-income pensioner households in poverty and others. He is absolutely wrong-headed and is discriminating against people simply because they love someone who is younger than them.

He also said:

“Pensioners in mixed age couples claiming Universal Credit will not be subject to any work related conditionality rules. However, conditionality for the working age partner will be tailored to meet their specific circumstances, just as it would for any other claimant.”

There we have it: not only will some households be £7,000 worse off, but they will be subject to sanction under universal credit—a double whammy that is simply unacceptable.

On 29 April, our committee wrote back to Guy Opperman asking for a six-month delay, given that 40 per cent of households that are entitled to pension credit do not claim it. Michelle Ballantyne and Jeremy Balfour signed up to that letter—I was disappointed that they did not sign up to rejecting the policy intent, but they signed up to delay the implementation. However, it is only six days until the policy kicks in and we have had no reply. The change is going to happen, unless there is a U-turn by the UK Government.

The final thing to say, other than showing solidarity—

**Michelle Ballantyne:** Would Mr Doris, as the convener, agree that I said that I did not care either way whether we sent letters because it was

too late, and that he is now saying exactly that? We have not had a response yet. I was quite happy to sign up to the letter on the basis that I thought that there were things that needed to be looked at.

**Bob Doris:** My interpretation is that Michelle Ballantyne agrees with and is defending the changes, which I find appalling. However, I was pleased that she signed up to the letter, even though she was completely indifferent about it.

Ultimately, we are tinkering at the edges of trying to defend the income of impoverished pensioners in our country. There has to be a better way to do this. By God! Can we get power over pensions and benefits to this Parliament? There is no way that we would treat pensioners as appallingly as the Tory Government does.

13:29

**The Cabinet Secretary for Social Security and Older People (Shirley-Anne Somerville):** I, too, thank Kenneth Gibson for bringing this important matter to the chamber, and I thank everyone who has taken part in the debate for their contributions.

The UK Government’s decision to change entitlement to pension credit will, like many of its decisions, impact on the poorest and the most vulnerable in our society. In this case, they are paying the price simply for having a younger partner. The change, which, as we have heard, could have a drastic impact on a couple’s finances, is just another example of the UK Government making it more difficult for people to get the support that they need.

We could spend hours talking about the problems with universal credit—indeed, we have done so on many occasions in the chamber. The change in question will force even more people on to a system that is simply not fit for purpose. The issues with universal credit, such as the five-week minimum wait for a first payment and the difficulties that many people have even in receiving the correct payment, are bad enough, but the level of support that people in a couple in which one person is under the state pension age and one is over it will now be entitled to will be even lower. To put it simply, the UK Government has made the decision to give those couples less money to live on. As Alison Johnstone and others have quite rightly pointed out, the UK Government is opening more people up to the discredited sanctions regime.

That is not to mention the fact that, as many have pointed out, the decision was made to announce the commencement of the policy quietly, through a written ministerial statement on the day of the meaningful vote on 14 January.

That was just four months before the policy was due to come into effect. At the time, Age UK accused the UK Government of attempting to “bury bad news”. I could not agree more.

Although it can be argued that it is fairer for a person of working age to be subject to the same benefit as everyone else in that position, the loss of pension credit for the pension-age partner is extremely unfair and completely unjust, as are the sanctions regime and many other aspects of universal credit that underpin the benefit system. As Kenneth Gibson and Alison Johnstone have pointed out, universal credit is not designed for those of pension age.

Earlier this year, I wrote to the UK Government and asked to see the impact assessment that had been carried out on the policy. In his response, the UK Government’s Parliamentary Under-Secretary of State for Pensions and Financial Inclusion, Guy Opperman, told me that there was no impact assessment, but the DWP had published some ad hoc statistics. All that those statistics showed was the numbers affected and the money to be saved. There was nothing about the impact on people’s lives.

Mr Opperman also wrote to the chair of the UK Parliament’s Work and Pensions Committee to say that, as the UK Government makes no poverty rates forecasts,

“an assessment of the impact of the mixed age couples changes on poverty has therefore not been made”.

I am very pleased that many members have highlighted the impact that the policy change will have on women in particular, which is a very important aspect. Kenneth Gibson, Gillian Martin, Elaine Smith, Alison Johnstone and many other members have raised that issue. Engender’s briefing for the debate was quite right to point out that the change compounds the issues that affect the WASPI women.

Not long ago, we debated in the chamber the WASPI campaign and the WASPI women’s fight. The debate highlighted once again that the UK Government is denying full state pensions to those women. I repeat what I said that during that debate: it is not the UK Government’s money; it is the WASPI women’s money, and they are absolutely entitled to it. The pension credit changes are yet another unfortunate example of a welfare cut that hits women hardest.

Elaine Smith rightly said that this is not just about personal hardship—difficult though it will be. It is about health and wellbeing, the social isolation that will be created with the pension change, and the important community impacts that it will have. The issue is much wider than the pension credit couples whom we are talking about. There will be

a much wider impact, as there has been with many changes to the welfare system.

Alasdair Allan and others have pointed out that the change will have a direct impact on the passported benefits that many people will be entitled to. For people who rely on passported benefits, the cut from the pension credit change will be even more severe. Again, that shows that many different aspects will affect many people in different ways.

The other important aspect that has been drawn out by many members is that those who are on pension credit at the moment are not safe. If they have one change of circumstance and tell the DWP, they will also lose out. That puts those who are on pension credit at the moment in fear of losing their entitlements in the future.

I return to an aspect of pension credit that Michelle Ballantyne, Jeremy Balfour and others spoke about, which is encouraging people to sign up for pension credit. I could not agree more. What a shame that the UK Government has never taken that seriously. When Jeremy Balfour talks about the fact—

**Jeremy Balfour:** What have you done? You have done nothing at all.

**Shirley-Anne Somerville:** I will get on to that. If Mr Balfour gives me a minute, I will get onto what the Scottish Government is doing to pick up the pieces where the UK Government has failed.

The UK Government does not encourage take-up of benefits as we are committed to do under the Scottish social security system. Where is the UK Government uptake campaign to support those who will be affected by the change? With the greatest respect to the audience that is listening and watching online today, let us not rely on a member’s debate in the Scottish Parliament to encourage uptake. Where is the UK Government’s campaign to encourage uptake of pension credit, which has one of the lowest uptake rates?

I will talk specifically about what the Scottish Government action has been. Back in 2017, my predecessor, Jeane Freeman, announced an awareness-raising campaign for people who were not applying for pension credit because they were unaware of it. There was a concerted effort then, which included radio and press advertisements. We are currently taking action to maximise the incomes of older people and those who are set to retire, particularly those who will be affected by the UK Government pension credit policy. We are supporting older people through our financial health check service, which offers free personalised advice on money matters to help people to maximise their incomes and reduce the poverty premium that means that they pay more

for basic goods and services. It provides advice on subjects ranging from benefit uptake and council tax reduction to the reduction of utility bills and other household costs.

Once again, the Scottish Government is delivering for Scottish pensioners where they have been failed by the UK Government. Once again, we have a stark example of the ways in which the UK benefits system is not fit for purpose. However, those who do not want the powers to be devolved to this Parliament are calling for this Parliament and Government to pick up the pieces of a failed UK system.

I fully support Mr Gibson and the motion and I join members, once again, in calling for the UK Government to reconsider the changes to pension credit.

13:37

*Meeting suspended.*

14:30

*On resuming—*

## **NHS Highland (Sturrock Review)**

**The Deputy Presiding Officer (Linda Fabiani):** The next item of business is a statement by Jeane Freeman on the Scottish Government's response to the Sturrock review. The cabinet secretary will take questions at the end of her statement, so there should be no interventions or interruptions.

14:30

**The Cabinet Secretary for Health and Sport (Jeane Freeman):** I am grateful for the opportunity to update members on the findings of the fully independent review that I commissioned, which was led by John Sturrock QC, into allegations of a culture of bullying and harassment in NHS Highland. The report of the independent review has been published in full today, alongside the immediate response from the Scottish Government.

I offer my sincere thanks to John Sturrock for his significant personal commitment to the undertaking, which is demonstrated by the review's thoroughness and by the substantive, detailed and thoughtful report that he has delivered. In its conclusions and recommendations, his report focuses on repairing relationships and on the practical steps and leadership that are needed to restore trust and build a truly exemplary workplace culture in NHS Highland. Mr Sturrock has provided evidence for his conclusions from all those he heard from, and I sincerely thank everyone who engaged with the review—especially those who shared their own, often very difficult, personal experiences.

I commissioned the review in November, as I was greatly concerned that a group of staff in NHS Highland felt that they had no option but to raise their concerns publicly. It was clear to me that, despite the steps, interventions and support up to that point, serious concerns remained, which it was essential to hear. I was also keen to ensure that NHS Highland staff had the opportunity to access a safe space in which individual and collective concerns could be raised and that that was provided through a review with a perspective that was independent of the Government and the board. Through listening and understanding, that impartial perspective was to focus on proposals that would secure and promote an open, transparent and inclusive workplace culture.

I believe passionately in the NHS Scotland values of care and compassion, dignity and respect, openness, honesty, responsibility, quality and teamwork. I know that staff in NHS Highland

believe passionately in those values, too. Our collective belief in those values is critical to our capacity to deliver the safe and effective person-centred care that people deserve, but belief in the values must be evidenced by behaviours that reflect the values. NHS Highland has many caring, supportive, diligent and highly skilled staff, but this extensive review has identified a number of significant cultural issues that have contributed to actual and perceived behaviours in NHS Highland that have not always reflected the values. That can neither be acceptable nor be allowed to continue.

We now need to engage constructively with the review's findings, conclusions and recommendations. We must also reflect that, as John Sturrock points out, the experience of a number of staff who work in NHS Highland is not that of a bullying culture, and they have equally legitimate concerns that need to be heard and taken account of. Whatever else we might do, it is absolutely right to put staff in NHS Highland at the centre of the engagement and dialogue. That is the only way to secure the sustainable restoration of trust and shared purpose that is essential to a positive working culture. I have therefore made it clear to the board that I require it and the wider leadership of NHS Highland to consider the report carefully and actively engage with staff at every level to consider the conclusions and recommendations and how they can be positively applied.

The review considered matters in Highland, but it is clear to me that it raises important issues that require serious reflection across the health service. What the review articulates about how we work to build supportive workplace cultures that engender and encourage behaviour that reflects our national health service values is absolutely of general application. This is not just an opportunity for NHS Highland; it is an opportunity for all of us in NHS Scotland.

I am well aware that concerns about bullying and a desire to secure a positive culture are shared across our health service. As a result, I intend to bring together the leadership of our boards, including staff and union representatives, our royal colleges and professional and regulatory bodies to examine how, collectively, we can take forward measures to support and promote an open and honest working environment for all our staff. In particular, I will ask the collective leadership what more we need to do to effectively deliver the behavioural and attitudinal improvement in leadership and management that sits at the heart of the Sturrock review.

We will commence that important work in the summer by hosting a summit on wellbeing, engagement and employee experience in NHS

Scotland. I am delighted that John Sturrock has agreed to join us for that first meeting. There are other steps that I intend us to take. The review highlights the opportunity to improve the relationship between boards and the Government. It highlights the dilemma, which is not always satisfactorily resolved, about when to support and when to intervene and the need to move with some pace on the improvements that have already been identified in "A Blueprint for Good Governance", which was published earlier this year, and it aims to further strengthen health boards' vital scrutiny and assurance work. That includes enhancing the recruitment, training and development of board members and ensuring that there is greater consistency in that regard across NHS Scotland.

I have also reflected on how we can ensure that all NHS Scotland staff, across all boards and irrespective of their role, have faith in the systems that we put in place to allow them to speak up, raise concerns or put forward ideas and be confident that they will be listened to and respected without anxiety about negative consequences. In part, that involves the work that is already under way to improve our workforce policies to ensure a people-centred focus that is consistent in its policy and application across the NHS.

As members know, on 30 April 2019, we introduced legislation to Parliament to allow the Scottish Public Services Ombudsman to take on the role of independent national whistleblowing officer for NHS Scotland. The SPSO will have the authority to investigate how whistleblowing cases have been handled, make recommendations and lay reports before the Scottish Parliament, in order to enhance public confidence in and scrutiny of the system.

We will now proceed with recruiting new non-executive whistleblowing champions to every health board, so that we will have them in post by the end of this year. The whistleblowing champions will provide assurance that boards are complying with NHS Scotland's policies on whistleblowing. They will also have the authority to escalate concerns directly to me when they feel that issues have not been appropriately addressed at board level. In the coming weeks, I will again visit NHS Highland to hear for myself how it is progressing the work from the review.

I appreciate that this is a substantive report and an important piece of work, and I understand that members will wish to take time to reflect on its contents and on what I have said today. I also understand that members will be keen to hear about the progress that we make and, in particular, about the outcome of the work that I will lead with colleagues across our national health

service, royal colleges and professional bodies on our collaborative leadership to promote a culture that reflects our NHS values. The concern and determination to take this opportunity to set the right course for our NHS is shared across the chamber, and the work to do that should be a shared endeavour. Following the summer recess, I will update the Health and Sport Committee and will be happy to discuss our progress with it at that time, if it would find that helpful. I am, of course, also happy to keep party spokespeople updated and to discuss all these matters with them.

I am committed to doing all that we can to ensure that everyone in NHS Scotland feels valued, safe and supported. That matters greatly to every person who works in our NHS, and it matters greatly to every patient we serve.

I commend this statement to Parliament.

**The Deputy Presiding Officer:** The cabinet secretary will now take questions on the issues raised in her statement. I will allow around 20 minutes for that.

**Edward Mountain (Highlands and Islands) (Con):** I thank the cabinet secretary for advance sight of her statement. More important, I thank John Sturrock for his detailed report.

It was only the Scottish Government and casual observers who did not recognise that there was a serious problem in NHS Highland. John Brown's review, "Corporate Governance in NHS Highland", which was published in May 2018, proved that. In September 2018, when four senior clinicians made allegations of bullying and I asked the First Minister for an independent inquiry, the Government was still dithering.

