



OFFICIAL REPORT
AITHISG OIFIGEIL

Meeting of the Parliament

Wednesday 26 June 2019

Session 5



The Scottish Parliament
Pàrlamaid na h-Alba

© Parliamentary copyright. Scottish Parliamentary Corporate Body

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

Wednesday 26 June 2019

CONTENTS

	Col.
PORTFOLIO QUESTION TIME	1
COMMUNITIES AND LOCAL GOVERNMENT	1
Fuel Poverty.....	1
Empty Homes	3
Local Authorities (Engagement with Community Councils).....	4
Fife Council (Town Centre Regeneration).....	5
Population Shift (Housing).....	7
Inverclyde Council (Housing).....	7
Third Sector (Public Services Contracts)	8
Council Services (Use of Reserves).....	9
SOCIAL SECURITY AND OLDER PEOPLE	10
Devolved Benefits (Face-to-face Assessments)	10
Disability Assistance (Children and Young People)	11
Universal Credit (Payment of Housing Element).....	12
Carers Allowance Supplement (Glasgow Maryhill and Springburn)	13
Wave 2 Benefits (Cost of Delivery).....	14
Older People's Services (Dumfries and Galloway Council)	15
Loneliness Among Older People (Support).....	16
FINANCE, ECONOMY AND FAIR WORK	18
Glasgow Airport Ltd (Meetings)	18
Shared Prosperity Fund.....	19
Apprenticeships	20
Income Tax (Higher-rate Threshold)	21
Third Sector (Value)	24
Publicly Owned Energy Company (Budget Allocation)	24
CITIZENS ASSEMBLY OF SCOTLAND	26
<i>Statement—[Michael Russell].</i>	
The Cabinet Secretary for Government Business and Constitutional Relations (Michael Russell).....	26
TACKLING CHILD POVERTY (PROGRESS REPORT)	40
<i>Statement—[Aileen Campbell].</i>	
The Cabinet Secretary for Communities and Local Government (Aileen Campbell).....	40
TENEMENT MAINTENANCE	56
<i>Motion moved—[Kevin Stewart].</i>	
The Minister for Local Government, Housing and Planning (Kevin Stewart).....	56
Graham Simpson (Central Scotland) (Con)	59
Daniel Johnson (Edinburgh Southern) (Lab).....	61
Andy Wightman (Lothian) (Green).....	63
Stuart McMillan (Greenock and Inverclyde) (SNP)	64
Gordon Lindhurst (Lothian) (Con).....	66
Pauline McNeill (Glasgow) (Lab)	67
John Mason (Glasgow Shettleston) (SNP).....	69
Annie Wells (Glasgow) (Con)	70
Maureen Watt (Aberdeen South and North Kincardine) (SNP).....	72
Daniel Johnson.....	73
Jeremy Balfour (Lothian) (Con)	75
Kevin Stewart.....	76
TRANSVAGINAL MESH	78
<i>Statement—[Jeane Freeman].</i>	
The Cabinet Secretary for Health and Sport (Jeane Freeman)	78
POVERTY AND INEQUALITY COMMISSION	90
<i>Motion moved—[Aileen Campbell].</i>	
BUSINESS MOTIONS	91
<i>Motions moved—[Graeme Dey]—and agreed to.</i>	

PARLIAMENTARY BUREAU MOTIONS	94
<i>Motions moved—[Graeme Dey].</i>	
Liam Kerr (North East Scotland) (Con).....	95
The Cabinet Secretary for Justice (Humza Yousaf).....	96
POINT OF ORDER	98
DECISION TIME	99
UN SPECIAL RAPPORTEUR ON EXTREME POVERTY AND HUMAN RIGHTS REPORT	103
<i>Motion debated—[Keith Brown].</i>	
Keith Brown (Clackmannanshire and Dunblane) (SNP)	103
Michelle Ballantyne (South Scotland) (Con).....	107
Bob Doris (Glasgow Maryhill and Springburn) (SNP)	109
Elaine Smith (Central Scotland) (Lab).....	111
The Cabinet Secretary for Communities and Local Government (Aileen Campbell).....	113

Scottish Parliament

Wednesday 26 June 2019

[The Presiding Officer opened the meeting at 13:30]

Portfolio Question Time

Communities and Local Government

Fuel Poverty

1. **Gil Paterson (Clydebank and Milngavie) (SNP):** To ask the Scottish Government how it is tackling fuel poverty. (S5O-03431)

The Minister for Local Government, Housing and Planning (Kevin Stewart): Our Fuel Poverty (Targets, Definition and Strategy) (Scotland) Bill, which passed stage 3 earlier this month with unanimous support from across the chamber, requires us to publish a strategy for tackling fuel poverty that will set out the approach to tackling the four drivers of fuel poverty: use of energy, energy efficiency, income and energy prices.

We are already making progress. The latest figures show that Scotland's fuel poverty rate was at its lowest since 2005-06, and we are continuing to invest significantly to support households. By the end of 2021, we will have allocated over £1 billion since 2009 to make homes warmer and cheaper to heat. That money has attracted hundreds of millions of pounds more in energy company contributions and funding from local authorities, landlords and individual householders. Through our award-winning home energy Scotland service, we are providing households with advice and support including benefits checks and energy supplier switching, where appropriate.

Gil Paterson: I thank the minister for that very full answer.

Will the minister join me in congratulating Knowes Housing Association, in Faifley, Clydebank, which received a visit from the board of the Office of Gas and Electricity Markets this week in recognition of its exceptional work in reducing poverty and embracing the use of renewables? It has installed solar roof panels on most of its properties.

Kevin Stewart: I am delighted to join Gil Paterson in congratulating Knowes Housing Association on the great work that it has done in helping its tenants to pay less for their energy and in tackling climate change. It has been ahead of the game in its use of solar energy to decarbonise and reduce bills for its tenants, and I am glad that that is being recognised.

Along with confirmation of our new energy efficiency standard for social housing, details were provided earlier today on the second round of our decarbonisation fund. A further £3.5 million is available to social landlords to invest in projects that will improve energy efficiency and reduce the carbon footprint of buildings. Those are projects with outcomes just like those that Mr Paterson mentioned in relation to Knowes Housing Association.

Alex Rowley (Mid Scotland and Fife) (Lab): The £1 billion of investment that the minister mentioned is not to be scoffed at. However, the Existing Homes Alliance Scotland has stated that the Government's committed funding

"falls well short of what is required for a National Infrastructure Priority, and to meet climate change and fuel poverty targets."

I acknowledge the investment that has been made, but does the minister accept that, if we are going to tackle fuel poverty, we need to see much greater investment?

Kevin Stewart: As Mr Rowley says, £1 billion is not to be sniffed at. We need to use all the resources at our disposal to get the biggest bang for our buck in energy efficiency. I am very pleased that, today, we have announced another £3.5 million for decarbonisation, which will be available to social housing landlords.

This is not just about the amount of money that the Government is spending; it is also about using money from other sources to get the best possible outcomes for energy efficiency not just in the domestic sector but in the commercial sector.

Liam McArthur (Orkney Islands) (LD): As the minister will be aware, I warmly welcome the passing of the Fuel Poverty (Targets, Definition and Strategy) (Scotland) Bill. Achieving its ambitions will, of course, be driven very much by the fuel poverty strategy. Will the minister update Parliament on the timing of the completion of that strategy? Will he explain how Government resources and resources that are leveraged in will be used to target extreme fuel poverty in remote and rural and island areas?

Kevin Stewart: We will publish the fuel poverty strategy in 2020, and it will set out how we will work towards our target by taking actions across all four drivers of fuel poverty. In the meantime, we will continue to provide significant levels of support through our home energy efficiency programmes. As Mr McArthur is well aware, Orkney and the islands benefit to a greater degree per head of population than anywhere else through those programmes, and rightly so. We do not have to wait until the strategy per se is in place. As we move forward, we need to look at how we target those who are in extreme fuel poverty, as is

outlined in the bill as passed, to ensure that folks such as Mr McArthur's constituents benefit as soon as possible from the resourcing to tackle that.

Empty Homes

2. **Alison Johnstone (Lothian) (Green):** To ask the Scottish Government what action it is taking to reduce the number of empty homes. (S5O-03432)

The Minister for Local Government, Housing and Planning (Kevin Stewart): Long-term empty homes are a wasted resource at a time when we need more homes across Scotland. We will therefore continue to fund the work of the Scottish empty homes partnership with more than £1.2 million across three years to provide advice and support. Last year, the partnership brought 1,128 homes back into use, which was a rise of more than 300, thanks to the work of dedicated empty homes officers. It is essential that all local authorities see and adopt the benefits of that approach.

More can be done. We are reviewing our empty homes policy to maximise the number of homes that are brought back into use. In that review, I will carefully consider the Local Government and Communities Committee's inquiry into empty homes.

Alison Johnstone: Since 2010, only 4,340 homes have been brought back into use. At the current rate of progress, we will have to wait 173 years until all the empty homes in Scotland are in use. Local authorities have a role, but surely the minister must recognise that national leadership is key, that legislation might be required and that current funding may be insufficient to address the fact that more than 83,000 homes in Scotland lie empty and unused while we have a homelessness crisis.

Kevin Stewart: As I said in my initial answer, 1,128 homes were brought back into use last year thanks to the successful partnership that the Government has with Shelter Scotland and local authorities. I pay tribute to Shaheena Din, who has been at the forefront in dealing with the issue. My disappointment lies with local authorities that have yet to bring empty homes officers into play. In Ms Johnstone's region, Lothian, we have seen little progress being made by councils. The councils that have made the investment in empty homes officers, from Dumfries and Galloway to Orkney, are seeing huge benefits from their work. I appeal to all local authorities to put in place empty homes officers.

In terms of national versus local responsibility—

The Presiding Officer (Ken Macintosh): Succinctly, please, minister.

Kevin Stewart: We will look at national versus local responsibility during the review, and I will continue to keep the Parliament updated.

Local Authorities (Engagement with Community Councils)

3. **Rona Mackay (Strathkelvin and Bearsden) (SNP):** To ask the Scottish Government what it is doing to encourage local authorities to engage with community councils. (S5O-03433)

The Cabinet Secretary for Communities and Local Government (Aileen Campbell): Local authorities have statutory oversight of community councils under the Local Government (Scotland) Act 1973 and are responsible for engaging with the community councils in their local areas. To support that work, the Scottish Government engages collaboratively with the Convention of Scottish Local Authorities, the Improvement Service and community council liaison officers to support community councils and ensure that their voices are heard.

Rona Mackay: In my constituency, East Dunbartonshire Council rarely engages with community councils, and their membership is declining in several areas due to the perception that community councils are not heard. Does the minister agree that local authorities should make every effort to work with community councils, which are representatives of grass-roots matters in every constituency, and that community councils should be valued much more than they are?

Aileen Campbell: I am aware of some of the local issues in Strathkelvin and Bearsden, but I understand that East Dunbartonshire Council's community planning team is working with its community councils to resolve some of those issues. I agree that community councils have a really important part to play in local democracy—they bridge the gap between local authorities and communities and help to make sure that public bodies are aware of the opinions and needs of the communities that they represent.

As I said, local authorities have statutory oversight of their community councils and are also required to consult community councils about planning applications and licensing matters, so community councils are absolutely fundamental for local democracy. I hope that the community planning team helps to resolve some of the frustrations that Rona Mackay described. If she requires it, I am happy to engage with her further on the matter and, more generally, on the local governance review to make sure that we hear the voices of community councils through that consultation work.

Fife Council (Town Centre Regeneration)

4. **David Torrance (Kirkcaldy) (SNP):** To ask the Scottish Government what discussions it has had with Fife Council on the action that it is taking to regenerate town centres across Fife. (S50-03434)

The Cabinet Secretary for Communities and Local Government (Aileen Campbell): The Scottish Government has regular discussions with Fife Council about what action it is taking to regenerate town centres across Fife. That has included its recent allocation of town centre fund investment of £4.3 million across towns in the authority area.

We want our towns and town centres to be vibrant, creative, enterprising and accessible. It is essential that we support town centres to become more diverse and sustainable, as they face the challenge of changing and evolving retail patterns. We will invest to deliver inclusive growth so that town and neighbourhood centres can be thriving places for communities to live in, work in and enjoy.

David Torrance: Several funds are available to councils and communities to be used for community projects, regeneration and conversion of retail properties to living accommodation. Will the cabinet secretary clarify whether any thought has been given to a multiyear central fund that would encompass all those initiatives, and which would include capital and revenue elements?

Aileen Campbell: I absolutely agree about the importance of multiyear funding in offering security to organisations. That is the approach that we have taken through our new investing in communities fund. I am happy to engage with David Torrance on his ideas for the funding model that he described, and to explore imaginative ways of converting retail properties into living accommodation. We understand that the multiyear funding model for communities is absolutely essential. Although there are no plans for a model such as he described, I am certainly happy to take on board his ideas and to build on the work that we have done through the investing in communities fund.

Alexander Stewart (Mid Scotland and Fife) (Con): In its report, "Hollow high streets: empty council owned commercial properties", the TaxPayers Alliance found that Scotland has 1,146 "vacant council-owned commercial properties" that cost £31.8 million to maintain. What measures will the Scottish Government put in place to encourage councils to bring those properties back into use, so that they can stop haemorrhaging precious funds that they require, because that is the highest number in any region of the United Kingdom?

Aileen Campbell: We continue to work and engage with local authorities in partnership. I have outlined some of the funding that we have given to local authorities through the town centre fund investment.

Ultimately, I think that we agree across all the political parties that we want our town centres to be vibrant. If there are things that we can do to ensure that gap sites in town centres can be filled, we will absolutely continue to have that engagement. We know that everyone, regardless of where they are in the country, wants their high streets to be vibrant, flourishing places for people to enjoy and spend their money in, in order to create the good places in which we want to live.

On top of the town centre fund that I outlined are a huge number of other funding streams that we work with local authorities on delivering. There is the regeneration capital grant fund and a whole host of other means by which we want to ensure that we have good places and spaces to live in.

Mark Ruskell (Mid Scotland and Fife) (Green): Business improvement districts are needed to regenerate our town centres, but we see too many BIDs being controlled by big businesses that are making controversial decisions on projects such as the landtrain in Stirling or, in the case of Dunfermline, shutting down the bid completely.

Does the minister share my concern that BIDs do not always act in the wider community interest? What reforms to membership can be put in place to make them more genuinely representative of the communities that they serve?

Aileen Campbell: I am aware of some of the BID issues in the Mid Scotland and Fife region. However, we should not look at BIDs in the negative way in which Mark Ruskell has contextualised them. BIDs continue to be key platforms for promoting local economic development, which is why we continue to support the good work that is moving forward.

Work is also being done on evolving the BID model to ensure a much more community-based focus, so that the views of people and businesses in a district can be fully represented. There are lots of great examples of people, communities and businesses working together to ensure that we create the thriving town centres that we all want across the country.

Mark Ruskell can write to me with ideas that he would like to take forward as we further evolve the BID model. We want to ensure that we receive representative viewpoints through the BID process and support people who continue to champion BIDs in town centres across the country, so that we create flourishing and vibrant town centres.

Population Shift (Housing)

5. Donald Cameron (Highlands and Islands) (Con): To ask the Scottish Government what assessment it has made of reports of a shift in the population from the west coast to the east over the next few years to access better housing. (S5O-03435)

The Cabinet Secretary for Communities and Local Government (Aileen Campbell): The Scottish Government has established a ministerial task group to consider Scotland's future population challenges, and to develop new solutions to address demographic and population change. The task group will look at a number of factors, including housing.

Donald Cameron: The cabinet secretary will know about the forecast long-term depopulation trend for Argyll and Bute. Given that the recently announced task group, which the cabinet secretary just mentioned, is made up of only Scottish ministers, will she reassure members that the group will consult widely and seek expert external opinion?

Aileen Campbell: I am glad that Donald Cameron welcomes the fact that we are looking at the issue that he described. He is right to point out population movement from the west to the east.

The task group is chaired by Fiona Hyslop. I am sure that, as it evolves, it will ensure that people and organisations can contribute their thoughts and views. The work that Fiona Hyslop is doing is aligned with the work that I am taking forward on developing a new housing system after 2021.

We will ensure that we are very consultative. We have already engaged with a huge number of expert groups and with the whole housing system, in its fullest sense. If Donald Cameron wants to raise particular issues in relation to the area that he represents that he thinks should be fundamental to the housing review, he should get in touch with me. I am happy to engage with him to ensure that our housing system works for Scotland in its widest sense, and that it addresses population issues such as he has articulated.

Inverclyde Council (Housing)

6. Stuart McMillan (Greenock and Inverclyde) (SNP): To ask the Scottish Government when it last met Inverclyde Council to discuss housing provision. (S5O-03436)

The Minister for Local Government, Housing and Planning (Kevin Stewart): Scottish Government officials' last meeting with Inverclyde Council to discuss housing provision was on 5 June. Scottish Government officials meet local authorities regularly throughout the year to discuss housing provision.

Stuart McMillan: Does the minister agree that, given that there is already strain on local infrastructure, as well as genuine safety concerns from the public, Inverclyde Council should reconsider its local development plan proposals to grind Kirn Drive, George Road and Larkfield Road to a halt? I would be more than happy to show the minister the proposals, if he wishes to visit Inverclyde in the summer.

Kevin Stewart: Given that Inverclyde Council's local development plan is before Scottish ministers, it would be inappropriate for me to comment on it. However, generally speaking, Scottish planning policy states that development should be aligned with transport infrastructure, and plans and decisions should

"take account of the implications of development proposals on traffic, patterns of travel and road safety."

Third Sector (Public Services Contracts)

7. Iain Gray (East Lothian) (Lab): To ask the Scottish Government what discussions it has had with the third sector regarding the impact on it of the findings of the report, "Handing Back Contracts: Exploring the rising trend in third sector provider withdrawal from the social care market", and its ability to contract a range of public services from local authorities. (S5O-03437)

The Cabinet Secretary for Communities and Local Government (Aileen Campbell): We know that change is needed in social care support. That is why, on 12 June, the Cabinet Secretary for Health and Sport launched a national programme with Councillor Currie, the Convention of Scottish Local Authorities' spokesperson for health and social care, to support local reform of social care support. The programme is being jointly led with COSLA, whose members are responsible for delivering and procuring those vital public services.

The Scottish Government is in regular dialogue with the Coalition of Care and Support Providers in Scotland and Scottish Care on a range of issues, including contracting, and they have had a central role in shaping the work that is required to improve the support and care that people require.

Iain Gray: It is good to talk, but perhaps the cabinet secretary will tell us exactly what measures the Government has in mind to address that growing trend, which threatens the sustainability of the social care model around our country.

Aileen Campbell: It is good to talk, but the Government is absolutely not just about talking. We have followed reform of social care with coherent action. Integration authorities manage £9 billion of funding that was previously managed separately by health boards and councils. We

have increased our package of investment in social care and integration so that it exceeds £700 million, which underlines our commitment to supporting older people and disabled people, and supports the commitment for the living wage to be paid.

We are committed to attracting and retaining the right people, and to raising the status of social care as a profession. I could go on to list a host of other actions that the Government has taken to support social care and the integration process, which are backed not just by warm words but by significant investment and significant progress.

The Presiding Officer: I will squeeze in question 8.

Council Services (Use of Reserves)

8. **Alison Harris (Central Scotland) (Con):** To ask the Scottish Government what its response is to “Local Government Revenue Provision Outturns and Budget Estimates”, which records councils using reserves to keep services running. (S5O-03438)

The Cabinet Secretary for Communities and Local Government (Aileen Campbell): The Scottish Government has provided local government with a real-terms funding increase in 2018-19 and 2019-20. We welcome the fact that that is reflected in the provisional outturns and budget estimates, which confirm that net revenue spending by local authorities increased by £292 million—or 2.4 per cent—in 2018-19. Net revenue and capital budget estimates have also increased by £497 million and £730 million respectively in 2019-20. Decisions to use reserves are—rightly—councils’ responsibility to take, when it is prudent and sustainable to do so.