Finally, when we got an inquiry—and a very substantive one, too—we learned that there was "fear and intimidation" and that some staff have "suffered significant and serious harm".

According to the report, it appears that the Scottish Government knew about the dysfunctional nature of NHS Highland in autumn 2017 and yet did nothing about it, waiting to see whether others would do something. In my 40 years of professional experience, I have never read such a damning report on management.

In the cabinet secretary's statement, I did not once hear the word "sorry". I welcome her belated actions, but if we are to move forward, we need to resolve the issues of the past, through healing.

Let me give the cabinet secretary the opportunity, on behalf of the Scottish Government, to start off the process of rebuilding our health service by apologising to the staff, patients and people of the Highlands for this situation, which is attributable purely to poor executive

management—that is my view, and it is backed up by Mr Sturrock. Will she apologise?

**Jeane Freeman:** I have already apologised to NHS staff in the Highlands and will do so again. I am more than happy to do that.

In addition to expecting the apology, NHS staff in the Highlands and across our health service will judge us by how we respond to this positive and substantive report, which does not shirk from highlighting failings but argues strongly that the approach that should now be taken must be restorative and healing and must aim to move things forward.

In that regard, we all need to be careful about the language that we use. I do not accept that the Scottish Government did not recognise the problem or that it dithered, and I certainly do not accept that the Government did nothing about the problem. From as early as 2017, senior officials from the Scottish Government were working with NHS Highland—with the board and others—to try to improve governance and relationships.

As Mr Sturrock highlighted, and as I said in my statement, there is a dilemma for any Government—not just this one—about when to provide support, help and encouragement and when to draw a line and say, "That's not working; we now need to intervene," which is what we did. With hindsight, there might be a case for saying that we should have done that earlier or that we should not have done it when we did it. The fact is that we are where we are. We have a substantive report and our job, collectively, is to work out exactly how we take things forward, not just in NHS Highland but across our health service.

**David Stewart (Highlands and Islands) (Lab):** I thank the cabinet secretary for advance sight of her statement and acknowledge her initiative in asking John Sturrock QC to review the claims of bullying in NHS Highland.

NHS Highland is my home board. I have dealt with the board for more than 20 years and in two Parliaments. I have dealt with everyone from chief executives and board members to cleaners and patients. However, no amount of experience could have prepared me for the GMB-organised event in autumn last year. More than 60 people attended, and they spoke with one voice on the toxic culture of bullying in the organisation.

What new system can be put in place for all those who lost jobs, left jobs and suffered mental health problems, whose experience we must never forget? What assessment has the cabinet secretary made of the effect of the bullying on NHS Highland's credibility and ability to recruit and retain staff?

Let us look to the future and the implementation of the review recommendations, so that staff in NHS Highland and beyond can start afresh in safety and security as respected, dedicated professionals, free from the dark cloud of bullying.

**Jeane Freeman:** I am grateful to Mr Stewart for his comments and questions. I absolutely recognise his long history of positive engagement and strong interest in these matters. I completely understand how unprepared he would have been for the meeting that the GMB convened. The Scottish Government and Mr Sturrock were also unprepared, hence the lengthening of the time that the review has taken to allow for the number of people who wanted to give evidence to Mr Sturrock about their personal experience.

Mr Sturrock's review makes the point about providing support for those who have experienced bullying or harassment, and whose emotional or mental health has suffered as a consequence. The board is actively considering how it might do that and will actively consider what other steps it needs to take. As well as reflecting the evidence and the views that were expressed to him, a central thrust of John Sturrock's report was to recognise that the only way to move forward is to heal first, and to heal by moving forward. He is clear about that in his report and NHS Highland absolutely understands that; it is quoted today as saying that it must embrace all the recommendations of the report and act. It has begun that work, as well as work to consider how it will engage directly with staff. I was keen that this be a report not just for the chamber but for NHS Highland. It therefore needs to engage with its staff to understand whether they want more than is in the report.

It is impossible to have a scientific view on the impact of the review on recruitment and retention. However, concern about that was raised by those who had not themselves experienced bullying and harassment, and we need to consider what we do about that, too.

**The Deputy Presiding Officer:** I ask for shorter questions—and indeed answers, cabinet secretary—so that we get through all the questions.

**Gil Paterson (Clydebank and Milngavie) (SNP):** What commitments has NHS Highland made on implementing the recommendations of the review, and will a timeline for implementation be established?

**Jeane Freeman:** NHS Highland is committed to ensuring that the recommendations are implemented and it will host a suite of engagements with all its staff. It will set out a specific timeline in the coming days.

As I said, I will visit the board soon. In addition, as John Sturrock recommends, I will undertake a

full review of the progress that has been made 12 months on from the publication of the report.

**Miles Briggs (Lothian) (Con):** Clearly, there is a lot of learning for the wider NHS from the Sturrock review. What we read in today's report points towards the systemic and institutionalised bullying at NHS Highland being just the tip of the iceberg. The cabinet secretary said that she wants to be judged on how we respond. Will she commit to bringing a full debate on the report before Parliament, in Government time, at the earliest opportunity?

**Jeane Freeman:** I am happy to make that commitment in addition to the commitments that I have made to update the Health and Sport Committee and to have discussions with party spokespeople. We need time to reflect on what is a 176-page report, and to know a bit more about how NHS Highland is responding to it. However, in the wider debate—because it is a shared endeavour—I am happy to commit to that.

**Rhoda Grant (Highlands and Islands) (Lab):** I pay tribute to the GMB for bringing this serious issue to our attention. The little of the report that I have read in the time allowed is horrific. Similar concerns have been expressed by other health boards in Lothian, Tayside, the Borders, Ayrshire and Arran and Greater Glasgow and Clyde. If it is the case that this is the culture of the NHS in Scotland, and that it is fed by staff shortages and cuts that put enormous pressure on everyone in it, what will the cabinet secretary do to tackle it and to ensure that the NHS is adequately resourced to allow staff to work in an open and collaborative fashion?

**The Deputy Presiding Officer:** The questions are getting a wee bit long.

**Jeane Freeman:** I do not accept that a significant proportion of the difficulty is the result of the financial resourcing of boards, and the Sturrock report does not justify that. What it talks about is the quality of relationships. We can have as many policies as we want, but if the relationships inside a board or any organisation are not positive, healthy, open relationships, policies will not resolve things.

I have set out what I intend to do in the immediate term and am open to other practical propositions, but the key thing is to hear from our royal colleges, regulatory bodies, staff side representatives, including our unions, of course, and the leadership of our health boards across Scotland about what more they believe that they can collectively contribute to creating a positive workplace culture.

**John Finnie (Highlands and Islands) (Green):** I thank the cabinet secretary—first for commissioning the work, and secondly for early

sight of the report. I also thank Mr Sturrock for his detailed work, which I have not, I have to be honest, digested in detail. I have, however, seen the recommendation in respect of Argyll and Bute that there be a separate review, to be undertaken—which is important—by an outside person. Is the cabinet secretary able to outline a timeline for that?

**Jeane Freeman:** I am glad that Mr Finnie has pointed out the separate review that is recommended by Mr Sturrock. I have asked the board of NHS Highland to consider what advice it might want to give me on that. My senior officials are also considering how we can take that forward, and who might lead the independent review. I will be happy to update John Finnie once we have concluded.

**Alex Cole-Hamilton (Edinburgh Western) (LD):** The report states that senior people in the Scottish Government were aware of the issues for a considerable period of time, which ought to have signalled the seriousness of matters. What changes to processes will the cabinet secretary now instruct, so that future warning signs that are escalated to her Government will be dealt with from the outset?

**Jeane Freeman:** I am not convinced that changes to processes can resolve that matter. Senior officials in the Scottish Government health directorate pay close attention to how our boards operate in terms of governance, scrutiny and so on. We have a number of other ways of gathering information, including the chairs' regular meetings with me, and the chief executives' regular meetings.

The question goes back to the dilemma about when a Government should move from supporting people to fulfil their responsibilities as leaders in a local board, to intervening directly when that does not appear to be working. The Government needs to reflect on that, while accepting that there is a judgement to be made every time. We need to see whether there is more that we can do to improve the consistency with which we make those judgements, so that people understand the basis on which we might intervene. We need to do that more than we need to look at the escalation framework, which currently has NHS Highland on level 4.

**Emma Harper (South Scotland) (SNP):** I am aware that the Scottish Government is currently in the process of appointing a national whistleblowing officer. Can the cabinet secretary outline how the national whistleblowing officer will work with whistleblowing champions across health boards to ensure that a collaborative approach is taken to promoting best practice?

**Jeane Freeman:** I referred to the independent national whistleblowing officer in my statement, and the legislation to allow the Scottish Public Services Ombudsman to take on that role is currently before Parliament. Prior to the role going live, there will be a six-month training and implementation period. We expect it to go live in summer 2020, by which time the non-executive whistleblowing champions will be in post. We intend that they will be in post by the end of this calendar year. It will then be for the independent national whistleblowing officer and the non-executive board champions to come to an agreement about when they will escalate any matter to me, and when board champions will escalate matters to the independent whistleblowing champion.

The final point that I will make is that whistleblowing is a reflection of a culture that is not working. The key issue is what more we need to do to get the workplace culture to work, while we have proper whistleblowing policies in place.

**Donald Cameron (Highlands and Islands) (Con):** , too, want to ask about Argyll and Bute, specifically. Paragraph 27.29 of the report states that Mr Sturrock was

“concerned to hear from a number of sources about particular problems in some of the island communities and of a management culture located in Lochgilphead and Oban”.

He ends that chapter by saying:

“I am persuaded that a specific review of management practices in Argyll and Bute is necessary and, because the nature of some of the allegations implicate management at a very senior level, consideration should be given to this being conducted by someone from outside”.

What is the cabinet secretary's response to that?

**Jeane Freeman:** As I have said, I completely accept that recommendation. I will give active consideration to how we might engage that review very quickly. I will hear from NHS Highland—which is, of course, under new leadership—about what advice it might want to offer me, and then I will determine who, independently, will conduct that review.

**The Deputy Presiding Officer:** I call David Torrance to ask a quick question. He will be followed by Lewis Macdonald.

**David Torrance (Kirkcaldy) (SNP):** Will the cabinet secretary outline how lines of communication between clinical and senior staff can be improved to ensure that all NHS staff feel supported at work?

**Jeane Freeman:** There is, in all our boards, a clear governance arrangement that should allow, through the medical director and the chief executive, constant communication between



clinical leaders and others. Nonetheless, effective communication is a key feature in the report. In addition to looking at the arrangements and processes that exist in our boards, as I outlined earlier, talking to the royal colleges will provide me with additional advice that they want to give about how the members whom they represent think communication can be improved in individual boards, or generally across the health service.

**Lewis Macdonald (North East Scotland) (Lab):** I look forward to the cabinet secretary coming, as she has said she will, to the Health and Sport Committee to address the issues. In the meantime, I ask her to reflect further on the recommendation that the committee made last year—that an independent investigative and reporting line for NHS whistleblowers might well assist with the new structures that she puts in place.

**Jeane Freeman:** I am happy to reflect on that suggestion to see what more it might add to the whistleblowing line that exists, and to respond directly to the committee on that.

**The Deputy Presiding Officer:** I call Clare Adamson to ask a quick last question.

**Clare Adamson (Motherwell and Wishaw) (SNP):** The cabinet secretary will be aware that a survey across NHS Scotland in 2017 showed that 85 per cent of staff reported that they had not experienced bullying and harassment by colleagues. Every experience of bullying and harassment should be of concern, and is completely unacceptable. In the light of the recommendations, will the cabinet secretary outline how those who have experienced bullying or harassment at work will be supported in coming forward with their experiences?

**The Deputy Presiding Officer:** I did not really recognise that as a quick question.

**Jeane Freeman:** We already have policies in place, but the Sturrock review has identified for us the importance of the work that we are undertaking to ensure that we have a once-for-Scotland approach to a number of our workplace policies, including on bullying and harassment. We have to ensure that not just the policy but its application is consistent across all our health boards. That gives us the opportunity to consider organisational cultures in all the boards and to identify with staff—for example, through the partnership forums, which involve staff and union representatives—what more can be done in each board to ensure that the policies are implemented in a way that is speedy and open, allows staff to come forward and be listened to with respect, and is safe, in that there is no negative impact on them simply because they have raised their voices.

**The Deputy Presiding Officer:** That concludes questions on the Scottish Government's response to the Sturrock review. I apologise to Fulton MacGregor for being unable to take his question.

## Portfolio Question Time

### Environment, Climate Change and Land Reform

15:00

**The Deputy Presiding Officer (Linda Fabiani):** I remind members that questions 1 and 3 will be grouped.

#### Air Quality

1. **Neil Findlay (Lothian) (Lab):** To ask the Scottish Government what action it is taking to improve air quality. (S5O-03204)

**The Cabinet Secretary for Environment, Climate Change and Land Reform (Roseanna Cunningham):** The strategy “Cleaner air for Scotland: the road to a healthier future” sets out a series of actions to further reduce air pollution across Scotland. An independent review of the strategy is under way and will identify priorities for additional action.

We are working closely with local authorities to deliver low-emission zones across Scotland’s four biggest cities by 2020, with Scotland’s first LEZ already having been introduced in Glasgow in December 2018. We provide £2.5 million of funding annually for local authorities, and we have set objectives for particulate matter that are more than twice as stringent as those that are set by the European Union.

**Neil Findlay:** Reducing vehicle emissions has a major role to play in improving air quality. At the moment, electric vehicles are very expensive. The cheapest such vehicle is about £21,000, and most of the smaller ones are more than £25,000. The cycle to work scheme has been a great success. Does the Government have any plans to extend subsidies to individuals who want to buy electric bikes?

**Roseanna Cunningham:** In all honesty, it would probably be better to ask that question of my colleague the Cabinet Secretary for Transport, Infrastructure and Connectivity. I hear what Neil Findlay says, and I would certainly be sympathetic to that direction of travel—that was not a deliberate pun. We will all need to look at such ideas in the future. I will direct my colleague Michael Matheson to the question, and I hope that he will be in direct contact with Neil Findlay.

#### Air Quality (Glasgow)

3. **Johann Lamont (Glasgow) (Lab):** To ask the Scottish Government what action it is taking to improve air quality and reduce pollution in the Glasgow area. (S5O-03206)

**The Cabinet Secretary for Environment, Climate Change and Land Reform (Roseanna Cunningham):** Glasgow City Council has produced an action plan that contains a number of measures to improve air quality. The Scottish Government is working closely with the council as it implements the measures that are contained in the plan, and it is providing practical and financial assistance to monitor air quality and to support the delivery of measures that will improve air quality.

Glasgow was the first city in Scotland to put in place a low-emission zone, following the announcement in the 2017-18 programme for government. The introduction of the LEZ, alongside the measures that are outlined in the action plan, will contribute to improving air quality in the city.

**Johann Lamont:** Given that a World Health Organization report says that Glasgow is one of the most polluted cities in the United Kingdom, I am sure that the cabinet secretary agrees that working to improve air quality in Glasgow must be a priority and is a shared responsibility at all levels.

Does the cabinet secretary agree that the responsibility covers transport providers such as First Bus Glasgow, which has a fleet of more than 900 buses? It has not put forward any successful bids for Scottish Government funding to improve pollution levels. Does the cabinet secretary agree that that is not good enough? Will she discuss with her colleague the Cabinet Secretary for Transport, Infrastructure and Connectivity the urgent need to work together with First Glasgow Ltd to look at how it can play a full role in improving air quality in Glasgow?

**Roseanna Cunningham:** The latest air quality monitoring data confirms that air pollution levels continue to decline across Glasgow. There is a similar trend in most locations throughout Scotland.

However, I am aware of the situation in relation to bus operators in Glasgow. Johann Lamont might be reassured to know that I have discussed the issue not only with my colleague the transport secretary but with the leader of Glasgow City Council, because it is a matter of some concern as the council continues its work in relation to the low-emission zone. It is unfortunate that some operators have created a challenge for themselves by failing to bid for the money that was available to help them to meet the yearly targets that Glasgow City Council sets for buses. Discussions on the matter are on-going, and I will ensure that Johann Lamont is kept updated.

**The Deputy Presiding Officer:** I remind members that supplementaries should really include only one question, not a series of

questions. Those exchanges have taken up quite a lot of time, which means that other members will not be able to ask their supplementaries.

### **Zero Waste (Small and Medium-sized Enterprises)**

**2. Rona Mackay (Strathkelvin and Bearsden) (SNP):** To ask the Scottish Government what its position is on the work of Society Zero, which is a Glasgow-based social enterprise that provides zero waste and plastic-free food, produce and products, and how it supports the establishment of such start-ups. (S5O-03205)

**The Cabinet Secretary for Environment, Climate Change and Land Reform (Roseanna Cunningham):** The Scottish Government welcomes the continued innovative approach taken by small and medium-sized enterprises and charities to develop a variety of zero waste initiatives across Scotland. We provide funding to Zero Waste Scotland, which can distribute grants to zero waste shops and other organisations through the zero waste town development fund and the waste prevention implementation fund. Zero Waste Scotland also runs workshops for zero waste shops and advises them on the support that they can receive from it and other agencies.

**Rona Mackay:** Scotland is right at the forefront of developments in the circular economy. However, we all need to work harder to lower our waste output. Will the cabinet secretary outline what steps are being taken to drive behaviour change and encourage the public to choose sustainable packaging over plastic packaging and convenience?

**Roseanna Cunningham:** We are a signatory to the UK plastics pact, led by the charity WRAP—the Waste and Resources Action Programme—and set up in partnership with the Ellen MacArthur Foundation. The members of that coalition cover the entire plastics value chain. It has ambitious targets running to 2025 for plastic packaging that include: working towards 100 per cent of packaging to be reusable, recyclable or compostable; 70 per cent of plastic packaging to be effectively recycled; and an average of 30 per cent recycled content across all plastic packaging.

We work closely with WRAP, through Zero Waste Scotland, to support consumer messaging and behaviour change initiatives to help citizens to make sustainable consumer choices.

### **ExxonMobil Fife Ethylene Plant (Unplanned Flarings)**

**4. Alexander Stewart (Mid Scotland and Fife) (Con):** To ask the Scottish Government how it is responding to the latest unplanned flaring at the

ExxonMobil ethylene plant at Mossmorran. (S5O-03207)

**The Cabinet Secretary for Environment, Climate Change and Land Reform (Roseanna Cunningham):** The recent flaring event at Mossmorran has created significant disruption for local residents and it is essential that the operators take steps to minimise the frequency and impact of flaring.

The plant is subject to regulation by the Scottish Environment Protection Agency, which has announced a formal investigation into the latest incident. As part of a regulatory requirement imposed by SEPA, ExxonMobil has now submitted an evaluation of the best available techniques to reduce and, where practicable, prevent the impacts associated with flaring. SEPA is now considering that and we will continue to monitor developments closely.

**Alexander Stewart:** Given that hundreds of angry residents are submitting complaints on the social and health impacts that they face as a result of the recent flaring, what is the cabinet secretary doing to address the long-term environmental and social impacts of the operation at Mossmorran?

**Roseanna Cunningham:** I have been advised that, because of the on-going investigation by SEPA, I need to be very careful about making further commitments. However, I am very conscious of the issues that have arisen. I suspect that Mr Stewart may not be the only member who wants to raise the issue this afternoon.

I do not want to prejudice the formal investigation that is taking place—making progress on that is the immediate priority. However, I am concerned to ensure that SEPA and ExxonMobil communicate to keep the community updated. I know that a meeting in that regard has been organised and I think that I am right in saying that it will take place in the near future.

**The Deputy Presiding Officer:** If supplementary questions and answers are as quick as possible, I will be able to get them all in.

**Annabelle Ewing (Cowdenbeath) (SNP):** I note what the cabinet secretary has said. I argue that a comprehensive inquiry should not be ruled out and must remain on the table, as that is what my long-suffering constituents want. If it is the case that the SEPA investigation that has already been launched into the unplanned flaring incident must take its course in the first instance, should it not be expedited, proceed as a matter of urgency and include an examination of the impact on public health, as I have already called on SEPA to do?

**Roseanna Cunningham:** As I have said, SEPA's on-going investigation must be allowed to

make progress before any further independent inquiries are considered. As with all such investigations, I encourage swift progress while recognising that the investigation must be thorough and is likely to involve a degree of technical complexity. In the meantime, SEPA is sharing its latest information with the independent air quality review group, Fife Council, NHS Fife and Health Protection Scotland.

**Mark Ruskell (Mid Scotland and Fife) (Green):** There are no clear signs that the plant operators are prepared to make the level of investment that is needed to secure long-term environmental compliance or to meet Scotland's climate targets. Does the cabinet secretary agree that we need to learn the lessons from Longannet and start planning now for the long-term closure of Mossmorran? Does she see a role for the just transition commission to ensure that no worker is left behind in that transition?

**Roseanna Cunningham:** I hope that the Government would always seek to learn long-term lessons. If the just transition commission feels that there is a role to play, it is able to play it. I do not want to add any more, as some of what I could say in response to Mark Ruskell's question would simply repeat what has already been said.

**Willie Rennie (North East Fife) (LD):** I know that local tolerance of Mossmorran has plummeted. The life of the plant has already been extended, so if it breaks down this often, how much longer can it last?

**Roseanna Cunningham:** That is a technical question that I admit I am not qualified to answer. I expect that SEPA would have the answer, as I will when it has undertaken its investigations, but huge issues are raised by the notion of the closure of a plant such as Mossmorran, as I am sure Willie Rennie understands. They go far beyond the immediate issue that we face.

### Wild Salmon

5. **Oliver Mundell (Dumfriesshire) (Con):** To ask the Scottish Government what its response is to reports that levels of wild salmon in Scotland are at their lowest levels since records began. (S5O-03208)

**The Cabinet Secretary for Environment, Climate Change and Land Reform (Roseanna Cunningham):** The decline in reported catches of wild salmon is of great concern. We are determined to safeguard the future of this important species, but we recognise that the problem is down to a range of complex factors. We have identified 12 high-level groups of pressures on salmon and, in the international year of the salmon, we will continue to work in Scotland and beyond with our key partners, such as

Fisheries Management Scotland, district salmon fishery boards and fishery trusts, to better understand and tackle them all, taking into account affordability and practicality.

**Oliver Mundell:** Fisheries Management Scotland has called on the Scottish Government to make salmon conservation a national priority. In that context, what specific measures will the Government introduce to ensure that existing man-made pressures on our iconic salmon populations are reduced and new pressures avoided?

**Roseanna Cunningham:** We assess the pressures continually and take action. We are already working across a range of projects to address the various pressures on salmon with the key partners that I have already listed and with Scottish Natural Heritage and the Scottish Environment Protection Agency. In March last year, we committed £500,000 to help fund research and projects to better quantify and mitigate the pressures on Scotland's salmon stocks. In addition, SEPA is leading on work to move or ease redundant barriers in rivers, utilising around £5 million of annual funding from the Scottish Government's water environment fund. There is no quick fix on this, and action on any single pressure that we have identified is not a panacea that would resolve all the challenges.

**Claudia Beamish (South Scotland) (Lab):** My question follows on from those serious concerns about the decline of this iconic species. Will the cabinet secretary consider committing to taking action to ensure that the conservation status of salmon is fully taken into account in all relevant regulatory decisions, including decisions by SEPA under the controlled activities regulations and licensing decisions by Marine Scotland's licensing operations team and SNH?

**Roseanna Cunningham:** As I have indicated, there is a huge range of pressures on wild salmon, not just in Scotland but across the North Atlantic and in other countries. Any one or two things that we might think about here in Scotland will not address the overall problem. We have to look at the issue much more widely, as the Government has been doing over the past years with the recategorisation of a number of rivers. That has not always been welcomed by anglers, but the figures that were published recently are a clear exposition of why it has been necessary.

### Single-use Plastic Packaging (Elimination)

6. **Stuart McMillan (Greenock and Inverclyde) (SNP):** To ask the Scottish Government what it is doing to eliminate using single-use plastic packaging. (S5O-03209)

**The Cabinet Secretary for Environment, Climate Change and Land Reform (Roseanna Cunningham):** Yesterday, I announced ambitious plans for a deposit return scheme for single-use drinks containers. That scheme will play an important role in our efforts to increase the amount of packaging, including plastic packaging, that is recycled, so I look forward to working with partners on its implementation.

The on-going United Kingdom-wide consultation on packaging producer responsibility is another important development. That consultation includes proposals to incentivise the use of easier-to-recycle packaging by businesses across the UK. Our expert panel on environmental charging has an important role to play in shaping future plans and we look forward to receiving its recommendations in the summer.

**Stuart McMillan:** Does the cabinet secretary agree that, following the First Minister's declaration of a climate emergency, supermarkets need to act immediately to stop selling fruit and vegetables in plastic packaging, as well as use recyclable packaging for their own-brand products?

**Roseanna Cunningham:** As I indicated, we are already consulting on the reform of packaging producer responsibility arrangements—I should say that all Governments in the UK are involved in that consultation. Under the principle of extended producer responsibility, businesses that place packaging on the market should be required to meet the costs that are associated with the management of that packaging at the end of its life.

The consultation commenced on 18 February and runs until 13 May. We encourage anyone who has an interest to submit a response.

Supermarkets are a key part of any future solution, and we are engaging directly with them on packaging reform, while ensuring that the food waste agenda is considered as part of the equation.

**Maurice Golden (West Scotland) (Con):** Data on single-use plastics in Scotland has been in short supply. For example, when the announcement on single-use plastics was made last year, the cabinet secretary confirmed that it was not known how many plastic straws were being used. What steps have been taken since then to ensure that reliable data is available to inform policy?

**Roseanna Cunningham:** I will ask the expert panel to look at that and I will get back to Maurice Golden.

**The Deputy Presiding Officer:** That is the kind of short, snappy answer that we need.

**Elaine Smith (Central Scotland) (Lab):** We know that communities around Scotland have been working to reduce the use of single-use plastics. How many communities have applied for funds from the action on plastic zero waste towns initiative, which the cabinet secretary announced nearly a year ago? How much of the £500,000 fund has been allocated to date?

**Roseanna Cunningham:** Checking quickly through my briefing, I cannot see the figures straight away, so I undertake to get back to Elaine Smith.

#### **Landfill (Environmental Safety Standards)**

**7. Brian Whittle (South Scotland) (Con):** To ask the Scottish Government how it ensures that environmental safety standards are met in landfill sites. (S5O-03210)

**The Cabinet Secretary for Environment, Climate Change and Land Reform (Roseanna Cunningham):** The Scottish Environment Protection Agency is responsible for regulating the environmental impacts of landfill sites within the framework that is set by legislation.

**Brian Whittle:** I have previously raised with the Scottish Government the issue of the Tarbolton landfill site going into administration. Pumping and flaring ceased at the site at that point and there has been subsequent contamination by leachate and gas emissions. I am yet to establish which organisation is responsible for the clear-up of the contamination and for making the site safe, despite meeting SEPA and local council—

**The Deputy Presiding Officer:** Will you get to your question, please?

**Brian Whittle:** Will the cabinet secretary please clear up the matter of accountability? Can she bring pressure to bear to have the site cleared?

**Roseanna Cunningham:** As I indicated, SEPA is the regulatory authority, and it is actively involved in the situation at Tarbolton, which is an extremely unfortunate one. As I understand it, there is a complicated legal scenario that is not easy to resolve, but SEPA is looking at that. As soon as there is a way forward, we will communicate it.

Local councils should be thinking about the role that they can play. There is a bit of uncertainty around the readiness of some councils to help with regard to such issues, and I hope that that can be looked at, too.

An official receiver has been appointed. At the moment, legally, the environmental obligations relating to the site fall to the official receiver, but that is a changing scenario.

**Fulton MacGregor (Coatbridge and Chryston) (SNP):** How long have local authorities had to prepare for the implementation of the ban? Where can the local authorities that feel that they might not be meeting their obligations access appropriate advice and support?