Alison Harris: I think that we can all agree that, if councils have to spend from their reserves to provide everyday services, something is wrong. What assistance will the cabinet secretary offer local authorities to ensure that everyday services are funded through sustainable means and not from reserves?

Aileen Campbell: How it manages its day-to-day business and allocate its resources best is up to each local authority. The best advice that I can give to local authorities is that at least it was this Government, and not one that is led by Alison Harris’s party, that took the budget spending decisions. If we had followed the Conservatives’ tax plans, Falkirk Council’s budget, for instance, would be £14.4 million less. The Government’s decisions are going a long way to support the policies and processes of local authorities across the country, which are better off for it.

Social Security and Older People

Devolved Benefits (Face-to-face Assessments)

1. **John Scott (Ayr) (Con):** To ask the Scottish Government what progress has been made in developing new face-to-face assessments for new devolved benefits. (S5O-03439)

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

The consultation on disability assistance in Scotland, which closed on 28 May, set out the Scottish Government’s proposals on face-to-face assessments. The process of designing Social Security Scotland’s assessment service is under way and will be shaped by consultation analysis, engagement with experience panels and input from stakeholders.

We are committed to providing individuals with person-centred assessments that are delivered by suitably qualified assessors. Individuals will have greater choice and control over their assessment and will be treated with dignity, fairness and respect throughout.

John Scott: Will the Scottish Government give an assurance that the recruitment of mental health specialists for face-to-face assessments will not adversely impact on recruitment streams for other policy areas that require such specialists? Will every effort be made to avoid any such adverse impacts?

Shirley-Anne Somerville: As we move forward with our workforce planning for Social Security Scotland and for the assessments, we are mindful of the need to work not just for social security but across the Government and of the need to discuss such matters with the health directorate and with professional bodies, such as those for medicine. That work continues and I assure John Scott that we will be mindful of such issues as we undertake the final phases of planning for the disability assistance packages.

Maureen Watt (Aberdeen South and North Kincardine) (SNP): Many of us are aware of the often cruel and unnecessary assessments that the Department for Work and Pensions carries out. We have a chance to do things differently in Scotland with our new social security powers. Will the cabinet secretary confirm that, when assessments are needed, they will be delivered through Social Security Scotland and never through the private sector? Will assessments be flexible and be offered at a time and in a place that suit claimants?

Shirley-Anne Somerville: I am happy to confirm again that the assessments and any case management will be delivered by Social Security Scotland and that there will be no role for the

private sector in that. It is very important that, as we develop our system, we listen to the feedback from those who have gone through the United Kingdom system. They describe it as having created stress and trauma sometimes for those who are the most vulnerable in our society. That is exactly why we have to listen to that feedback and ensure that we do not repeat the same problems in our system. We are very clear that we will have a system that will allow people to be seen at a place and time that is convenient for them. That is the very least that they can hope for, but I reiterate that we are determined to reduce significantly the requirement for face-to-face assessments by using our case managers to ensure that we get the right decision with the right information before having to get to a face-to-face assessment at all.

Disability Assistance (Children and Young People)

2. Murdo Fraser (Mid Scotland and Fife) (Con): To ask the Scottish Government what progress it is making with preparing to commence the delivery of disability assistance for children and young people. (S5O-03440)

The Cabinet Secretary for Social Security and Older People (Shirley-Anne Somerville): We have made significant progress with the preparations for commencing the delivery of disability assistance for children and young people and are on track to deliver by the summer of next year, in line with our commitments. The development of the application process is well under way and it is being designed with the people of Scotland who are engaging in testing our designs on a frequent basis to ensure that it is as easy as possible for people to apply for disability assistance in Scotland.

Murdo Fraser: The motability scheme currently provides people who have disabilities with more independence and employability opportunities and it reduces social isolation. If we are creating an equivalent Scottish motability scheme, what plans are in place to ensure that there will be the necessary numbers of cars, scooters or powered wheelchairs in place for those who need them?

Shirley-Anne Somerville: Murdo Fraser has raised a very important issue and I am pleased to have the opportunity to provide reassurance on that aspect. We are ensuring that the motability assistance that is known through the United Kingdom system will be available. It is important that we do that, because the system has, as Murdo Fraser detailed, significant positive benefits for the individuals involved. We need to ensure that the same level of service that those people have been used to under the motability system is available to them once we have the devolution of the disability assistance benefit in Scotland. I hope

that that provides Murdo Fraser and members in the chamber with some reassurance that we are determined to provide that service as the benefits are devolved.

Universal Credit (Payment of Housing Element)

3. Jackie Baillie (Dumbarton) (Lab): To ask the Scottish Government what its response is to the Social Security Committee's recommendation that the housing element of universal credit should be paid directly to a landlord by default, with the option for a tenant to opt out. (S5O-03441)

The Cabinet Secretary for Social Security and Older People (Shirley-Anne Somerville): As part of the development of the universal credit Scottish choices in 2017, we worked directly with people in receipt of universal credit. The feedback from that was that people wished to have a choice about whether or not to have the housing costs in their universal credit award paid directly to their landlord. The evidence so far shows that almost 50 per cent of the people who have been offered the choices have taken up one or both. In other words, they have decided for themselves whether it works better for them to have their housing costs paid directly to their landlord.

Jackie Baillie: The cabinet secretary will be aware that the Scottish Association of Landlords welcomed the report last week and, in particular, backed the move to pay the housing element directly to landlords as the default. The cabinet secretary knows that that can reduce the risk for landlords and can secure tenancies by preventing arrears, and that it was backed overwhelmingly by those who gave evidence to the Social Security Committee and by the committee itself. Will the cabinet secretary support that recommendation and commit to allowing the money to go straight to landlords to ensure that Scotland's powers are used to the maximum effect to support and protect tenants?

Shirley-Anne Somerville: I appreciate where Jackie Baillie is coming from on the issue. However, as I said in my original answer, when we asked people who are directly in receipt of universal credit what they wanted to happen, they asked to have the choice. It is important that, as we build a system that works for the people who receive a service, their asks and requests are taken on board. I fully appreciate that the Scottish Association of Landlords and others, including the Social Security Committee, have asked us to look at paying the money directly to landlords.

As I said to the committee when the Scottish Government's response was being produced, it is important that we listen to the requests of individuals—not just those of landlords—and try to balance such judgments. We took that decision to ensure that the choice lies with the individual

initially. A review of UC choices is coming up at the end of this year, which it might be useful to look at. However, when we initially developed the project, the direct response was that people wanted to make that choice themselves.

Shona Robison (Dundee City East) (SNP): The report also showed that the five-week delay in claimants' receiving their first payments of universal credit has greatly increased rent arrears. Ineffective communication and poor exchange of information on the part of the Department for Work and Pensions has inevitably had a human cost. Does the cabinet secretary think that that is yet further evidence of the mishandling of universal credit under the Tory United Kingdom Government? Does she agree that it is unsustainable for the Scottish Government to continue to mitigate that Government's welfare cuts, which will reduce social security spending ability in Scotland by £3.7 billion?

Shirley-Anne Somerville: Shona Robison is right to highlight again the impact of the delays—which I may say are of a minimum of five weeks—in UC claimants receiving their first payments. As she also pointed out, that greatly increases rent arrears and has a severe impact on people, in terms of not only the lack of money but the stress that they go through at a very difficult time. Research conducted by the Convention of Scottish Local Authorities suggests that, between March 2016 and March 2018, rent arrears increased by an average of 26 per cent across all UC full-service local authority areas, which is highly concerning—not just for the individuals who are involved but for the landlords, too.

The Scottish Government is doing all that we can to mitigate the worst excesses of the UK Government's policies—for example, in 2019-20 we will spend more than £125 million in doing so. However, as Shona Robison rightly pointed out, the scale of the challenge—some £3.7 billion—is such that it would be simply unsustainable for any Government to be able to mitigate it fully.

Carers Allowance Supplement (Glasgow Maryhill and Springburn)

4. **Bob Doris (Glasgow Maryhill and Springburn) (SNP):** To ask the Scottish Government how many carers are in receipt of the carers allowance supplement in the Glasgow Maryhill and Springburn constituency. (S5O-03442)

The Cabinet Secretary for Social Security and Older People (Shirley-Anne Somerville): Figures are not available for individual constituencies, but I can say that 13,475 carers in Glasgow are currently in receipt of the carers allowance supplement. This week, the third payment of the supplement since we introduced it

in September 2018 was made to carers in Scotland. As a result of the supplement, carers who are eligible for both payments in 2019-20 will receive an extra £452.40, in recognition of the significant contribution that they make.

Bob Doris: I am pleased that the Scottish Government will also be providing extra financial support for young carers in Scotland, which will be the first of its kind in the United Kingdom. How will the cabinet secretary ensure that all those who qualify for the young carers grant will receive it? Does she agree that it is important that they do so, given the huge contribution that young carers make?

Shirley-Anne Somerville: I absolutely agree with Bob Doris that young carers make an invaluable contribution to our society, which is why we are determined to do all that we can to maximise the take-up of the young carers grant. As is the case for all payments made by Social Security Scotland, bespoke communications packages will drive the take-up strategy for the grant. Those communications will have to be balanced for the purposes of the grant, to ensure that we target them directly at young carers themselves and their families and friends who support them, and the application form will be available in multiple formats to cater for all disability and accessibility needs.

Mark Griffin (Central Scotland) (Lab): Carers and their organisations would like to see changes being made to the carers allowance, such as the removal of the restriction on studying, and changes to the earnings threshold and the restrictions on the number of people being cared for. Will the cabinet secretary set out the Government's ambition for changes to the carers allowance when the agency arrangements with the Department for Work and Pensions come to an end?

Shirley-Anne Somerville: We will ensure that we will hold a full public consultation to discuss all the possible changes that could be made and that people want to see to the carers allowance. We are delivering that through an agency agreement with the DWP. Again, the reason for that was to ensure that the first action that the Scottish Government took through the new Social Security Scotland agency—within its first couple of weeks of opening—was to deliver the carers allowance supplement directly to carers, ensuring that we got money into carers' pockets as quickly as possible.