**Roseanna Cunningham:** I think that Fulton MacGregor is probably referring to the ban on landfill, which is scheduled to come in in 2012. Sorry—it was set in legislation in 2012; I feel as if I am in a time warp.

There has been significant time to prepare, so it is disappointing that not all councils have solutions in place. Fourteen local authorities have long-term solutions and others have interim solutions in place. At the moment, we are focused on working with local authorities that do not have solutions in place, so that we can move them forward to comply with the ban as soon as possible. Extensive engagement is going on in that regard.

#### **Private Water Supplies (Grounds for Grant Refusal)**

**8. Lewis Macdonald (North East Scotland) (Lab):** To ask the Scottish Government on what grounds a local authority can refuse to provide a grant for the replacement or improvement of a private water supply, where there is no access to mains water. (S5O-03211)

**The Cabinet Secretary for Environment, Climate Change and Land Reform (Roseanna Cunningham):** A local authority can refuse an application for a grant under the Private Water Supplies (Grants) (Scotland) Regulations 2006 where the applicant is not an eligible person or is a public body or office-holder, or if the premises are a new building or the proposed work has already begun or has finished before the application was submitted. An application can also be refused if the premises are subject to certain orders or notices under housing and buildings legislation or do not meet the tolerable standard.

**Lewis Macdonald:** I notice that there was no mention of requiring a shared supply in circumstances in which one property is still occupied and the other is not. Private water supplies are often in areas of rural depopulation. Does the cabinet secretary agree that councils should act in such a way as to stem rural depopulation in making such grant decisions?

**Roseanna Cunningham:** Lewis Macdonald is probably dealing with a case that is in that particular circumstance. Local authorities consider each case on its own merits. Given the costs of upgrading private water supplies, they would ideally look for a joint approach by householders where possible, rather than each residence having its own water supply. That would become

extremely expensive, and councils must manage the situation when looking at grants for private water supplies.

## Business Motion

15:22

**The Deputy Presiding Officer (Christine Grahame):** The next item of business is consideration of business motion S5M-17219 in the name of Graeme Dey, on behalf of the Parliamentary Bureau, on the timetabling of amendments at stage 3 for the Vulnerable Witnesses (Criminal Evidence) (Scotland) Bill.

*Motion moved,*

That the Parliament agrees that, during stage 3 of the Vulnerable Witnesses (Criminal Evidence) (Scotland) Bill, debate on groups of amendments shall, subject to Rule 9.8.4A, be brought to a conclusion by the time limit indicated, that time limit being calculated from when the stage begins and excluding any periods when other business is under consideration or when a meeting of the Parliament is suspended (other than a suspension following the first division in the stage being called) or otherwise not in progress:

Groups 1 to 3: 40 minutes.—[*Graeme Dey*]

*Motion agreed to.*

## Vulnerable Witnesses (Criminal Evidence) (Scotland) Bill: Stage 3

15:22

**The Deputy Presiding Officer (Christine Grahame):** The next item of business is stage 3 proceedings on the Vulnerable Witnesses (Criminal Evidence) (Scotland) Bill. In dealing with the amendments, members should have the bill as amended at stage 2, the marshalled list of amendments and the groupings of amendments.

The division bell will sound and proceedings will be suspended for five minutes for the first division of the afternoon. The period of voting for the first division will be 30 seconds—I know that you are taking this all down carefully in handwriting as I say it. The cabinet secretary is! I am so impressed. Thereafter, I will allow a voting period of one minute for the first division after a debate. Members who wish to speak in the debate on any group of amendments should press their request-to-speak button as soon as possible after I call the group.

### Section 5—Taking evidence by commissioner

**The Deputy Presiding Officer:** Members should now refer to the marshalled list of amendments. Group 1 is on taking evidence by commissioner: presiding over a ground rules hearing. Amendment 2, in the name of the cabinet secretary, is grouped with amendments 3 to 6. I ask the minister, Ash Denham, to move amendment 2 and to speak to all the amendments in the group.

**The Minister for Community Safety (Ash Denham):** The amendments in this group are all of a technical nature. Section 5 of the bill makes provision for taking evidence by commissioner. It introduces the requirement for there to be a ground rules hearing before evidence is taken by commissioner. Depending on the circumstances, the ground rules hearing may be presided over by the commissioner, another judge of the High Court or another sheriff.

The amendments in the group do two things. First, they improve the drafting by making it more precise. The references in section 5 to “a judge” are wide enough to include a sheriff, too, so it is not necessary to use the word “sheriff” as well as the word “judge”. Secondly, the amendments ensure that, in a case where a ground rules hearing is not presided over by the commissioner, it is presided over by a judge of the court that appointed the commissioner.

Amendment 2 seeks to remove the reference to a sheriff, because a reference to a judge is sufficient to include a sheriff, and to clarify that the judge who presides over a ground rules hearing is to be a judge

“of the court which appointed the commissioner”.

Amendments 3, 4 and 6 seek to remove references to a sheriff, because the references to a judge are sufficient to include a sheriff. Amendment 5 will make a minor adjustment to improve the precision of the drafting.

I move amendment 2.

*Amendment 2 agreed to.*

*Amendments 3 to 6 moved—[Ash Denham]—and agreed to.*

### After section 8

**The Deputy Presiding Officer:** Group 2 is on a report on the operation of sections 1 and 5. Amendment 1, in the name of Liam Kerr, is the only amendment in the group.

**Liam Kerr (North East Scotland) (Con):** Members might recall that, at stage 2, I lodged an amendment that sought to implement a review of the operation of the bill as enacted. A good and incisive debate took place on my amendment, which included the cabinet secretary not only making persuasive points, but undertaking to work with me and other interested members to create something that would achieve the goals that we all felt were worthy.

I am pleased to report that that engagement took place, and I am grateful to the cabinet secretary and the Government staff for working collaboratively to put together amendment 1, which is a good amendment. Its purpose is to require the Scottish ministers, following consultation with key stakeholders, to conduct a formal reporting review of the operation of the bill as enacted. As amendment 1 is drafted, there will be two elements to the review process. First, there will be a qualitative review of whether the pre-recording reforms in the legislation have helped witnesses to participate effectively in the criminal justice system. Secondly, certain data must be included to show how many child witnesses have benefited from those reforms.

The review period covers the three years from the commencement of pre-recording for child witnesses under the bill as enacted. The draft implementation timetable indicated that pre-recording for child witnesses would start in January 2020. That should mean that the report of the review would be published by the end of 2023. Subsection (2) of the proposed new section sets out the information that the report must include, but it does not prevent the provision of any

additional data that might be appropriate, recognising the need to maintain the principles of the independence of our courts and the protection of sensitive details of individual cases.

Amendment 1 will also require ministers to set out the next steps for commencing the pre-recording rule for any purposes or groups for whom it has not yet been commenced by the time the report is prepared, such as adult deemed vulnerable witnesses. It is a good amendment.

I move amendment 1.

**Daniel Johnson (Edinburgh Southern) (Lab):** I voice my support for amendment 1. It has been clear throughout the passage of the bill that although the bill represents progress, it is not the finished article. We must continue to make progress in protecting vulnerable people as they interact with the criminal justice system.

The review process for which amendment 1 provides is an important step in ensuring that we see the progress that we all hope that the bill will bring. The recording of qualitative evidence on the effect that the measures in the bill will have on vulnerable witnesses in the court system will be particularly useful. For all those reasons, Labour members will support amendment 1.

**Fulton MacGregor (Coatbridge and Chryston) (SNP):** I, too, want to express my support for my colleague Liam Kerr's amendment 1. During the stage 2 proceedings, he continually raised the need for such a report to be prepared, and it is to his credit that he has worked with the Government to produce an amendment that works. I believe that the review process will demonstrate that a lot of children and young people and other vulnerable people will have been helped by the passage of the bill.

15:30

**Ash Denham:** I am grateful to Liam Kerr for lodging this important amendment. I know that, had the cabinet secretary been leading the discussion today, he would have placed on record his appreciation for having had the opportunity to work with him and others, as he mentioned, to ensure that amendment 1 appropriately reflects the strong views that were expressed at stage 2 for a mechanism to deliver a more formal review of the legislation.

I believe that we all recognise that we must be able to measure the extent to which the bill's objectives have been delivered—everyone impacted by the legislation would expect nothing less. Being clear about our intent, and how we are going to monitor and evaluate, are fundamental to that goal.



The Government is committed to a transparent process, and it is right that the Parliament should want to be kept fully updated as the reforms progress. I also acknowledge the fact that the provision has been drafted to ensure that it does not impact on the independence of our courts in relation to individual cases.

Amendment 1 reflects our pragmatism and ability to achieve consensus throughout the passage of the bill. On that positive point, I thank Liam Kerr for his amendment, which I am happy to accept.

**The Deputy Presiding Officer:** I call Liam Kerr to wind up.

**Liam Kerr:** I have nothing further to add other than to thank colleagues for their comments and to endorse what has been said.

*Amendment 1 agreed to.*

**The Deputy Presiding Officer:** Group 3 is on reporting on the process for taking evidence from child witnesses in criminal proceedings. Amendment 7, in the name of Margaret Mitchell, is the only amendment in the group.

**Margaret Mitchell (Central Scotland) (Con):** Amendment 7 focuses on ensuring that Scotland makes progress in moving towards the barnahus model. In particular, it responds to and addresses the cabinet secretary's comments at stage 2 when I lodged a probing amendment on the same topic.

The amendment provides that, three months after the bill has received royal assent, there must be a review of the Government's progress towards adopting the barnahus principles and that that must happen

"at 6 monthly intervals thereafter until the Parliament is satisfied that the matters have been sufficiently progressed."

The review will cover what

"progress has been made toward taking evidence from child witnesses in criminal proceedings—

(i) in accommodation other than court buildings,

(ii) in accommodation that provides such other support to child witnesses as is considered appropriate,

(iii) in as few interviews as possible",

which is shorthand for moving towards forensic interviews.

In its stage 1 report, the committee made it crystal clear that it is essential to ensure that that issue, and making progress towards a Scottish barnahus model, remains on the agenda for the Government in this parliamentary session and, crucially, at the start of the next session for the incoming Government in 2021.

The amendment also makes provision for the Parliament to remain informed about the development of the interview process and the progress that is being made towards achieving a "one forensic interview" approach before the end of this session.

As the minister is aware, the Cabinet unanimously agreed on working towards implementing the barnahus principles. The committee's stage 1 report states:

"The Committee recognises that there is no single model of the Barnahus and that its implementation would have to be adapted in the context of Scotland's adversarial criminal justice system. However, the Committee does not consider that this should prevent the Scottish Government from moving towards full implementation of the Barnahus principles, specifically a 'one forensic interview' approach."

Therefore, I hope that members will support amendment 7, to ensure that progress to achieve that objective is monitored, reviewed and brought back to the Parliament in this session and the next.

I move amendment 7.

**Rona Mackay (Strathkelvin and Bearsden) (SNP):** I rise to speak against amendment 7, which is in the name of Margaret Mitchell, although I believe that it is well intentioned. The committee fully supports the introduction in Scotland of the barnahus model of a child-friendly, "one forensic interview" way of taking evidence from children—personally, I would like to see it happen tomorrow—but amendment 7 is not helpful as part of this bill.

The amendment assumes an obligation to move towards a new model when no such obligation is introduced by the bill. Indeed, no evidence was taken from the stakeholders who would implement it. The Scottish Government is working with stakeholders to consider how the model could operate in Scotland, and the cabinet secretary has written to the committee with a clear timeline of how that work would progress, along with Healthcare Improvement Scotland and the Care Inspectorate. Commenting on the bill, Children 1st said:

"We are pleased that the Cabinet Secretary has set out a clear timetable for the next stages in the delivery of the Barnahus approach in Scotland and the recognition of the need for a fully collaborative approach.

We welcome the commitment made during the stage 2 discussion of the Bill to review the progress that has been made by the Government and Government agencies after the bill has received Royal assent."

There is also no correlation between the subject of the reporting requirements that are set out in amendment 7 and the objectives that are set out in the bill. The amendment seeks to introduce an onerous six-monthly reporting requirement with no clear end date and to ensure that that duty would

continue until Parliament was satisfied that sufficient progress had been made. It sets out no mechanism or threshold that would allow Parliament to identify whether that had been achieved. Meeting such an indefinite reporting requirement would divert Government resource away from work on progressing the barnahus concept in Scotland, which is now well under way.

Amendment 7 specifies that ministers must consult child witnesses in preparing those repeated reports. The most important point to make in that regard is that asking child witnesses to revisit their experiences risks retraumatising them, and they would have no knowledge or experience of the new model that is the subject of the questions. Moreover, such an obligation is likely to be practically difficult and perhaps legally impossible, due to data protection issues associated with accessing and retaining details of child witnesses and contacting them without their consent or the consent of their carers.

There is also a technical flaw in the definition of child witnesses, in that the amendment refers to “the 1995 Act”, a term that is defined in neither the amendment nor the bill.

I thank Margaret Mitchell as convener of the Justice Committee for her enthusiastic support of the barnahus model, but I ask her not to move amendment 7 for the reasons that I have outlined.

**The Deputy Presiding Officer:** Well, she has already moved it, so you cannot ask her not to.

**Daniel Johnson:** I am somewhat conflicted, because I agree with everything that Margaret Mitchell has said. She is absolutely correct to state that we need to maintain our focus on the development of the barnahus model and to ensure that it is delivered as quickly as possible. However, I disagree with how she has set out to do that in her amendment.

As Rona Mackay made clear, the six-monthly reporting periods are unduly onerous and, given the effort that would be required, might well be counterproductive. I understand why Margaret Mitchell has applied the threshold of the Parliament being satisfied with progress, but I am not entirely clear what that satisfaction would mean in practical terms. It might lead to future disputes, which I do not think would be helpful.

For those reasons, we will vote against amendment 7, should the member choose to press it. However, I ask the Government to reaffirm its commitment to the barnahus model and perhaps provide further detail on how that work is progressing at the earliest available opportunity, either in response to this amendment or in the course of the stage 3 debate.

**Fulton MacGregor:** In speaking against amendment 7, I want to back up what Rona Mackay and, to a certain extent, Daniel Johnson have said. The barnahus concept was perhaps the most defining feature of the passage of the bill, and in that respect, the committee’s trip to Oslo was very valuable. We all want to get to the position where we can introduce barnahus, but the amendment puts undue pressure on the Government. The cabinet secretary has already written to the committee, outlining plans for how we will get there, including tackling the various legal challenges that we heard about. I know that the convener understands that—indeed, she has already mentioned it.

Finally—I will not overdo this point—I want to mention the issue that Rona Mackay highlighted about the retraumatisation of children. Given that that could be an outcome, I just do not think that voting for the amendment is acceptable. As a result, I, too, encourage colleagues to reject the amendment, but in doing so, I make it clear that that should not be mistaken as our not being supportive of the barnahus concept, which is something that we all want to be introduced.

**Ash Denham:** I am grateful to Margaret Mitchell for her continued commitment to achieving progress in ensuring that children’s evidence is taken in an appropriate setting, where the right support is available.

As the cabinet secretary has said to the Parliament throughout the passage of the bill, a Scottish version of the barnahus concept is the Scottish Government’s intended destination and the bill is an important initial step towards that destination. We are committed to making progress towards a truly trauma-informed, recovery-focused response to child victims.

However, although I understand the positive sentiments behind amendment 7, I do not believe that the overarching reporting requirement as set out by the amendment is the right way to deliver that progress. In order to meet the requirement as drafted in the amendment, resource would be focused on indefinite, repeated, short-term reporting to Parliament on where and how often children’s evidence is being taken. We believe that that resource would be better directed towards delivering such improvements holistically, in the context of the expertise of those interviewing children and the quality of the wraparound care and support that are provided to them and their families.

The amendment as drafted would also introduce a statutory requirement for ministers to consult child witnesses in the preparation of reports. Clearly, the voices of children and young people are crucial in shaping how barnahus should operate in Scotland. However, I am concerned

that introducing a statutory obligation to consult highly vulnerable child witnesses in the preparation of frequent, repeated reports could have some troubling consequences. We heard clear evidence during the passage of the bill about the retraumatising impact that repeated retelling of their experiences can have on vulnerable child witnesses. It is important that, wherever possible, we try to remove—not add to—that burden.

In addition, it is highly likely that data protection issues would pose a barrier to accessing details of child witnesses whose evidence has been pre-recorded. Even if it was possible, the amendment would require ministers to consult those vulnerable children who are currently going through the process of giving evidence in our criminal courts about what they think about progress towards a different system. At such a difficult time in their lives, that does not seem at all appropriate. I am sure that that was not the intention behind Margaret Mitchell's amendment, but we believe that that would be its effect.

I understand and commend the intention to ensure that children's voices are heard, but particular care is required in how we achieve that. I believe that the answer is to develop our approach on barnahus in partnership with organisations that support children and their families every day, such as Children 1st. I want to let them tell us how best to engage with and include children's views. For that reason, we are providing funding to Children 1st to support work on participation and children's rights, which will help to shape our approach to barnahus.

As the cabinet secretary set out in his letter to Margaret Mitchell last week, work is now under way by Healthcare Improvement Scotland and the Care Inspectorate to develop Scotland-specific standards that will set out the road map to barnahus. That work is now at the scoping stage. A stakeholder event will take place this summer and we will share draft standards for wide consultation at the end of this year.

At stage 2, the cabinet secretary committed to keeping Parliament up to date on progress with this work, as requested by Daniel Johnson just a moment ago. I repeat that commitment today—we will come back to Parliament on progress before the end of this parliamentary session. That will be in addition to the regular updates that we will provide on the progress of the victims task force, which will give Parliament a full picture of all the work that is under way to improve victims' journeys through the justice system.

We have listened to the Justice Committee's strong views on the benefits of the barnahus concept and I am grateful for our consensus on the need to transform how we respond to child victims and witnesses. I do not believe that

amendment 7 would achieve that transformation. Instead, it would mean that, rather than progress being made towards that important objective, resources would be focused on a constant cycle of consultation to prepare a report every six months, with the unintended consequence that that would take up the majority of time and greatly reduce the real progress that could be made.

What is needed now is careful work across the justice, child protection and health systems and the wider legal community, and we are beginning that work as we move towards a Scottish version of barnahus, which will start with the improvements under the bill.

I hope that what I have said makes my commitment clear. On that basis, I ask Margaret Mitchell to withdraw her amendment 7.

15:45

**Margaret Mitchell:** I thank all the members who have spoken for their comments. I was somewhat puzzled by Rona Mackay's remarks, which Fulton MacGregor supported, about stakeholders not having been consulted on the barnahus model and on having one forensic interview. The committee took so much evidence on that, and I cannot think of any witness who was not in favour of having one forensic interview and of moving to a Scottish barnahus as soon as we can.

The minister referred to the timetable that the cabinet secretary set out but, unfortunately, that runs only until summer next year and falls well short of ensuring that the end of the year means the very end of 2001. Crucially, the timetable does not keep the matter on the agenda to ensure that it will be there for any incoming Government after the 2001 parliamentary elections.

**Fulton MacGregor:** As everybody has said, everybody supports the barnahus concept, which stakeholders support, too. However, is Margaret Mitchell saying that all the stakeholders who gave evidence to the committee agree with her amendment 7?

**The Deputy Presiding Officer:** I want to check whether I heard something correctly. Did Margaret Mitchell refer to 2001 or 2021?

**Margaret Mitchell:** I should have said 2021; if I said 2001, we would be going back in time.

My amendment would support introducing one forensic interview as the best way to ensure that children and other vulnerable witnesses are not traumatised time and again through having to give evidence, and it would move us towards the barnahus model. All the stakeholders who gave evidence were in favour of that so, by extension, I contend—

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

**Margaret Mitchell:** If the member will excuse me, I would like to make progress.

It is really important for the committee to follow through on its commitment to ensure that such an approach is introduced as soon as possible.

Daniel Johnson expressed concern about the consultation process. Reporting twice a year would not be unduly onerous, given that consultation can take many forms. Those involved would be the Crown Office and Procurator Fiscal Service, where people are engaged in the process daily; Police Scotland; the Scottish Courts and Tribunals Service; and vulnerable witnesses. Members have said that such an approach would retraumatise vulnerable witnesses, but I think that the people who were to consult them would have the wit to ensure that they talked not about their traumatic experience but about how they found the evidence-taking process.

Such issues are not insurmountable, but a far bigger risk is that the proposals would be resource intensive, as with much legislation that the Parliament passes. Legislation has been passed for which resourcing has not been provided, and the danger is that we will make a provision and do an excellent report but the issue will gradually slip off the agenda and be forgotten. For that reason and to do the best for vulnerable witnesses—including children and others who might be phased into the process—I will press my amendment.

**The Deputy Presiding Officer:** The question is, that amendment 7 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division. As this is the first division of the afternoon, I suspend proceedings for five minutes.

15:49

*Meeting suspended.*

15:54

*On resuming—*

**The Deputy Presiding Officer:** We move to the division on amendment 7.

**For**

Balfour, Jeremy (Lothian) (Con)  
Ballantyne, Michelle (South Scotland) (Con)  
Bowman, Bill (North East Scotland) (Con)  
Briggs, Miles (Lothian) (Con)  
Burnett, Alexander (Aberdeenshire West) (Con)  
Cameron, Donald (Highlands and Islands) (Con)  
Carlaw, Jackson (Eastwood) (Con)  
Carson, Finlay (Galloway and West Dumfries) (Con)

Chapman, Peter (North East Scotland) (Con)  
Corry, Maurice (West Scotland) (Con)  
Davidson, Ruth (Edinburgh Central) (Con)  
Fraser, Murdo (Mid Scotland and Fife) (Con)  
Greene, Jamie (West Scotland) (Con)  
Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
Harris, Alison (Central Scotland) (Con)  
Kerr, Liam (North East Scotland) (Con)  
Lindhurst, Gordon (Lothian) (Con)  
Lockhart, Dean (Mid Scotland and Fife) (Con)  
Mason, Tom (North East Scotland) (Con)  
Mitchell, Margaret (Central Scotland) (Con)  
Mountain, Edward (Highlands and Islands) (Con)  
Mundell, Oliver (Dumfriesshire) (Con)  
Scott, John (Ayr) (Con)  
Simpson, Graham (Central Scotland) (Con)  
Smith, Liz (Mid Scotland and Fife) (Con)  
Stewart, Alexander (Mid Scotland and Fife) (Con)  
Tomkins, Adam (Glasgow) (Con)  
Wells, Annie (Glasgow) (Con)  
Whittle, Brian (South Scotland) (Con)

**Against**

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

MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McDonald, Mark (Aberdeen Donside) (Ind)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Rumbles, Mike (North East Scotland) (LD)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Scott, Tavish (Shetland Islands) (LD)  
 Smith, Elaine (Central Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wightman, Andy (Lothian) (Green)

**The Deputy Presiding Officer:** The result of the vote is: For 29, Against 82, Abstentions 0.

*Amendment 7 disagreed to.*

**The Deputy Presiding Officer:** That ends consideration of amendments. I ask members who are leaving the chamber to do so quietly, please.

As members will be aware, at this point in the proceedings the Presiding Officer is required under standing orders to decide whether, in his view, any provision of the bill relates to a protected subject matter, that is, whether it modifies the electoral system and franchise for Scottish parliamentary elections. [*Interruption.*] Members have a funny idea of leaving quietly.

In this case, the Presiding Officer's view is that no provision of the Vulnerable Witnesses (Criminal Evidence) (Scotland) Bill relates to a protected subject matter. Therefore, the bill does not require a supermajority to be passed at stage 3.

## Vulnerable Witnesses (Criminal Evidence) (Scotland) Bill

**The Deputy Presiding Officer (Christine Grahame):** The next item of business is a debate on motion S5M-17210, in the name of Ash Denham, on the Vulnerable Witnesses (Criminal Evidence) (Scotland) Bill.

15:56

**The Minister for Community Safety (Ash Denham):** I am here because the Cabinet Secretary for Justice's paternity leave has started unexpectedly early. I know that members of the Parliament will want to join me in congratulating him and his wife on the birth of their daughter. [*Applause.*]

The cabinet secretary has asked me to thank, on his behalf, the members and clerks of the Finance and Constitution Committee and the Delegated Powers and Law Reform Committee and, in particular, the convener and members of the Justice Committee, for their thoughtful and diligent consideration of the bill.

As always, we are grateful to all organisations and individuals who gave evidence during the Government's consultation and, latterly, to the Justice Committee. Their evidence was vital and has helped to shape not just the bill but related non-legislative work. I also thank our justice sector partners, who worked closely with our officials to inform the policy development and practical implementation of the bill.

The reforms in the bill will make important improvements to how children, initially in the most serious cases, are able to give evidence about what are often distressing and traumatic experiences. Many more children will be able to record their evidence at an early stage and will not have to wait for the trial. It is right that we support such witnesses to give their best evidence in appropriate surroundings, while ensuring that the interests of accused persons are protected. The reforms do just that.

I am grateful for the constructive scrutiny and support that the proposed changes received from members as the bill progressed. The process is an excellent example of all parties working together on a consensual basis to make proposals as effective as possible.

It is important to acknowledge again the impressive work that was carried out by Lady Dorrian and the Scottish Courts and Tribunals Service in their evidence and procedure review. The work began in 2015—there has been quite a journey to get to this point—and it started a vital debate on whether more could be done to utilise

existing special measures and technology to improve how we take evidence. One of the review's immediate outputs, a new High Court practice note on evidence by commissioner, has already been shown to be having a positive impact.

The Justice Committee's stage 1 report was detailed and brought a number of important issues to the fore. First, although we are all keen to see the greater use of pre-recording rolled out as quickly as possible, it was helpful to reach an agreed understanding that—given the scale of the reforms—a phased implementation approach is sensible. The committee emphasised the need for careful monitoring and evaluation of each phase, and the need to be kept informed on the outcomes of those evaluations and on more detailed implementation plans as they are developed. I know that the cabinet secretary is in full agreement with the importance of that, and that he will keep the committee updated throughout the implementation of the reforms.

**The Deputy Presiding Officer:** I think that you are a very clear speaker, minister. However, according to broadcasting, you need to move your microphone a little closer to you.

**Ash Denham:** I will.

As part of the phased implementation, the new pre-recording rule will first apply to child witnesses in the most serious cases, with the clear intention to extend it to adult deemed vulnerable witnesses in the future. At the bill's introduction, the offences to which the new rule would apply were significant, but the committee's in-depth scrutiny and the stage 1 debate made persuasive arguments that the offence of domestic abuse should be added to the list. That major addition to the bill was made at stage 2, and it has been an important one. The cabinet secretary thanks everyone for making such a compelling case and for further enhancing the reforms.

As with most criminal justice reforms, we must get the right balance for victims, witnesses and accused persons. Some in the legal sector raised concerns that the reforms might prevent the cross-examination of child witnesses. Although that was never the intended effect of the bill, it was an important issue, as we do not want any concerns to undermine the legal sector's support for the changes. The cabinet secretary was therefore happy to propose an amendment to clarify the point at stage 2, and he was grateful that it was supported in committee.

The passage of the bill to date has also focused attention on the development of the barnahus concept in Scotland. The cabinet secretary recently wrote to the Justice Committee with an update on our work in that area, which I trust was

helpful. Clearly, there is much more to do. However, we now have a great basis on which to work together to progress that vital area of work.

This bill marks a major milestone, of which we can all be proud.

I move,

That the Parliament agrees that the Vulnerable Witnesses (Criminal Evidence) (Scotland) Bill be passed.

16:02

**Liam Kerr (North East Scotland) (Con):** I am pleased to open for the Scottish Conservatives and, more so, to speak in favour of passing the Vulnerable Witnesses (Criminal Evidence) (Scotland) Bill.