Wave 2 Benefits (Cost of Delivery)

5. **Gordon Lindhurst (Lothian) (Con):** To ask the Scottish Government what reviews it has carried out of the cost of delivering and implementing wave 2 benefits. (S5O-03443)

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

The social security programme-level business case is currently being reviewed and will be finalised shortly. We recently completed an internal review of the finance function of the social security programme, the focus of which was on ensuring that our financial arrangements are evolving in line with the complexity of the programme. An update on implementation costs will be provided to Parliament in due course.

Gordon Lindhurst: Could we have a more precise timetable for when the update will be provided to Parliament?

Shirley-Anne Somerville: As I hope that Gordon Lindhurst appreciates, we have only very recently closed the consultation on disability assistance. We need to analyse the responses to that consultation, because the policy decisions that will flow from it might have implications for the reviews that he spoke about. It is important that the analysis work is completed so that it can feed into the review work, which will ensure that the update is as comprehensive as possible.

**Older People's Services
(Dumfries and Galloway Council)**

6. Finlay Carson (Galloway and West Dumfries) (Con): To ask the Scottish Government what its response is to reports that services for older people in Dumfries and Galloway are facing an in-year deficit of £6.85 million. (S5O-03444)

The Minister for Older People and Equalities (Christina McKelvie): That is a matter for Dumfries and Galloway Council. However, working with Dumfries and Galloway integration joint board and NHS Dumfries and Galloway, the council is committed to developing a recovery plan that systematically reduces the deficit without reducing capacity by redesigning services and delivery and investing in quality, sustainable care.

It is not unusual for integration joint boards to begin the year with a variance against budget and for that to reduce throughout the year as savings plans are developed and expenditure patterns become clearer.

Finlay Carson: Over the past 20 years, Dumfries and Galloway's population of people aged 75 and over has risen by 43 per cent. Over the next decade, that population is projected to rise by a further 28 per cent. With demands for services increasing and major problems with the recruitment of the required staff for the region, how will the Scottish Government support Dumfries and Galloway's health and social care partnership in laying out its plans to continue to provide and protect vital services and to make them on a par with those of the rest of Scotland?

Christina McKelvie: That is a really interesting question, which, as Minister for Older People and Equalities, I take a huge interest in. We have an ageing population that will demand more services as we move through the next few years.

On the specifics of Dumfries and Galloway and the progress that has been made in the integration of its health and social care services, all health and social care partnerships completed a self-assessment on their current position on 15 May 2019, and those assessments will go some way towards helping us understand what the pressures are.

Ensuring that individuals at home and in homely settings get quality, sustainable care requires a whole-systems approach, and we are working really hard to ensure that that happens. The self-assessment approach that is being taken by joint integration boards will provide us with information that we will plug into the work that we are doing on the older people strategy and other strategies that work alongside it so that, in the future, we can ensure that we provide the best care for all our older people and the best support to their representative organisations.

Annabelle Ewing (Cowdenbeath) (SNP): In Finlay Carson's constituency and around Scotland, tens of thousands of Scots who are over 75 will be left worse off as a result of the United Kingdom Government scrapping the free television licence. Does the minister agree that, after years of Tory austerity, the last thing that our older people need is more money being taken out of their pockets by the Tories?

Christina McKelvie: Annabelle Ewing will not be surprised that I totally and utterly agree with her. When I attended the Scottish Pensioners Forum conference just two weeks ago, that was a hot topic on the agenda.

The UK Government has shirked its responsibility to support older people and pushed it on to the BBC, which is an absolute abdication of its responsibility in regard to a welfare policy. The plan to link the TV licence to pension credit will fail to help many vulnerable people, because many do not claim it. The policy is an attack on our older and most vulnerable people, many of whom are already socially isolated. Perhaps the two prime ministerial candidates should make the commitment to reverse the disgraceful decision that was taken on TV licences for over-75s.

Loneliness Among Older People (Support)

7. Miles Briggs (Lothian) (Con): To ask the Scottish Government what action it is taking to support third sector groups to help address loneliness among older people. (S5O-03445)

The Minister for Older People and Equalities (Christina McKelvie): I am delighted to tell Miles Briggs—no doubt he will have already realised how delighted I am—that we have launched a connected Scotland, our national strategy for tackling social isolation and loneliness and building social connections. The strategy recognises the vital contribution of the third sector in supporting all vulnerable groups, including older people, in tackling these issues.

There are a number of third sector organisations on the national implementation group, which I am chairing. The group meets this week and we are looking forward to working on the strategy at that meeting. Many of the organisations that deliver those services, including the Scottish Pensioners Forum and Age Scotland, will be part of the implementation group. We are also supporting a number of third sector organisations that do vital work in this area, including through giving funding to Age Scotland for its Silver Line Scotland service and its shed effect scheme.

Miles Briggs: I welcome the publication of the connected Scotland strategy. Can the minister outline to Parliament how local groups can help to build capacity? Here in my region of Lothian, for example, we have groups such as Vintage Vibes, Health in Mind and Contact the Elderly. How will the strategy work to help them to reach out to more people who are affected by loneliness?

Christina McKelvie: That is a key theme of the work of the implementation group. When we compiled the strategy, many local groups gave us their thoughts on how they can take part in the process. We know absolutely that none of this will work out there in the community unless the community is involved and has been brought into it. We have invited them all to take part. I have been on loads of visits in order to understand what those groups think about this. The member will understand how important that is.

I also chair the older people's strategic action forum. Alongside the social isolation and loneliness strategy, we have the older people strategy, the key themes of which are about how we ensure that communities can provide and sustain services, and that services are made by communities for those communities. A perfect example is the football memory scheme, which celebrated its 10th anniversary recently and which I visited last week. It has gone into partnership with NHS Greater Glasgow and Clyde to network all the work that it does on football memories, which has a great impact on older people.

If Miles Briggs has organisations in his area that want to talk to me about the issue, I ask him to please let me know, because the more ideas I hear, the more we can reflect them in a policy that meets the demands of the people.

The Presiding Officer: My apologies to Liam Kerr. We do not have time for any more questions on that portfolio.

Finance, Economy and Fair Work

Glasgow Airport Ltd (Meetings)

1. **Neil Bibby (West Scotland) (Lab):** To ask the Scottish Government when the finance secretary last met Glasgow Airport Ltd to discuss the economy and fair work. (S5O-03447)

The Cabinet Secretary for Finance, Economy and Fair Work (Derek Mackay): I had a telephone discussion with Glasgow Airport Ltd on 7 May to discuss matters relating to my role as Cabinet Secretary for Finance, Economy and Fair Work. I also attended a meeting with Glasgow Airport Ltd on 17 June, in relation to constituency business.

Neil Bibby: The cabinet secretary will be aware of the on-going industrial action at Glasgow airport, where hundreds of workers, many of whom are our constituents, are striking for fair pay and to stop the closure of their pension scheme.

Unite the union members are understandably frustrated that an airport that is posting pre-tax profits of over £90 million will not invest a fair share of those profits in its workforce and bring this dispute to an end. They are also concerned about reports in the *Sunday Post* that the use of strike-breaking labour is putting public safety at risk, with 95 suspicious items slipping through security on each of the first two days of strike action.

What will the Scottish Government do to help to resolve the dispute and to ensure that airport workers and the travelling public are kept safe?

Derek Mackay: Safety and security in aviation are absolutely paramount; there should be a focus on that and no standards should be lowered.

Mr Bibby is aware, of course, that the Scottish Government does not have a role in the dispute. I understand that there have been talks. I hope that those talks will continue and that a resolution can be found, to the satisfaction of all, not least the workforce, so that operations can return to normal and issues can be addressed. Although the Scottish Government does not have a role in this and is not a party to the dispute, I am happy to engage as cabinet secretary if and when that is appropriate.

Jamie Greene (West Scotland) (Con): If Glasgow airport is to grow at the rate at which it plans to and employ the increased number of people that it wants to, that will put severe strains on infrastructure. Airport connectivity must be improved. The cabinet secretary will be aware of

the Glasgow connectivity commission's recommendations. Will the Scottish Government reply formally to any of those recommendations? How will the cabinet secretary help to support growth and jobs in the Renfrewshire area and beyond?

Derek Mackay: Of course, that will be done within the bounds of the decent standards of politicians and the ministerial code of conduct. Glasgow airport is in my constituency and resources will be allocated as appropriate rather than the airport being given preferential treatment because the Cabinet Secretary for Finance, Economy and Fair Work represents the area.

I agree with the underlying premise of the comments and questions. Do I agree that we should ensure that the airport has the best possible connectivity and infrastructure? Yes, I agree. The city deal partners are considering the issues in relation to the best form of surface access. The resources from the city deal are still there and there is still a timetable that can be delivered on. The work of the Glasgow connectivity commission is also interesting.

To do all that work would entail rather a substantial price tag. As such, what can be delivered should be considered methodically. Some of the recommendations are different from projects that are under way. Proper analysis is required, but it is more appropriate for transport and infrastructure ministers to respond than the finance secretary. Nonetheless, I of course want to ensure that the infrastructure is there to grow our economy and to ensure that the airport has a dynamic and successful future. I certainly pledge to undertake that role.

Shared Prosperity Fund

2. Kenneth Gibson (Cunninghame North) (SNP): To ask the Scottish Government whether the United Kingdom Government has provided it with details about the shared prosperity fund, which it claims will replace European structural funds, post-Brexit. (S5O-03448)

The Minister for Trade, Investment and Innovation (Ivan McKee): Despite pressing the UK Government on its proposals for the shared prosperity fund, and stressing that any new arrangements must be co-designed with the devolved Administrations, no details have been provided. As such, we continue to develop our own thinking on future funding arrangements, and we will engage with lead partners, delivery bodies, individuals and communities across Scotland to inform our thoughts. To enable that, I confirmed this morning that we will undertake our own consultation—which will be overseen by an external steering group—to develop a coherent

and robust position to ensure that the best interests of Scotland are met.

Kenneth Gibson: In response to a question from Patricia Gibson MP, the Prime Minister said that European structural funds

“will indeed be replaced by the shared prosperity fund ... The Government will be consulting before the end of the year”.—[*Official Report, House of Commons*, 5 December 2018; Vol 650, c 890.]

That referred to the end of last year. What are the implications of a delay in taking forward that new fund?

Ivan McKee: The Scottish Government has not been consulted on the issue. The lack of consultation and subsequent delay have the potential to have significant social and economic impact on local communities and projects, including third sector groups across Scotland that receive support through the current European structural funds programme. The Scottish Government, Wales and Northern Ireland must be equal partners in co-designing any system to replace European funding after Brexit. The UK Government must not impose a system on the nations of the UK.

Richard Leonard (Central Scotland) (Lab): The Industrial Communities Alliance said that the allocation of the funds within devolved nations should be a matter for devolved Governments. Will the minister share with us what the allocation formula would be were the Scottish Government in charge of that fund?

Ivan McKee: The Scottish Government's position is that the amount that comes to Scotland under the new shared prosperity fund should be absolutely no less than what we currently receive under UK programmes. That is our position, and we are pushing the UK Government to confirm that there will be no detriment or loss of funding for Scotland under the shared prosperity fund.

Apprenticeships

3. Alexander Burnett (Aberdeenshire West) (Con): To ask the Scottish Government what progress it has made since August 2018 on increasing the number of foundation, modern and graduate apprenticeships that are offered and taken up. (S5O-03449)

I refer members to my entry in the register of members' interests regarding apprenticeships.

The Minister for Business, Fair Work and Skills (Jamie Hepburn): Official statistics that were published on 11 June 2019 show that there were 28,191 new apprenticeship starts in 2018-19, including 921 graduate apprenticeships. That was an increase from 2017-18 when there were 27,145 modern apprenticeship starts, which represented

an increase from the year before when there were 26,262 such starts and 278 graduate apprenticeship starts.

Work is under way to expand the offer by providing 29,000 new starts in 2019-20, including up to 1,300 graduate apprenticeships. In 2018, 2,600 foundation apprenticeship opportunities were made available across 12 frameworks, and 5,000 opportunities are available for 2019.

Alexander Burnett: I thank the minister for that answer. Last month, the Scottish Conservatives set out our policy to introduce a skills participation age, which would make it law that everyone up to the age of 18 has to go to school, college or university, or, if they want to start work, to do so through a structured apprenticeship or traineeship. The think tank Institute for Public Policy Research Scotland backs that policy to close the massive worker shortage by 2030. Will the minister clarify whether the Scottish National Party Government will support such a policy?

Jamie Hepburn: We will do what we are continuing to do in delivering success for young people. In the labour market in Scotland, we now have record levels of employment, a record low in unemployment and better performance in relation to youth unemployment. We have the upward trajectory of modern apprenticeships, to which I have just referred. We have record levels of positive destinations. That suggests to me that the system that we have is working well. Of course, we seek to refine and improve it and we will continue to do that through the developing the young workforce agenda, the Scottish learner journey review, the future skills action plan and the national retraining partnership, which I will be taking forward.

The Presiding Officer: Question 4 was not lodged.

Income Tax (Higher-rate Threshold)

5. **Patrick Harvie (Glasgow) (Green):** To ask the Scottish Government what implications would arise under the fiscal framework if the United Kingdom Government made a significant rise in the threshold for the higher rate of income tax. (S5O-03451)

The Cabinet Secretary for Finance, Economy and Fair Work (Derek Mackay): The net impact on the Scottish budget will depend on how any tax cut is funded. All else being equal, a reduction in income tax receipts for the rest of the UK would result in a positive adjustment to the Scottish block grant. However, if it was funded through spending cuts, there could be a negative knock-on effect through Barnett. I strongly caution the incoming Chancellor of the Exchequer against using any

reserved tax increases in Scotland to fund tax cuts for the rest of the UK rich.

Patrick Harvie: Its advocates have promoted that policy on the basis of the spurious concept of fiscal drag, which ignores the fact that people will be paying more tax only if they are earning higher incomes. If it is implemented, it will inevitably lead to more pressure from people with a similar mindset calling for reductions in taxation for high earners in Scotland. Does the cabinet secretary agree that we must be resolute in saying that we will not move one inch in that direction? For example, any MP or MSP who advocates that policy could be fairly accused of naked self-interest.

Derek Mackay: MPs will make the decision on national insurance contributions and the RUK income tax system. Because of the fiscal framework, the UK fiscal and tax policies will impact on ours. However, I agree with Patrick Harvie that, at this or any point in time, it is perverse to focus on tax cuts for the richest in society in order to stimulate the Tory membership rather than to stimulate the economy. We set out four tests on income tax policy, which I would apply to future decisions. They will not listen to us on any matter but I urge any incoming Tory chancellor to resist the urge just to pander to the Tory membership and, instead, make tax decisions that are right for the country. Surely, such decisions would support a more progressive regime with a fairer system of income taxation that could also invest in the public services and in the fairness of our country.

Murdo Fraser (Mid Scotland and Fife) (Con): The cabinet secretary talks about the Tory membership, but today, according to the Fraser of Allander institute, the Scottish National Party's £500 million tax raid on hard-working Scottish families has not raised an extra penny for public services. It has all disappeared into the black hole that has been created by income tax receipts growing more slowly than was expected. What will the cabinet secretary do about that problem? With the powers at his disposal, how will he fill that gap?

Derek Mackay: I have addressed the issues that we have and the figures that must be reconciled at committee and through the medium-term financial strategy. Whether it is cyclical or structural, deepening inequality across the whole UK is driving faster wage growth for those at the top of the system. Even under that circumstance, it is perverse for a prospective Tory Prime Minister to be looking at how to give further tax cuts to the richest in society.

In relation to the figures that have been outlined, the benefit of having a devolved income tax system is that we can make income tax fairer, as

we have in Scotland, where 99 per cent of people are paying less tax in the current financial year than they were in the previous financial year. Fifty-five per cent of taxpayers are paying less in Scotland than they would pay if they lived south of the border. If we had followed the previous tax position of the Tories, it would have cost public services half a billion pounds, whereas our tax policies will raise that extra half a billion pounds.

Half a billion pounds would have been taken from Scotland's public services to pay for the most recent round of tax cuts that the Tories proposed, never mind the next round of tax cuts for the richest in society. As always, I will balance Scotland's finances in a competent and prudent way.

James Kelly (Glasgow) (Lab): Given the shortfall in tax revenue of £1 billion that the Scottish Fiscal Commission has forecast and the potential impact on the Scottish budget, it is disappointing that the cabinet secretary's medium-term financial strategy has been described as "inadequate". Does he not think that it is time that he rewrote the financial strategy to take account of the tax forecasts and to outline how the Government will meet the key policy targets of funding public services, tackling poverty and reducing climate change emissions?

Derek Mackay: The medium-term financial strategy takes account of the SFC's taxation forecasts, and it will do so again at the next fiscal event—the Scottish budget—at which point we will set out how we will approach the reconciliation issues and some of the other issues that James Kelly referenced. I gave evidence to the Finance and Constitution Committee on the medium-term financial strategy. I think that I was there for about two hours, and I would happily have stayed longer if members such as Mr Kelly and Mr Fraser had had further questions.

James Kelly: What about answers?

Derek Mackay: I know that Mr Kelly and Mr Fraser liked the answers so much that they will be able to hear them again at some point in the future, but I probably do not have time to do them justice here and now.

I have outlined that the options that we have in relation to income tax reconciliation include looking at the wider financial envelope, which is driven by UK tax and fiscal policy—the Barnett settlement for Scotland still makes up the majority of the funding that the Scottish Parliament and the Scottish Government have—and the borrowing powers for forecast error. Members should bear it in mind that the income tax reconciliation figures are about forecast error. Going forward, we look at how we can grow our economy. The SFC's report and the Fraser of Allander institute's commentary

say that the greatest challenge and threat to Scotland's economy at the moment is Brexit. If we are to grow our economy, Brexit needs to be averted. That would lift the overall economic forecast for Scotland.

We will take a range of other spending decisions, not least on inequality and poverty. We are getting on with the day job while others are totally misdirecting their efforts towards the Brexit catastrophe.

Third Sector (Value)

6. Brian Whittle (South Scotland) (Con): To ask the Scottish Government what the value of the third sector is to the economy. (S5O-03452)

The Minister for Public Finance and Digital Economy (Kate Forbes): The Scottish Council for Voluntary Organisations estimates that the third sector contributed more than £5.5 billion to the Scottish economy in 2016-17. The sector employs more than 107,000 people. In addition, the value of formal volunteering is estimated to be around £2.2 billion per year.

Brian Whittle: Given the third sector's significant value to the Scottish economy, which the minister has just noted, how is investment in the third sector evaluated? Does she agree that further investment in the third sector would be cost effective and would further benefit the Scottish economy?

Kate Forbes: I agree that we need to support and fund the third sector, and the Scottish Government is already doing that—the budget for the third sector in 2019-20 has been set at £24.9 million. New investment is necessary because of the great work that the third sector does in tackling poverty and mitigating United Kingdom Government welfare changes, which has been particularly important over the past few years.

We will continue to invest in the third sector, we will continue to commit to providing multiyear funding and we will continue to invest in the investing in communities fund. We will do that because of the growing inequality, which, of course, tax cuts at the top do nothing to address.

Publicly Owned Energy Company (Budget Allocation)

7. Dean Lockhart (Mid Scotland and Fife) (Con): To ask the Scottish Government how the finance secretary determined the budget allocation for its proposed publicly owned energy company. (S5O-03453)

The Minister for Public Finance and Digital Economy (Kate Forbes): The allocation of individual portfolio budgets is a matter for the relevant portfolio ministers, and each of those

budgets is subject to consideration by the relevant committee as part of the budget scrutiny process.

Dean Lockhart: The establishment of a publicly owned energy company was first announced by the First Minister almost two years ago. However, according to the most recent update from the Scottish Government, that energy company has not even passed a feasibility assessment. Is this another example of the Scottish National Party overpromising and underdelivering on a flagship policy?

Kate Forbes: On the contrary, this is an example of the SNP thinking innovatively and trying to tackle some of the deep-seated issues that affect our society. We recognise that a new energy company could do a lot to tackle fuel poverty, promote consumer engagement in energy matters and, over time, contribute to economic development opportunities, which, I think, Dean Lockhart supports.