In short, the fundamental principles of the bill are ones that, it is fair to say, all parties and members were able to unite behind. It was clear from the evidence that we heard throughout its passage that the current system for taking evidence from children is less than ideal. Indeed, I recall that our stage 1 committee report quoted Children 1st as suggesting that the current system is "Victorian".

It certainly became clear from the evidence that too many victims and witnesses of crime currently find themselves being retraumatised by the court process, and that they can often suffer greater trauma and harm. It also became clear that the bill should reduce the distress and trauma that are caused to child witnesses through giving evidence, as well as improve the quality of justice. The bill does that, because it is at its core about improving the experience and evidential strength of children and vulnerable witnesses in the criminal justice system.

The bill will ensure that children have to give evidence in court only in exceptional cases, and it will enable the greater use of pre-recorded evidence. Its key provision is that, when a child witness is to give evidence in serious criminal proceedings—for one of a set list of offences—the court must enable all of the child witness's evidence to be given in advance of the hearing. The Scottish Courts and Tribunals Service described it as

"a critical step in improving both the experience of witnesses and the quality of justice".

It clarified that in a submission to the committee, in which it stated:

"justice would be best served if young and vulnerable witnesses could give evidence in a way that maximised the chances of it being comprehensive, reliable and accurate, and minimised any potential further harm or traumatisation from the evidence-giving process itself."

Let us also note that the Scottish Courts and Tribunals Service's evidence and procedure

review, which the minister talked about earlier, suggested that

“particularly for young and vulnerable witnesses, traditional examination and cross-examination techniques in court are a poor way of eliciting comprehensive, reliable and accurate accounts of their experience.”

Parliament will recall that, although the principles of this bill were sound, there were a number of areas that required review at stage 2. Parliament will be pleased to note that, as requested by the committee and many stakeholders, the cabinet secretary amended section 1 to include child witnesses in domestic abuse cases. I align myself with the minister’s comments on that.

The cabinet secretary also amended the bill to put it beyond doubt that prior statements could be cross-examined. This amendment enables any party to the proceedings to have the court authorise the holding of a commission, which is a power that might be used when new evidence comes to light after the prior statement has been taken.

As members will recall, by working collaboratively with the Government and colleagues across the chamber, I have secured an amendment that compels the Government formally to review the operation and extent of success of the act. I also sought to amend the bill at stage 2 to ensure that victims were given the necessary support after the commission had taken place. I maintain that that is the right thing to do, but Parliament may be interested to know that Lady Dorrian expressed her concern in a letter to the committee that it should not be the role of the judiciary. That is a fair comment and, following assurances from the cabinet secretary that the issue would be addressed by the victims task force, I decided not to press the amendment.

This is absolutely a step in the right direction, but it is only a step. There are further actions worth exploring that may be brought out in the debate today. First, I reiterate my colleague Annie Wells’s call earlier this year to trial a one-sheriff system for domestic abuse victims. As it stands, the entirety of a domestic abuse case and related proceedings could be heard by various judges, especially if civil courts become involved in the event of a subsequent divorce or to make child residence arrangements. The system has been successfully implemented in parts of the US and Australia. Steps should be taken to minimise what victims have to relive, by requiring them to tell their story only once to a single judge.

Many speakers today will no doubt address the barnahus model. For those who are unaware, in its simplest terms—as Margaret Mitchell rightly pointed out, there is no single model—the barnahus is a child-friendly house that deals with

criminal investigation; child protection; physical health, including forensic examination; mental health and wellbeing; and recovery and support needs, including family support. The beauty is that this is a multidisciplinary approach, which means that all services are provided under one roof, with relevant professionals coming to the child.

Perhaps the most important thing is that a key role of the barnahus is to produce valid evidence for judicial proceedings in a way that means that the child does not have to appear in court, should the case be prosecuted. As I have made clear previously, I align myself with the committee’s conclusion that there is a compelling case for the implementation of the barnahus principles in Scotland, as the most appropriate model for taking the evidence of child witnesses. I note the cabinet secretary’s assurance that that is the Scottish Government’s preferred direction of travel.

Parliament is called today to indicate its support for the bill. It is clear that the bill is a start, but it is the right start. It is clear that pre-recording evidence of children and adult vulnerable witnesses reduces the stress that they go through and can help ensure that the most accurate evidence is obtained. For those and many other reasons that I look forward to hearing from colleagues throughout the chamber this afternoon, I am pleased to confirm that the Scottish Conservatives will support the passing of the Vulnerable Witnesses (Criminal Evidence) (Scotland) Bill at decision time.

16:08

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

I, too, am pleased to support the bill. It is a good bill—it is a good start.

As we mark the 20 years of the Parliament, it is important to think about what has been done under the devolved settlement. We must remember that, until devolution, judges were appointed by ministers. In 2002, the Judicial Appointments Board for Scotland was established by the Labour-Lib Dem Administration; it was then put on a statutory footing by the SNP Government. That was a positive step forward. It is important to emphasise that progress and to recognise the importance of the judiciary. It is also important for us as legislators to work co-operatively with sentencers to make sure that we make progress in our criminal justice system.

It is important to recognise where the changes have come from—the courts and the judiciary—and that, in some instances, progress will require to be led by judges, so it is important to respect their independence. My remarks about the bill are therefore made with that in mind.

The bill is progress, because it will lead to better evidence being taken and less trauma being inflicted on those who give that evidence. Ultimately, justice must seek to defend and protect the vulnerable, and I think that the bill will do that.

How we have arrived at where we are has been well set out by the minister and by Liam Kerr. I will look at how we must move forward from this point.

The bill contains a number of sound provisions, but they must be a starting point. We need to focus on practice and on the ground rules hearings in particular. When we went up to Parliament house to see pre-recorded evidence in practice, many members of the committee were struck by the different environment that we saw—one that was conducive to the provision of better evidence. However, at the end of the day, it still ended up being a very alien environment with a child being cross-examined by two middle-aged men.

Although we must respect ground rules hearings for exactly the reason that I set out at the beginning of my speech—the need to respect judicial independence—we must look at how we can encourage better practice and ensure that evidence is given in those hearings in the way that we all hope that it will be.

Much thought was given to extending the provisions. We must recognise that we in Scotland are not necessarily at the forefront of measures that make provision for vulnerable individuals giving evidence in court. It is welcome that the Government lodged amendments to extend the provisions to domestic abuse cases. Likewise, I note the extension of the provisions to other persons deemed vulnerable, but we must ensure that those provisions are enacted as effectively and as constructively as possible. I believe that my colleague Jackie Baillie will speak further on that point.

Likewise, during stage 2, I spoke a lot about extending the approach to other types of case. The vast bulk of cases that go through our courts will go through the sheriff court, which will be unaffected by the provisions in the bill. I tested and probed that position, and I understand that it would have been inappropriate to extend the provisions to such cases, given the resource requirements and the nature of trials in the sheriff court, many of which would be delayed by such a move. However, I ask that we look at the special measures, such as they exist, in the sheriff court to make sure that they are as good as possible and that the best technology and the best techniques possible are used.

Finally, I want to talk about the barnahus concept. We need to be careful of buzzwords and although the barnahus concept is an incredibly

important one, with an important set of principles, sometimes some of us who are used to talking about these issues are a little bit too comfortable using the term. In essence, it is not that complicated. It is about having interviews with vulnerable witnesses as early as possible and making sure that those interviews are taken by specialist individuals with extensive training, in a context that is comfortable for and sympathetic to the individual giving the evidence. It is also about ensuring that, wherever possible, that interview is done only once.

Given that the evidence gathered in joint investigative interviews can be taken as evidence in chief, I do not believe that we in Scotland are that far away from being able to deliver barnahus, through better training for JIIs and better investment to make sure that there are no technical problems with that evidence, which I believe sometimes happens. We can achieve that. We must ensure that we make that progress, and I think that we can do so through collective focus and effort.

I thank the minister for her letter, in which she set out much of what she has said about how the Government seeks to make progress, funding for Children 1st, which is based in my constituency, consultation and developing standards.

I thank Lady Dorrian, among other people, for showing such leadership and I look forward to voting for the bill at decision time.

16:14

**John Finnie (Highlands and Islands) (Green):**

I am delighted to say that the Scottish Green Party will support the bill at decision time.

I thank all the witnesses whom the committee heard from, the clerks and everyone who has contributed, including by providing briefings. We have carried out very detailed scrutiny. As I have said in the chamber previously, the Parliament is at its very best when committees provide detailed scrutiny of legislation.

One of the briefings that I received was from Children 1st—an organisation that needs no introduction. It included a case study of its work with a woman and her 15-year-old son in the Highlands. Her son was one of the witnesses when she was the victim of domestic abuse. She said:

“My son is still haunted by the fact that he had to sit in the court waiting room. He said it was the worst day in his life. Even though there was a court case, my ex was still trying to harm us all the time. Our lives were very much in danger.

My son was terrified that we'd run into my ex at court. His anxiety was going through the roof. He couldn't cope going to college: he was too scared. He didn't leave my



side. He had really bad anxiety and didn't sleep through the night. I didn't think he'll ever recover but things are getting better.

Children 1st should be brought in right away, and stay until the end of court. Children should always know there's that lifeline."

That indicates the trauma faced by victims of domestic abuse and the children who are involved. Some of us are only too familiar with such situations, given the evidence that we have taken. Everything requires to be child centred.

The bill is a fine piece of legislation, but of course it is not the finished article, and our direction of travel means that there will be more work to come. The Scottish Government's positive response to the committee's stage 1 report, not least in relation to domestic abuse, is welcome.

What is the purpose of our justice system? Self-evidently, the system needs to deliver justice for everyone, including the accused. Sometimes, we forget that.

Comments have been about the ability to cross-examine, which is very important. However, even in an adversarial system, we know that the best evidence—of which oral testimony is a vital part—is delivered when witnesses feel comfortable. The reality is that being in court is stressful for everyone, and that witnesses, particularly children and vulnerable people, will respond best when the groundwork has been done.

Lady Dorrian has been mentioned, and we should not underestimate the importance of her intervention in 2015, which led to the introduction of the practice note. Along with colleagues, I visited the High Court to see an example of how evidence by commissioner might be taken. Such steps are very positive, but people have rightly identified that special measures are already in place. I have had contact with constituents who have had cause to deal with such measures, and the experience has been mixed. We heard evidence that things do not always work out, particularly in relation to domestic abuse cases.

In a briefing that we received, the Law Society of Scotland talked about the administration of cases—which is a very simple thing—and said that early information is required for additional measures. We can get the top-level stuff right, but getting the simple stuff right can be just as important.

Adverse childhood experiences should be addressed through the courts; they should not be compounded by attendance at court. The question is the extent to which the bill will ameliorate the trauma, which will be ever present.

How long do I have left, Presiding Officer?

**The Deputy Presiding Officer:** I can be generous. Do you want me to be generous, Mr Finnie?

**John Finnie:** I always like it when you are generous, Presiding Officer.

As my colleague Daniel Johnson said, the key to the barnahus model is, in part, already in play in Scotland. Joint investigative interviews are undertaken by the police service and criminal justice social workers. We heard about the challenges of the system, in relation to compatibility. However, I thank our friends in Norway for our very informative visit to one of the houses that is used, which allowed us to see the forensic nature of such interviews and the level of training that is provided to those who carry them out. As with most things, it is very important that the system is adequately resourced.

Like many others, I took great pleasure in receiving the cabinet secretary's letter in April, which explained the next stages of the delivery of the barnahus model. There is a welcome recognition of the need to take a collaborative approach that involves the Scottish Courts and Tribunals Service to get us to where we all want to go.

As I said, I am delighted that domestic abuse cases are now covered. We know that the pernicious effects of controlling and coercive behaviour can be offset if we get good evidence. We want the very best in our criminal justice system. The bill is progress, but there is work still to do.

**The Deputy Presiding Officer:** You are looking at me anxiously, Mr McArthur, but I can be generous with you, too. Isn't that nice?

16:19

**Liam McArthur (Orkney Islands) (LD):** You may come to regret that, Deputy Presiding Officer.

I congratulate Humza Yousaf and his wife, Nadia, on the birth of their daughter. Can I say how much I am looking forward to the 20-page commemorative pull-out in *The National*, which must surely follow that event?

I start by thanking my committee colleagues, the Scottish Parliament information centre, the clerks and all those who gave evidence to us throughout consideration of the bill. I also want to record my thanks to the cabinet secretary and his officials for the constructive way in which they engaged with the committee throughout the process. Needless to say, the Scottish Liberal Democrats warmly welcome and strongly support the provisions of the bill, which will give children and young people, as well as vulnerable witnesses, greater protection in our criminal justice system. That is not simply in

the interests of victims and witnesses; it is also in the interests of achieving greater fairness and efficiency in the system as a whole, as others have said.

Special measures already exist to enable children and vulnerable witnesses to give their best evidence. However, there is a compelling case for extending and strengthening those measures; indeed, the longer-term objective should be to take children out of our courts entirely. That position is supported by Children 1st and many others. I will develop that point a little further in a minute.

First, I want to acknowledge one of the key changes that the committee—acting in unison, as others have said—managed to secure. The process of rolling out the reforms—enabling more extensive use of pre-recorded interviews, ground rules hearings and joint investigative interviews—will not be without its challenges. It will certainly put enormous pressure on almost every part of our justice system, from the third sector through to our courts.

Therefore, the phased approach that is proposed in the bill, whereby categories of case will come within the scope of the bill over time, is sensible. It makes sense to reflect on experience and to ensure that, where appropriate, lessons are learned before we embark on the next phase. However, delaying or exclusion of child witnesses from giving evidence in domestic abuse cases was never an acceptable proposition, so I am delighted that the cabinet secretary agreed to the committee's call for those witnesses to be included in the first phase of the roll-out.

Although the changes are welcome, they fall short of where we ultimately need to get to. Again, I am grateful to those who hosted our visit to Oslo last year to see at first hand how the barnahus principles are applied in Norway. I firmly believe that that genuinely child-centred and integrated approach to criminal justice is what we must aspire to here in Scotland.