Claire Baker (Mid Scotland and Fife) (Lab): I hope that a publicly owned energy company will show a commitment to the Scottish supply chain that will support companies such as Burntisland Fabrications. Is the minister seeking a meeting with EDF, and does the Government intend to involve the trade unions in that meeting?

Kate Forbes: I know that Derek Mackay, the Cabinet Secretary for Finance, Economy and Fair Work, has met EDF.

Citizens Assembly of Scotland

The Deputy Presiding Officer (Linda Fabiani): The next item of business is a statement by Michael Russell entitled “Progress on Establishing the Citizens Assembly of Scotland, Scotland’s Constitutional Future.” The cabinet secretary will take questions at the end of his statement, so there should be no interventions or interruptions.

14:31

The Cabinet Secretary for Government Business and Constitutional Relations (Michael Russell): On 24 April, the First Minister announced a range of actions to take forward consideration of Scotland’s constitutional future. I updated the chamber on progress on 29 May and I am pleased to honour the commitment that I made at that time to do so again before recess.

Events over the past two months indicate that the questions over our constitutional future are becoming ever more urgent. In April, Donald Tusk urged the United Kingdom Government not to waste the additional time that had been agreed by the EU 27. However, that is, of course, precisely what the UK Government has done. It is 11 weeks since the House of Commons last voted on Brexit; two months since it last looked at a Brexit statutory instrument; and four weeks since it heard a Brexit statement.

The reality of this Brexit chaos is still being denied. That is a denial that led, *inter alia*, to European elections in which many thousands of our fellow European Union citizens were denied their democratic right to participate. Only after her party’s historic drubbing in those elections did the Prime Minister face up to the clear, unavoidable truth—the truth of her being completely incapable of delivering Brexit.

However, Tory truth is not infectious, and those who are now vying to replace her are indulging in the very same fictions and fantasies. Boris Johnson is determined to keep a no-deal exit from the EU, regardless of the consequences, on the table, and Jeremy Hunt insists that he can secure changes to the Irish backstop. However, none of the solutions that is being offered by this tiresome twosome is in any way real. All of them have been ruled out again and again by the EU itself. There is no doubt—no doubt at all—that the withdrawal agreement will not be reopened. Against that backdrop of chaos and the threat to Scotland’s interests, I assure the chamber that we will continue to consider whether the Referendums (Scotland) Bill should be accelerated and, if required, we will return to that issue after the recess.

It is clear that a growing number of people in Scotland are seriously considering the issue of independence in the light of the Brexit disaster and the Tory leadership debacle. This Government was itself elected on a clear mandate that was triggered three years ago when the people of Scotland voted overwhelmingly to remain in the European Union—a mandate that was endorsed by a vote in this Parliament. This Government—like the majority of parties in this Parliament, of course—will continue to do whatever we can to halt the rush towards the catastrophe of a no-deal Brexit. Working with other parties, we will continue to campaign for a people's vote on EU membership, with the option of remain on the ballot, which is a step that the people of Scotland overwhelmingly supported in the EU elections.

In her statement on 24 April, the First Minister invited all the parties to work with the Government to explore what common ground there may be between us on changes that are needed to equip Scotland with the powers that it must have for the future.

Essentially, that gives all the parties in the Parliament the chance to say what solutions to the current constitutional crisis they would bring forward short of independence. We continue to engage seriously with the UK about such matters, too. For example, we do so through the very unsatisfactory medium of the joint ministerial committee, which will meet again this Friday in the margins of the British-Irish Council in Manchester. I am grateful to the three parties that have indicated their willingness to undertake exploratory discussions to put forward their views. I regret that the Liberal Democrats have declined the opportunity so far, but it remains open and will always do so.

Let me focus on the third initiative that the First Minister announced: the establishment of the citizens assembly of Scotland. Citizens assemblies are becoming an established way for mature democracies to engage with complex and contested issues on an inclusive, informed and respectful basis. That is what we want for Scotland. I was delighted that, last week, we were able to hold a series of events in the Parliament to talk about the issue. I again extend my thanks to Art O'Leary and Sharon Finegan, the secretaries to the constitutional convention and the citizens assembly in Ireland, and to Anthony Zacharzewski from the Democratic Society, for making the time to share their knowledge and expertise with us. I was sorry that I was not able to be present, owing to illness.

The Parliament is rightly proud of the first 20 years of our reconvened existence, but democracy does not stand still and we have to keep innovating in order to keep moving. When we see,

in the Brexit issue, a complete breakdown in trust between politicians and people, surely it should inspire all of us, no matter our political allegiance, to find new ways to bring politicians and people together to resolve deep-seated division.

The Government is determined to ensure that the people of Scotland are supported to make choices about their future with full access to the facts that they need. We want to encourage people to listen to and learn from one another, including those with whom we might otherwise profoundly disagree, and that is what citizens assemblies can do. However, we are also learning about the whole process, so it is right that we should move forward a step at a time.

It is important to establish at the outset a clear set of principles that will underpin the work of the assembly, and I can confirm those principles today. The first is independence from Government, which will be achieved through the appointment of impartial and respected conveners, an arm's-length secretariat and expert advisory groups. The secretariat will be located outside Scottish Government offices. In addition, we intend to establish a politicians panel for the assembly to call on as it wishes, so that all the parties in the Parliament and not just the Government are a resource for the work of the assembly.

A second principle is transparency. That will apply at all levels of the operation of the assembly, from the framing of the questions, to the selection of members and expert witnesses, through to proactive publication and live-streaming of deliberative sessions and clarity about what the outputs will be used for.

A third is inclusion, which will extend not just to who is invited to take part as members but to the operations of the assembly itself.

A fourth is access. The wider public must be able to see and comment on the work of the assembly, and stakeholders must feel that they and their interests have a route into the assembly.

A fifth is balance. The information that is used to build members' and the wider public's learning must be balanced, credible and easily understood.

A sixth is cumulative learning, which will be embedded into the design of the assembly to ensure that members develop a rich understanding of the issues considered and have time to do so.

Finally, there is open-mindedness. The assembly will be a forum for open-minded deliberation between participants, ensuring that the public see it as a genuine process of inquiry and to help ensure that it receives an open-

minded response from the Parliament and the Government.

I have touched on the role of conveners. The Government is determined that the assembly will be led by people who are trusted and respected across the political spectrum. I say “people” because I am committed to having more than one person undertake the role in order to ensure gender balance and to bring a richness of skills and experience to the role. The conveners will be responsible for stewarding, convening and representing the assembly.

Having spoken to a wide range of people about the role, including seeking views of MSPs and suggestions from across the parties in the Parliament, I am delighted to be able to confirm today that David Martin has agreed in principle to take on one of the roles. David is one of the most widely respected members of the European Parliament, not just in Scotland but across the European Union. His long service in the European Parliament has been widely recognised and praised. Discussions are continuing with other individuals who are interested in serving as the co-convenor, and I will make a further announcement, including updating MSPs, in due course.

At the heart of the assembly are its members. On 14 June, we launched the invitation to tender for member recruitment. One hundred and twenty members of the public will be randomly selected to serve. The tender will ensure that the membership will be broadly representative of Scotland’s adult population according to age, ethnic group, socioeconomic background, geography and political attitude.

Members will be drawn from those who are eligible to vote under the new franchise and able to attend all the formal assembly sessions. I hope that serving as a member of the assembly will be seen as a privilege, but it is also a responsibility and a commitment. The assembly will meet over six weekends from late autumn to spring, which is in line with practice elsewhere.

We are also doing all that we can to ensure that the assembly is as accessible as possible. That includes our meeting all reasonable expenses that are incurred, including caring expenses. However, we can do more. Learning from the experience of other assemblies and in line with the advice that we have received, in recognition of the time and effort that it will take to be involved, we will also offer a small honorarium for participation.

I turn to the remit. The First Minister set out in her statement three broad questions that the assembly should consider. What kind of country are we seeking to build? How can we best overcome the challenges that we face, including those that arise from Brexit? What further work

should be carried out to give the people the detail that they need to make informed choices about the future? In our engagement with experts and practitioners, we have heard a range of views on the remit that is required to take those questions forward. We have also heard about the importance of leaving the assembly sufficient space to determine its own path while also being clear to the assembly about where decisions are for this Parliament and for the wider public to take. I think that it is fair to recognise that the conveners, working with the assembly members, should and will reflect on those views as part of the process. It is important that the assembly is clearly seen to be independent when reflecting on the debate that Scotland needs. That work will be completed with the co-conveners and a remit will be published over the summer. I will ensure that members are kept informed at all stages and, as always, my door is open.

We need to establish the citizens assembly of Scotland carefully, thoughtfully and progressively. Over the summer, we intend to engage widely, to promote the assembly and to encourage those who are invited to participate. A dedicated website for the citizens assembly will go live this afternoon and it will grow to contain all the information regarding the assembly and its work. It can be found at citizensassembly.scot.

However, more important than anything else is that, within the remit that will be set out and with expert support, members of the assembly, once they are in place, will be free to explore the matters that are entrusted to them as they see fit. It is right that the assembly will set many of its rules and procedures and decide how to operate.

I know that politicians in this Parliament and beyond will respect not just a fair process but those who are engaged in the process. We must also ensure that, as far as is practicable, we respect the outcome, so I confirm that, when the first citizens assembly for Scotland concludes, the Government will ensure that its recommendations contribute to—and are seen to contribute to—positive steps towards a better collective future. That commitment extends to reviewing and learning from the process and considering whether citizens assemblies should become part of the next 20 years of Scotland’s story.

The Deputy Presiding Officer: The cabinet secretary will now take questions on the issues raised in his statement, for which I will allow about 20 minutes.

Adam Tomkins (Glasgow) (Con): I thank the minister for early sight of his statement and I welcome him back to his seat. I know that he has been unwell and I wish him a full recovery. I also thank him for the arrangements that he made last week for engagement with Art O’Leary, Sharon

Finegan and others with direct experience of citizens assemblies in Ireland. That was a useful process.

My view is that there is a role for citizens assemblies in Scotland. Wherever possible, we are governed by representative parliamentary democracy, but there are some issues of public policy that parliamentary democracy has failed or is struggling to address and resolve in Scotland. Effective preventative spend is one and long-term social care for the elderly is another. Critically, there is cross-party agreement or, probably, all-party agreement that those are massive and pressing issues of public policy that we as a Parliament struggle with. Were such matters to be handed to a citizens assembly, that might well be an innovation that was worthy of support. Sadly, however, that is not what the SNP proposes. What it proposes is yet another national conversation on Scotland's constitutional future. We have heard it all before, and here we go again.

Last week, we learned that one of the lessons from Ireland is that, to be effective, citizens assemblies need cross-party buy-in at the beginning of the process. This one does not have that. This is not a genuine attempt at a citizens assembly in Scotland. It is a nationalist stunt to kick-start the conversation about independence. As such, I am afraid that we will have nothing to do with it, and I urge all unionists in Scotland to see it for what it is and give it a wide berth.

The Deputy Presiding Officer: Was there a question, Mr Tomkins?

Adam Tomkins: No, Presiding Officer.

The Deputy Presiding Officer: Your call, cabinet secretary.

Michael Russell: I regret that remark from Adam Tomkins—it is entirely contrary to what I have said and the information that has been provided. I hope that, in time, the Scottish Conservative Party will realise the importance of looking at this issue.

It is a little rich for Adam Tomkins to condemn the Scottish National Party for some sort of constitutional obsession, given that it was the Conservatives who encouraged the European referendum to take place three years ago, which has led to the most extraordinary constitutional crisis in my lifetime. It is not enough for Mr Tomkins to pretend that that crisis does not exist or to try to brush it under the carpet. In my statement, I gave some statistics on how the House of Commons has been paralysed by Brexit. There is also the extraordinary spectacle of two people who, to be frank, I would not send for the messages vying to be Prime Minister. Given all those circumstances, I think that Adam Tomkins has taken the wrong view. I hope that he will

change his mind, because the citizens assembly is designed to help Scotland not hinder it, which I hope the Scottish Tories would see as their aim too.

Claire Baker (Mid Scotland and Fife) (Lab): I thank the cabinet secretary for advance sight of his statement. I welcome the appointment of David Martin as one of the co-conveners of the assembly and wish him well in his role.

I welcome the principles for the assembly of autonomy from Government and open-mindedness. However, to have announced a citizens assembly at the same time as a referendum bill has certainly created the impression that the Government has already provided the answer. How will the Government ensure a genuine process of inquiry when it has already framed the process within its desired referendum?

I welcomed meetings about the Irish experience last week. However, there has been no meaningful parliamentary scrutiny of the announcement here, unlike the way in which legitimacy was achieved in Ireland through a parliamentary vote and the ability to amend. Would it not be in the interests of the citizens assembly to work to a more realistic timetable and allow for parliamentary scrutiny after recess?

Given that context, we will offer a degree of support, provided that the Government can prove that the citizens assembly is free from its ambition for another referendum and that Parliament has an opportunity to scrutinise the terms of reference and the assembly's remit.

Michael Russell: I welcome that more positive response. I am happy to continue to provide evidence that the assembly is a free-standing independent initiative. I was glad, for example, that my old university friend Gordon Brown recently welcomed it. I am grateful for that, and I know that he has views about how the citizens assembly should go forward. I make the offer here today that, if he wishes to discuss it with me—along with Claire Baker or on his own—I am very happy to have that conversation.

The important thing is to get on and do things. I stress—I know that Claire Baker recognises this—that we are in the midst of an extraordinary constitutional crisis. The Scottish Government is trying to provide a variety of ways in which we can engage parties in the chamber in that regard. One of those ways is, of course, the passage of the Referendums (Scotland) Bill—and so it should be, given the urgency of the issue. The second way involves cross-party discussions. I have had a detailed letter from Richard Leonard about the Labour Party participation in those discussions; a response has been made and the process is

moving forward, as I hope that it will continue to do. The third way is the entirely independent business of the citizens assembly of Scotland, and I am happy to continue to prove that to the member in any way that I can.

The Deputy Presiding Officer: We move to the open questions. I stress that a lot of members wish to ask questions.

Patrick Harvie (Glasgow) (Green): The Greens welcome the fact that most of us, at any rate, see positive value in this kind of open participative process. In Ireland, for example, Green proposals ensured that the citizens assembly there could address climate change, which is a demand of the growing wave of environmental activism in Scotland. Will the cabinet secretary tell us how, in the absence of a legislative basis for the citizens assembly here, he sees positive opportunities for the relationship between the assembly and Parliament to operate? If, for example, the assembly chooses to address questions such as where energy policy sits as part of a response to the climate emergency, will it be completely free to do so?

Michael Russell: It will be absolutely free to do so. I see the relationship between the conveners of the assembly, the assembly members and this Parliament as a constructive one. I hope that the conveners, in helping to formulate the remit, will be happy to discuss that with anybody who wishes to discuss it with them, in the Parliament or outside it.

It is wrong to see the assembly as some sort of threat to the Parliament. I think that one of the Tory party leadership candidates who did not make it to the final two described citizens assemblies as being the creatures of Venezuelan tinpot dictators, even though another person in that race wanted to see citizens assemblies. Let us be open about the contribution that our fellow citizens can make to addressing very serious difficulties and problems; let us be open to them making that contribution; and let members support them to make that contribution.

I am grateful for the Green Party's support, which is well received. The citizens assembly will be all the stronger as a result of that.

Willie Rennie (North East Fife) (LD): We are not participating in this latest SNP exercise, which has been set up simply to patch up its case for independence. Taxpayers' money should not be used for that party-political process. If the assembly begs the SNP Government to abandon independence, will it do so?

Michael Russell: I commit myself to listening to the assembly, being public about what it says, and ensuring that whatever it says is reported. If it were to say that, Mr Rennie would know it—as

would Mr Burnett, if he stopped talking long enough to listen. There would be a conversation.

The trouble with Mr Rennie's position is that he will not allow the citizens of Scotland to have that opinion; they are to have no opinion, because he would not allow them to meet. That is not liberal or democratic.

It speaks volumes to me that the two parties in Parliament that have set their faces against involving the ordinary people of Scotland in addressing the worst problems we have had since the Parliament was created are the Tories and the Liberal Democrats. I am not surprised about the Tories—although I am disappointed by them, because I think that Mr Tomkins is more open than that—but I am surprised and disappointed by Mr Rennie, because it seems to me that, for him, the matter is far more about competing for a tiny hard-line audience than it is about trying to take Scotland forward.

Annabelle Ewing (Cowdenbeath) (SNP): The past three years of Brexit chaos have demonstrated the damage and harm that can be caused by an ill-informed headline-chasing approach to fundamental constitutional change. Will the cabinet secretary confirm how a citizens assembly would be able to do things differently?

Michael Russell: If the current Prime Minister had said to herself at any time over the past three years that she really needed to listen to other people and to think about the other options that exist, she could have convened a citizens assembly. The University of London and others convened a citizens assembly on Brexit. That would have been a useful thing for her to do.

It is very important that we have an open mind on how opinion is formed in Scotland and how debate takes place. That was one of the important things about the foundation of the Parliament 20 years ago. Perhaps it is not surprising that the Tories opposed that, too.

Donald Cameron (Highlands and Islands) (Con): How will the Parliament and its committees be able to scrutinise the work of a citizens assembly, its output and its costs?

Michael Russell: All those matters will be open and transparent. If I remember correctly, Mr Cameron supported a Tory party leadership candidate who wanted a citizens assembly to be established. I am glad about that.

As everybody else will, the committees of Parliament will be able to see the work of the citizens assembly and what takes place. Once that work is concluded, the outcomes of the assembly will come to Parliament for action. There will be absolute openness: transparency is the key to that.

I have no difficulty in saying that whatever the citizens assembly does and whatever it spends should be totally open and transparent, and that those things should, of course, be subject to scrutiny.

Bruce Crawford (Stirling) (SNP): The citizens assembly is just one strand of the Scottish Government's approach to charting a distinctive path for Scotland's future. I note that the cabinet secretary has previously encouraged views and contributions from across the political spectrum. We have heard negativity and criticism today. Have any productive steps or positive suggestions been brought to the table by Opposition members?

Michael Russell: I am aye hopin, as they say. I would have thought that, if members of any party in the chamber looked around, at this particular juncture, and saw the enormous mess that has been created by the UK Government and the Tory party, there is no doubt—[*Interruption.*]

Graham Simpson is laughing, but it is not funny. The governor of the Bank of England, too, think that it is not funny. He has drawn attention today to the severe economic damage that the Conservative Government is doing, which is no laughing matter. Severe damage is being done to businesses in the region that Mr Simpson represents.

In the circumstances, the correct reaction is to try something different that does not divide people but brings them together. The measure of parties in Parliament is whether they are flexible enough to support that. We know that the Conservatives are not, because they want to continue the narrow division of Brexit. As we have seen, that will be disastrous for them—they are at 11 per cent and falling in the polls.

Alex Rowley (Mid Scotland and Fife) (Lab): In many ways, the party-political systems in the United Kingdom and across Europe are breaking down, so we should not fear involving citizens in big questions. We should be willing to see how the citizens assembly goes.

However, I do not want the process to be rushed, and there seems to be a bit of a rush, which brings risks. Will the cabinet secretary assure those of us who believe that setting up the citizens assembly is the right thing to do that he will take whatever time is necessary to get it right?

Michael Russell: I will. The timescale for establishing the first attempt at such a body in Ireland was roughly the same as the timescale that we expect, so there is no rush, in comparison with best practice. I am happy to assure Mr Rowley that the assembly will take the time that it needs, and that it will be run in the best way we can run it.

I hope that Mr Rowley, whom I have known for a long time, will accept my word that that is what we intend to do, and to do well. If he and others want to talk about how we should do that, we are open to that. As I said, we will set up a politicians panel, to which we will ask political parties to nominate members, so that the parties can give their views.

Rona Mackay (Strathkelvin and Bearsden) (SNP): What work has been undertaken to learn lessons from the successful use of citizens assemblies in Canada, Australia, Poland and Ireland, that could be applied in Scotland?