I accept that the “one forensic interview” approach of barnahus might require a shift in legal culture and practice in Scotland, given our adversarial system, but that is not an insurmountable obstacle. As the NSPCC in Scotland points out, integrating justice, healthcare and on-going therapeutic social care services all under one roof, in purpose-built child-friendly accommodation, is the best, if not the only, means of effectively reducing trauma for child victims and witnesses, while maximising the chances of capturing their accounts of what has happened.

Lady Dorrian's contribution to the wider debate has been recognised by everyone. I wholeheartedly agree with her that ways must be found

to take evidence from children and other witnesses

“in an environment and in a manner that does not harm them further, but allows their evidence to be given and tested fully and appropriately.”

Needless to say, I am particularly interested in how the model might be tailored to work in more rural and island areas. The fact that the model has been such a success in Norway—a country that has many remote, rural and island areas of its own—should give us confidence in our endeavour.

I welcome the commitments to the adoption of a Scottish barnahus model, and to a review of progress being made towards that goal, that were made by the cabinet secretary at stage 2, and which have been repeated by the minister this afternoon. The committee will take a great interest in that, and will keep ministers' and other stakeholders' feet to the fire.

I will conclude, as I did at stage 1, with a quotation from Children 1st, which said:

“a joined up approach to the care and justice needs of child victims and witnesses through a Barnahus or ‘Child's House’ is the best way to get it right for children from the moment they tell their story, ensuring that the child and their family get the support they need to recover. This will ensure that we have a justice system that is able to do both what is best for children and best for securing evidence.”

The Scottish Liberal Democrats strongly endorse that sentiment and will continue to work with ministers and colleagues from across Parliament to make it a reality—sooner, rather than later. For now, we look forward to voting for the bill at decision time.

**The Deputy Presiding Officer:** We move to the open debate. The generosity continues; all four members in the debate can have five minutes each, if they wish. That has made your afternoon, Ms Baillie. I call Jenny Gilruth, to be followed by Maurice Corry.

16:25

**Jenny Gilruth (Mid Fife and Glenrothes) (SNP):** I am grateful for the opportunity to speak in today's stage 3 debate, particularly given the legislation that we agreed to only 48 hours ago. On Tuesday, we voted to raise the age of criminal responsibility from eight to 12, and this evening we will vote to protect child witnesses in the most serious criminal proceedings. Those two pieces of legislation put children's needs at the heart of our criminal justice system. I contrast that with Children 1st's evidence to the Justice Committee, which was cited earlier by Liam Kerr, that Scotland's justice system is inherently “Victorian” and often causes children “greater trauma and harm”.

The bill therefore marks a hugely significant shift, which is epitomised in section 1(3) of the bill, which states:

“The court must enable all of the child witness’s evidence to be given in advance of the hearing unless the court is satisfied that an exception is justified under subsection (7) or (8).”

That use of language is crucial, because it denotes a shift in power from Scotland’s court system towards putting witnesses’ needs first. As we have heard this afternoon, pre-recording evidence from vulnerable witnesses, especially children, will reduce trauma and distress.

I am proud that the Scottish Government has also included domestic abuse specifically in the bill. As the committee heard in evidence sessions, that is particularly important given the widening scope of what we now understand constitutes domestic abuse.

Pre-recording evidence is, of course, important in avoiding retraumatising of vulnerable witnesses. As the Lord Justice Clerk told the committee:

“When children ... are asked to give evidence at a time that is remote from the event, not only has their memory diminished, but they are more likely to be confused by general questioning about the incident, and in cross-examination might come across—often wrongly—as being shifty or unreliable.”—[*Official Report, Justice Committee*, 18 December 2018; c 3.]

That is an important point. Pre-recording evidence should expedite the process and avoid the need for evidence to be taken repeatedly from a witness. The example that has stuck with me was given to the committee by Daljeet Dagon of Barnardo’s Scotland, who told us of the witness who had to give 27 statements to the police. By the time the trial went to court, she was deemed to be an unreliable witness. So, another reason why the bill is so important is that it will result in better-quality evidence.

The Scottish Government is taking a phased approach to implementation of pre-recording of evidence; that approach is supported by the legal profession. At first, the rule will apply only to certain child witnesses giving evidence in the most serious cases in the High Court. That will allow witnesses who are most vulnerable to be supported swiftly. That approach is not simply about installing video recording equipment; it is about challenging an enshrined culture in the legal system, which historically has not always put witnesses’ needs—in particular, the needs of children—at its heart. Indeed, as the Crown Office and Procurator Fiscal Service told us,

“Phasing will allow the system to absorb change while minimising risk both to the system and to individual cases.”

In my contribution to the stage 2 debate, I raised the link with the Scottish Government’s getting it

right for every child, or GIRFEC, policy, which is the foundation stone of our education system. I compared the barnahus model—a one-stop shop where services come to the child—to our GIRFEC approach, which is also child-focused. Many schools in Scotland now also focus on being trauma informed. In Glenrothes, our police officers have embraced the trauma teddies scheme, which provides children with reassurance during or after distressing events.

In the cabinet secretary’s letter to the committee last month, he pointed to the Government’s commissioning of Healthcare Improvement Scotland, in partnership with the Care Inspectorate, to develop Scotland-specific standards for barnahus. I was glad to hear the minister mention commitment to that in her speech. It is welcome to have a commitment to concrete action, but I again encourage the Government to look at the links with our child-focused education system and to ensure that education partners are linked into development of the standards. It cannot be about just the justice system, if we are to get it right for every child.

Let us use the expertise that we have in Scotland to build a system that truly supports and protects child witnesses. I very much hope that that is exactly what our Scottish standards for barnahus will do in the future.

16:29

**Maurice Corry (West Scotland) (Con):** I, too, thank everybody who has been involved in bringing the bill to this stage, particularly the clerking team. I welcome this debate on the bill at stage 3. What the bill puts forward—the pre-recording of evidence for some child witnesses outwith the courtroom—is an important step to take. For the sake of those witnesses, many of whom are victims of atrocious crimes, it is vital that the proposed changes are as effective and sensitive as possible.

The bill is a positive move forward and I join my colleagues in supporting it. I found the committee report to be sound in its helpful analysis of the bill, and it is right that some of its recommendations have been listened to and will be adopted. It is that scrutiny that strengthens the possibility of real change to Scotland’s justice system.

As was generally agreed at stage 1, the bill deserves a gradual and careful implementation. It would do no good to overload the court process without consideration of the detailed planning and resources that are needed to secure meaningful and effective change that balances a fair outcome for the perpetrator with the respect and support that are owed to the witness. We have to be

mindful of the different proceedings and the vulnerable witnesses at the heart of those cases.

More widely, the bill has encouraged us to take a step back to consider the best way to take evidence from child witnesses. None of us can condone the risk of vulnerable witnesses feeling targeted or traumatised by the court process. As I have said in the chamber before, the quality of their participation is vital to the outcome of the verdict. Therefore, ensuring that evidence is pre-recorded in those cases will provide children of different ages and abilities with a process that offers them the best chance to give accurate and informative evidence. As the children's charity Barnardo's Scotland highlighted, the better the support the witness receives, the better the evidence they give.

The bill should surely encourage us to look at transformations that could go further. With that goal in mind, I support the committee's recommendation to explore the case for establishing a barnahus approach, which would take into account the importance of providing the right services to support young witnesses in a child-friendly setting. There is a persuasive argument that that pathway might be better equipped than a court process to handle children through what can be an intimidating and traumatic experience for them. Although I appreciate that the concept would take time to establish, I welcome the Government's commitment to share progress on what a Scottish approach to barnahus-inspired principles would look like.

I am pleased that child witnesses in domestic abuse cases will now be included in the bill, as a result of the stage 2 amendment that was lodged by the justice minister. That addition to the bill was much needed, especially given the introduction of the Domestic Abuse (Scotland) Act 2018, as the ASSIST—advocacy, support, safety, information and services together—project highlighted in its insightful evidence. Under that new law, we expect to see a rise in the number of children who are called to give evidence under solemn procedure, the thought of which must weigh heavy on the mental health of those witnesses. With that in mind, the expansion of the provision in the bill to include domestic abuse cases is right and vital.

Further to that, it is worth exploring a one-sheriff system for victims of domestic abuse. If we are looking to stop the retraumatisation of witnesses, they would surely benefit from relaying their account to a single judge. We have seen how that can work in Australia and the United States, for example. The fact that that approach might promote greater efficiency is also worthy of note. Perhaps, following the passing of the bill, a trial of such a system should be the next step, as it could

be how we make Scotland's justice system work even better for victims.

Scotland needs its courts to be of the highest standard possible. For that to happen, we need to restore confidence in the justice process. We cannot lose the scope for wider reform that the bill encourages. We all want the bill to target the gaps and creaks in our court system and, with careful implementation and a clear view of the future steps that we must take, I believe that it can.

**The Deputy Presiding Officer (Linda Fabiani):** Jackie Baillie, to be followed by Fulton MacGregor.

16:33

**Jackie Baillie (Dumbarton) (Lab):** Thank you, Presiding Officer. You and the previous occupant of the chair are nothing if not generous with time.

I welcome the bill and its intention to ensure that there is support for children and the most vulnerable in our society at what can be an extremely difficult and often distressing time for them. It is all about giving the best possible evidence. I understand the immediate focus on children and I welcome the amendments that were made at stage 2 to include domestic abuse victims.

I will speak specifically about section 3, as that is the part of the bill that deals with other categories of vulnerable witnesses. The criteria and timing are entirely in the gift of the Scottish ministers. I have not heard any indication of a timetable to enact that aspect of the legislation, but I believe that it must not be left to gather dust on a shelf. I am particularly keen to hear from the minister in her summing up when she will extend measures to other vulnerable witnesses. I am afraid that I am less patient than many of my colleagues in the chamber.

I want to focus on people with learning disabilities as vulnerable witnesses. As convener of the cross-party group on learning disability, I am particularly keen to ensure that their voice is heard in every aspect of society, and that includes our criminal justice system. The debate has largely focused on children and I want to ensure that the views of people with learning disabilities are not overlooked or somehow othered in discussions surrounding the bill.

According to the Scottish Government's survey, learning disabled people in Scotland were more likely to be victims of a crime in 2016-17 than non-disabled people. It is a fact that the heightened level of vulnerability that comes with having a learning disability makes some of them prime targets for criminal acts ranging from small-scale theft to sexual abuse and rape. It is vital, therefore,

that their experiences of the criminal justice system are heard. I urge the Scottish Government and the minister to do that when considering the implementation of the bill.

The reform that is central to the bill, which essentially mandates for child witness statements for serious cases to be given in advance, is absolutely right, but it must be extended to people with learning difficulties as soon as possible. Presiding Officer, day-to-day tasks that may seem easy and even mundane to you and me can be hugely stressful and testing for many people with a learning disability. We know that some learning disabilities create real barriers to people feeling comfortable when talking to others or going to new and unknown places. Imagine for a moment the trauma that can occur from asking an individual with a learning disability not only to be the centre of attention in a courtroom but to relive over and over a horrific crime that they were a witness to, while being asked questions—often very personal questions—by a stranger.

The Equality and Human Rights Commission stated:

“People with learning disabilities can find the court environment very challenging, and often don’t understand what is being said or what is happening.”

Prior statement giving completely removes that situation and will allow everyone to feel as comfortable as possible, given the circumstances. The Government’s policy statement says that extending provisions to other vulnerable witnesses represents “a major change”, and I agree. It also says that that will take time, but it would be useful for us to know how much time—what the target is for implementation—and to have an assurance that it will not be left on the shelf.

Finally, I want to mention the appropriate adult scheme. It is not directly connected with the bill, but the Scottish Government consulted on that last year and it is referred to in the policy memorandum. Indeed, the Government made a commitment to launch the scheme this year, so I ask when it will be launched. In that, and in the implementation of the Vulnerable Witnesses (Criminal Evidence) (Scotland) Bill, it is essential that progress is made to ensure that the most vulnerable people in Scotland have the protection that they need and deserve, and that that is not put off for another day.

16:38

**Fulton MacGregor (Coatbridge and Chryston) (SNP):** It is a great pleasure to speak in the debate—as it was at stage 1—as we stand, at stage 3, on the verge of making the bill law. I hear what others have said about its being just a start, and I agree with that, especially on the back

of the main theme of Jackie Baillie’s speech. However, it is a very significant start, because this is real and proper legislation that will have a positive effect on people’s lives and will go some way to rectifying the discrepancies in our current system. Such people include the constituent whom I mentioned in my stage 1 speech, whose situation I highlighted again to the cabinet secretary at portfolio question time a couple of weeks ago. That is the sort of real-life situation that will be helped, in the future, by the passing of the bill. I know that the people involved continue to monitor the proceedings.

As members know, I was a member of the Justice Committee, and the argument for progressing the bill was very much won at stage 1, as has been reflected today in the chamber. The majority of the evidence that the committee heard from stakeholders, including Barnardo’s and Children 1st, was supportive of the need to reform the system and to introduce a rule that would ensure that, in the most serious cases, evidence from a child is taken at the pre-trial stage. It is also worth mentioning that, if, as seems likely, the bill is passed at decision time, that will present opportunities for children from black and minority ethnic backgrounds, who we know can face additional challenges when it comes to criminal and court proceedings.

As colleagues will know, I was particularly pleased that the bill process gave a good airing to the subject of joint investigative interviews, which Daniel Johnson focused on. Several years ago, when I was a social worker, I would share my frustrations with colleagues after carrying out such interviews. Never in a hundred years did I think that I would have the opportunity to talk about those experiences in our national Parliament, where changes can be made. That is why I have welcomed the steps that are being taken to allow joint investigative interviews to be used as evidence in chief. Those steps include expanding the training and increasing the number of interviews that are carried out by individual practitioners, which are two areas in which we heard that there were difficulties. That could lead to our going down the road of specialised expertise, which I think practitioners, the police and social workers would support.

I would also like to comment on the issue that has perhaps been the most prominent during the bill’s passage—the issue of Scotland moving to a barnahus model, which was raised again during today’s stage 3 consideration of amendments. I have said previously that my experience suggests that we could certainly move to such a model at least on a practice level, if not on a legal level, relatively straightforwardly, and I nodded eagerly when Daniel Johnson made that point. I think that we could interview children, offer support to

families and provide health investigations in a one-stop child-friendly environment, because the current situation, whereby the involvement of health professionals and social work takes place at different points, which everyone accepts is not in the best interests of children, is a bit patchy.

That brings me to Margaret Mitchell's amendment 7. Although I spoke against it and voted against it, I want her to know that I think that it is honourable that she has been a champion of the barnahus model. However, amendment 7 was a wee bit out of place and I could not support it. Despite what I said about the move to a barnahus model being relatively straightforward on a practice level, amendment 7 would have given rise to various complex legal technicalities, which the cabinet secretary and the Government would have had to look at. Most important, it risked retraumatising children, which is why I could not vote for it. Nevertheless, I credit Margaret Mitchell for her passion in this area. I think that she was very much taken by what the committee saw in Oslo, as we all were.

I welcome the cabinet secretary's letter to the committee, which outlines that a scoping report will be produced as early as June this year and that final standards are expected by 2020. To my mind, that represents rapid progress, which must be welcomed. As the cabinet secretary said, that will allow for a collaborative approach between Healthcare Improvement Scotland, the Care Inspectorate and other partners on how we can deal with the difficulties in this area, such as those to do with pre-recording.

I commend the bill to Parliament.

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

16:43

**Daniel Johnson:** One of the advantages of opening and closing a debate for your party is that you get to say the things in your closing speech that you ran out of time to say or forgot to say in your opening speech. I congratulate Mr Yousaf: of all the reasons not to be present in the chamber, his is a pretty good one. I also acknowledge the contribution of Ash Denham, who has been left holding the legislative baby while Humza has gone off to hold an actual baby. I think that she has done very well, because the bill is technical and has taken everyone into a great deal of detail.

One of the key things that I want to highlight is the important fact that the bill does not stand in isolation. Other members have mentioned the Age of Criminal Responsibility (Scotland) Bill, and we are currently scrutinising the Management of Offenders (Scotland) Bill. The Vulnerable Witnesses (Criminal Evidence) (Scotland) Bill can

be a mark of progress, but it will be so only in conjunction with other legislation and other measures.

There are commitments to reducing short sentences and moving towards community sentencing. It is vital that the Vulnerable Witnesses (Criminal Evidence) (Scotland) Bill sits alongside those measures, that the proper investment is made in the technology and facilities that are required to deliver it and that, above all else, it enjoys the confidence of sentencers and legislators.

There is undoubtedly a confidence issue around community sentencing. We need to focus holistically, to ensure that the measures in the bill gain and enjoy the confidence that it seeks to provide. Above all else, we must, as Liam McArthur said—he made his point very well—aim to take children out of courts. The courts are no place for children. They serve only to traumatise them, and, in so doing, undermine the very things that, as I set out earlier, the justice system does to protect them.

I agree with the many members of the Justice Committee who highlighted how useful and informative our trip to Oslo was. It helped us to burst the jargon around the barnahus model. It struck me—it clearly struck Fulton MacGregor, too—that we are not terribly far away from that approach, given our joint investigative interviews and special measures.

There is an adversarial system in Norway, but it also has the barnahus model. Critically—this is the point on which we will have to reflect—what enables Norway to protect its adversarial system is the possibility of a secondary interview, although I understand that that measure is not used often, because of the confidence that exists in the barnahus model and, indeed, the professionalism with which the interviews take place. We ought to aim towards a system that can incorporate the important adversarial aspects of our justice system in a way that has the confidence of all those who participate in it. That will require investment and, above all else, training.

I will make one other point about the barnahus model. The police officers who carry out the interviews and run the barnahus approach have to undertake a three-year degree so that they get the specialised training that is required for that model. I fully believe that that is what we must aim for in Scotland.

The other key point that was raised in the debate—by John Finnie and Jackie Baillie, I think—is the fundamental need to improve people's experience. Vulnerable people do not know that they will be traumatised because of where they are or the nature of the crime that

might have been committed against them. If there is one possible flaw in the bill—I reflected on this issue during its passage—it is that the bill defines vulnerable people by the type of crime. I understand why that definition is used, but a child does not know that they will be traumatised if they give evidence under summary or solemn proceedings. That they can be traumatised in that way is clearly not right. We need to apply the barnahus principles, to ensure that those traumatising experiences are avoided and that giving evidence is not, as John Finnie said, the worst experience of a child's life.

Likewise, vulnerability is not defined by age. Jackie Baillie's speech was extremely powerful. There is every possibility of adults with vulnerabilities or learning disabilities being traumatised by their experience of court—in some ways, perhaps more than others. We must ensure that the measures in the bill are extended to those vulnerable people as quickly as possible to ensure that they, too, are supported.

Above all else, this is about taking people with us. This is about making progress, but we must take sentencers, legislators and, indeed, wider society with us, so that we can achieve the benefits and the progress that we all hope will result from the passing of the bill this evening.

16:49

**Margaret Mitchell (Central Scotland) (Con):**

The Justice Committee's scrutiny of the Vulnerable Witnesses (Criminal Evidence) (Scotland) Bill has provided an excellent example of a parliamentary committee united in its support for, and working together to improve, legislation. I thank all committee members for their constructive contributions, and I pay tribute to all the organisations and witnesses who gave invaluable evidence to the committee. As always, the clerks have given the committee superb support, for which I thank them.

I want to thank both the Scottish Courts and Tribunals Service and Lady Dorrian for arranging a visit to the High Court to see how evidence is currently pre-recorded.

The committee also visited a barnahus in Norway and saw at first hand the benefits of providing child witnesses with a dedicated child-friendly facility away from the court, with a range of support services under one roof, and of the "one forensic interview" approach, which delivers the best evidence and reduces, and helps recovery from, trauma. The committee is extremely grateful to all the staff at the barnahus in Oslo for their warm welcome, and for the time that they spent answering our questions and explaining how the barnahus approach secures the best evidence

from children in order to help secure a prosecution.

The bill's main policy objective is to improve the participation of children and vulnerable witnesses in the criminal justice system through greater use of pre-recording of their evidence in advance of a criminal trial. As a result of a provision in the bill, pre-recording all of a child's evidence will generally be required in the most serious cases. That new rule will have major implications for our adversarial criminal justice system, and it will require a major shift in legal practice and legal culture. In view of that, the Scottish Government's phased approach to the rule's implementation makes sense, as does the requirement for detailed analysis of each phase, with the initial phase focusing on child witnesses. That is why amendment 1 in the name of Liam Kerr was so important. I also point out that, as a result of a stage 2 amendment that was supported by the entire committee and all members in this debate, phase 1 will now include child witnesses in solemn domestic abuse cases.

Issues that were raised by the committee in its stage 1 report and at stages 2 and 3 include the importance of, and necessity for, effective training in interview techniques, and the requirement for that to be monitored. As the Mental Welfare Commission said,

"a bad interview done early is no better than a bad interview done in a trial."—[*Official Report, Justice Committee*, 27 November 2018; c 33.]

In other words, as Daniel Johnson and John Finnie effectively argued, the significance of training for those who are involved in joint investigative interviews of children and other vulnerable witnesses cannot be overstated.

There is also a need for measures to support and to protect witnesses against harassment or further victimisation throughout the evidence-giving process, including—this is crucial—after they have given evidence. In that respect, the continuing work of the Government's new victims task force, which is looking at ways of improving the experience of victims and witnesses who give evidence, is extremely welcome. That will be essential not only in protecting witnesses from harm, but in ensuring that witnesses are not deterred from giving evidence.

Finally, the committee emphasised its commitment to moving, as soon as possible, to a Scottish barnahus model. Although I welcome the cabinet secretary's letter updating the committee on what is planned up to summer 2020, it falls short of providing on the face of the bill a timetable of reviews up to the end of this parliamentary session and into the next. I thank Fulton MacGregor for his kind remarks, but I concur with

Jackie Baillie's comments about the necessity for progress and a timetable for implementation.

In conclusion, I ask the Scottish Government to commit today to providing the substantial resources for the new technology that will be necessary to achieve a Scottish barnahus. In the meantime, the Scottish Conservatives will have much pleasure in voting for the bill this evening.

16:54

**Ash Denham:** I begin my closing remarks by thanking again the many stakeholders and individuals who gave evidence to the committee—in particular, on the benefits that pre-recording evidence can bring. I suspect that many of those people are looking on to see the conclusion of the debate today.

I also thank everyone who has contributed to the very constructive and well-informed debate this afternoon. It is clear that we are all committed to the key principles that underpin the bill. I consider that that positive approach has been the hallmark of the bill's entire process, and is a true reflection of the professionalism and integrity of the Justice Committee, as is its vigorous examination of the bill and amendments.

I believe that we now have a bill which has broad and significant cross-party support, on which we can lay the foundations for further protection of the most vulnerable victims and witnesses. It reflects a positive template for managing legislation for the future.

That said, we do not doubt the scale of the challenge and the appetite for rapid and early momentum. The bill prepares the foundations: now is the time for clear progress on delivering the reforms. We will continue to work closely with our justice sector partners and stakeholders to ensure that the reforms work well in practice and benefit vulnerable child witnesses.

At this juncture, I put on record again my welcome and support for the sentiment behind amendment 1—the review amendment that was lodged by Liam Kerr. I believe that it provides a suitable and sensible mechanism through which we will be able to determine how successful is delivery of the measures that are detailed in the bill. We need to learn from our successes and from evidence about what we could do better. I am pleased that others in the chamber today have also seen fit to support Liam Kerr's amendment.

**The Deputy Presiding Officer:** Excuse me, minister. Will members who have just arrived in the chamber be a bit quieter, please? Thank you.

**Ash Denham:** I regret that we were unable to support Margaret Mitchell's amendment 7. We believe that the amendment would have placed an

unnecessary and potentially inhibiting legislative burden on the Scottish Government. I hope that what I have said today reassures Parliament that we are committed to developing a truly trauma-informed and child-centred response to child victims. I believe that we have consensus on that: it will take careful work across the justice, health and child protection systems in the coming months.

We will continue to communicate with Parliament and the committee about progress on barnahus and key milestones. I am happy to make that commitment again today.

I will now address some points and common themes that have emerged from the contributions this afternoon. A number of members, including Liam Kerr, mentioned barnahus, as we would expect. I note the strong interest both in moving towards that as a destination and in the idea of keeping up momentum, which has come across strongly from members.

Of course, barnahus is about more than just criminal justice; it involves healthcare, child protection and the legal profession, so it is right that we take the time, across Government and with our key stakeholders, to develop a Scottish version of the barnahus model. We have set out a clear timetable to develop standards for Scotland. I hope that that reassures members that we are committed to keeping up momentum.

Daniel Johnson made a number of points, the first of which being that the bill is a really good starting point. I thank him for that view, which was echoed by others across the chamber. He also made a point about potentially developing the ground rules hearings further in the future. He will be aware of the latest High Court practice note, which sets out a general approach for preparing questions in advance for child witnesses, for instance. Obviously, the practice note can be updated over time, which I think offers an appropriate level of flexibility.

Daniel Johnson also raised a point about greater use of special measures. It is important that vulnerable witnesses in general are aware of the special measures that are available to them. The Crown Office is beginning a process of reviewing all the correspondence that is issued by the victim information and advice service, as well as information leaflets and so on, to make sure that they are as understandable and clear as possible and so that people have the right information.

The Scottish Courts and Tribunals Service plans a rolling programme of upgrades across its estate, which will ensure that technology—Daniel Johnson made a point about that—and equipment



in courtrooms and in live television link rooms keep pace with improvements.

I will address a couple of points that Jackie Baillie made. Changing the way in which evidence is taken for so many needs to be done in a controlled and careful way. We will deal first with child witnesses in the most serious cases but, as has been noted, the bill includes a framework for extension to other vulnerable witnesses, so that it can cover more deemed vulnerable witnesses over time. It is important to make the changes in a managed way, as I am sure Jackie Baillie understands. The draft implementation plan sets out the Government's intentions; unfortunately, I cannot give any commitment beyond that today.

Jenny Gilruth mentioned a child witness who was made to give evidence 27 times. That example alone shows us why the bill will be transformative and will lead to a better quality of evidence.

I am delighted to have spoken to the bill at stage 3, because it is clear how important the changes will be. The bill is a major milestone in ensuring that many more children can pre-record their evidence before a criminal trial. I hope that all of us in the chamber will support the reforms, and that we will pass the bill.

## Decision Time

17:01

**The Presiding Officer (Ken Macintosh):** There is one question to be put. The question is, that motion S5M-17210, in the name of Ash Denham, on the Vulnerable Witnesses (Criminal Evidence) (Scotland) Bill, be agreed to. As the question is on passing a bill, there will be a division.

### For

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Beamish, Claudia (South Scotland) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Bowman, Bill (North East Scotland) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Corry, Maurice (West Scotland) (Con)  
 Crawford, Bruce (Stirling) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dugdale, Kezia (Lothian) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Findlay, Neil (Lothian) (Lab)  
 Finnie, John (Highlands and Islands) (Green)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Griffin, Mark (Central Scotland) (Lab)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harris, Alison (Central Scotland) (Con)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)

Johnson, Daniel (Edinburgh Southern) (Lab)  
 Johnstone, Alison (Lothian) (Green)  
 Kelly, James (Glasgow) (Lab)  
 Kerr, Liam (North East Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Jenny (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Mason, Tom (North East Scotland) (Con)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McDonald, Mark (Aberdeen Donside) (Ind)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Rumbles, Mike (North East Scotland) (LD)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Scott, John (Ayr) (Con)  
 Scott, Tavish (Shetland Islands) (LD)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Tomkins, Adam (Glasgow) (Con)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wells, Annie (Glasgow) (Con)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wightman, Andy (Lothian) (Green)

**The Presiding Officer:** The result of the division is: For 112, Against 0, Abstentions 0.

*Motion agreed to,*

That the Parliament agrees that the Vulnerable Witnesses (Criminal Evidence) (Scotland) Bill be passed.

*Meeting closed at 17:02.*

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

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

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