Michael Russell: Rona Mackay makes the important point that there are examples of such assemblies being used in different ways and in different circumstances. I understand that citizens assemblies are used in Oregon to define referendum questions and the arguments on both sides, so they have an interlocutor role. British Columbia had a citizens assembly on electoral reform, which did not produce a result that was eventually translated into law. Two referenda were held on reform—one narrowly succeeded and one narrowly failed.

Experiences have been different and mixed. People who attended the event that the Irish assembly organisers held last week will know that Ireland had a valuable experience in relation to the eighth amendment to the Irish constitution. Like most people in Ireland thought, many of us thought that it would be almost impossible to resolve that question, given the depth of feeling and difficulty on both sides, but it was dealt with in the assembly through people listening to arguments that they had never heard before.

As I have said, those who are against a citizens assembly are against debate and discussion and against ideas being put forward and considered on their merits.

If the Presiding Officer will forgive me, I will finish on this point. In the eighth amendment process in Ireland, one of the citizens assembly's five sessions was given over to 17 advocacy organisations that brought information and views to bear. They all had to submit papers that were peer reviewed and fact based. One assembly member said that they heard things that they had never heard before.

I hope that members of the citizens assembly in Scotland will hear things about how Scotland should go forward that they have never heard before, because that means that Scotland will hear them, too. That will be a valuable contribution.

The Deputy Presiding Officer: A few members still wish to ask questions. Brief questions and answers will be required if we are to fit everyone in.

Mark McDonald (Aberdeen Donside) (Ind):

The cabinet secretary alluded to the briefing that Irish officials gave last week, for which I thank him. Art O'Leary made the point that one of the things that defined the initial constitutional convention was that members of Parliament were involved through membership of that convention. That created a sense of ownership of the conclusions, which perhaps has not existed in other places, such as British Columbia and Iceland, where there has been seen to be a disconnect between the conclusions of assemblies and what parliamentarians put into practice. Does the cabinet secretary take a view on whether it is worth exploring such an approach with the citizens assembly, at least in its initial stage?

Michael Russell: I thank Mark McDonald for making that very important point. The difference between the convention and the citizens assembly was that there were 33 politicians and 66 other members in the convention, whereas there were no politicians in the citizens assembly. The experience was that the second model worked better, but there was an issue about how outcomes were implemented. In the citizens assembly, there was a commitment that that would be done by parliamentary committee. In other words, when the citizens assembly came to a conclusion, as it did on the eighth amendment, that would become a subject for a parliamentary committee.

I will ask the assembly and the committee conveners to consider what they think the best way of plugging into Parliament would be—I am open to ideas about that—so that their outcomes can contribute in a clear and positive way. It would be utterly wrong to ask 120 people to spend their time being involved in a citizens assembly without saying to them that what they do will have positive consequences. We need to find the right way of allowing that to happen.

Tom Arthur (Renfrewshire South) (SNP): To address any concerns about the select number of people who might serve on the citizens assembly, will the cabinet secretary set out how the wider public and organisations will be able to contribute their views to the assembly, to ensure that others can be involved in the important conversation about Scotland's future?

Michael Russell: I do not want to tie the hands of the citizens assembly, but examples from elsewhere suggest that it will call for evidence and want people to submit evidence. In the past few weeks, a large number of people have contacted me to say that they want to be involved in the process. I am grateful to all of them for having done so. It is now up to the citizens assembly, as it formulates its remit, to ask for contributions from

the length and breadth of Scotland, including from individuals and civic Scotland.

Sometimes, the numbers are large. There were 13,000 submissions to the Irish citizens assembly on the eight amendment, and they were all put on the website for people to see. Assemblies on other subjects, such as fixed-term parliaments, have received only a handful of submissions.

People will have the opportunity to provide information. The website is now open, so people can begin to register their interest. I hope that it will become a dynamic process.

Jamie Greene (West Scotland) (Con): The cabinet secretary wants the 120 members who will be appointed to the citizens assembly to work out what kind of country we want to build. Why does he think that the 129-member, democratically accountable, elected Parliament that Scotland already has cannot fulfil that task?

Michael Russell: There is a different type of debate to be had. That criticism has often been made in a variety of countries in the early stages of establishment of a citizens assembly. Politicians say, "We're here—we can do this."

The nature of the debate is different. I can demonstrate that by referring to the debate that we are having here. We have had exclusivity from Willie Rennie, who wants to stay out of everything, and we have had condemnation from the Tories, who do not want anything to do with the citizens assembly.

The reality is that the facts are presented to a citizens assembly in a way that is meant to be impartial. A range of information is available, and people have the opportunity to deliberate and to come to conclusions. That strikes me as what a Parliament might aspire to do, but hardly ever achieves, whereas it is at the heart of the work of a citizens assembly. I hope that that will become clear very quickly.

Jenny Marra (North East Scotland) (Lab): I know that the cabinet secretary is not a fearful man, but it seems to me from his statement that he is a little fearful of parliamentary scrutiny of the citizens assembly's remit. As Patrick Harvie said, the climate change issue was considered by a citizens assembly in Ireland as a result of an amendment in Parliament. The parliamentary scrutiny that was evident in the Irish example gave the citizens assembly legitimacy. Will the cabinet secretary give the Scottish Parliament the final say on the assembly's remit?

Michael Russell: The final say on the assembly's remit must come from the assembly. It would be completely ridiculous if we said, "We'll tell you what to think."

I will give Jenny Marra the guarantee, however, that full-hearted participation of, engagement with and scrutiny of the citizens assembly will be very important. Jenny Marra should stop waving that piece of paper, because I am trying to answer her question. We want the parties in Parliament to engage closely with the citizens assembly. This is an experiment in democracy for Scotland. Let us be open to that experiment: let us not find ourselves trying to close down parts of that experiment before we have even started.

Tackling Child Poverty (Progress Report)

The Deputy Presiding Officer (Linda Fabiani): The next item of business is a statement by Aileen Campbell on the tackling child poverty delivery plan first-year progress report. The cabinet secretary will take questions at the end of her statement, so there should be no interventions or interruptions.

15:06

The Cabinet Secretary for Communities and Local Government (Aileen Campbell): Twenty years ago, when this Parliament was reconvened, it was because the people of Scotland wanted their own Parliament to make their own decisions on the priorities of the Scottish people. Reducing child poverty is a clear example of where we can do that.

When the UK Government decided to remove the child poverty remit from the Social Mobility Commission and abandon its child poverty targets, this Government did not agree. We withdrew from the commission and introduced the Child Poverty (Scotland) Bill to set new statutory targets for reduction of child poverty. The bill was passed unanimously and was followed by the first tackling child poverty delivery plan. That is devolution in action, and that is where, collectively, we can make a difference.

Today, I have published a first-year progress report on that delivery plan that shows that we have been working hard to build the foundations for transformational change. The most recent poverty statistics, for 2017-18, show that almost a quarter of children in Scotland live in relative poverty. Those figures, though lower than the UK figures, are totally unacceptable. They predate the delivery plan, but the challenge that we face is clear and this Government is determined to tackle it.

Our progress report shows that, after the first year, 48 of the 58 actions in the plan are already in progress or are being delivered. For example, we launched our new devolved employability service, fair start Scotland, in April last year. Job outcomes are encouraging, and service users are positive about their experience. Our programmes do not penalise people through sanctioning benefits, which is a real divergence from the UK Government's work programme.

The progress report also demonstrates the great package of support that this Government provides for families throughout childhood—from birth to school and beyond—all of which helps to reduce costs for families. One example of that is the fact

that, in partnership with local government, we have set the national minimum school clothing grant at an increased level of £100 from the start of this academic year and backed it with joint annual investment of £12 million.

In November, we launched our new financial health check service through Scotland's network of citizens advice bureaux. That service provides families with the help that they need to maximise their incomes and beat the poverty premium.

Since the publication of the delivery plan, through our new social security system, we are now delivering new benefits to low-income households.

All three elements of the best start grant are now open to families across Scotland, backed by £21 million this year. The unprecedented number of applications that we have received shows that, if we take away barriers, remove stigma and encourage people to apply, people will take up the benefits that are on offer.

On Monday, the third carers allowance supplement was paid to increase financial support for carers, meaning that £452.40 a year more is going to each carer here than goes to carers outwith Scotland.

The Poverty and Inequality Commission has welcomed the activity that is under way and has advised us that our investment must match the scale of our ambition. We agree. The progress report provides a first estimate of our direct spend on low-income families—£527 million in 2018-19 alone.

Of course, that is not the whole story. That estimate does not include the social contract that delivers the universal services that we all enjoy and from which our society benefits. A multibillion-pound package of additional investment is in place in key areas to help all children and parents, whether or not they are on low incomes, to realise their full potential.

As a Government, we are proud of what we have achieved, and we will keep on delivering. Over the next year, we will build on a number of key areas—for example, progressing the delivery of our massive investment in universal early learning and childcare, which will save families £4,500 per child, on average. On Monday, I launched a new £3 million fund to support the delivery of accessible and affordable community-based childcare and experiences for school-age children. By the end of the year, we will launch our new programme of parental employment support to help parents to return to work and progress in their careers.

The Government is taking action in challenging times. This week, the United Nations special

rapporteur on extreme poverty and human rights is at the UN to set out the damage that is being caused by the United Kingdom Government's policies. His reports make for shocking reading. Professor Philip Alston has said that the social security safety net is "being systematically dismantled", he has called out the two-child limit for the despicable policy that it is, and he has railed against the four-year benefit freeze. Those disastrous UK Government policies, which are driving increases in child poverty, are rightly described by the rapporteur as

"punitive, mean-spirited and often callous".

The Scottish Government does not have the powers to reverse or scrap UK reserved policies. We have previously estimated that welfare cuts since 2010 would amount to £3.7 billion annually by 2020-21. Professor Alston has said that it is "unsustainable" for devolved Administrations to mitigate everything, and I agree. For those who do not want such policies, instead of being content with mitigation, why not join me in calling for full powers over areas such as employment and social security, so that we do not have to tackle disadvantage with one hand tied behind our backs?

Our commitment to work towards introducing an income supplement for low-income families in the lifetime of the delivery plan is a flagship policy that is designed to shift the curve of child poverty. Over the past year, the Scottish Government has undertaken a thorough assessment of a range of options, in line with the original two tests that were set out in the delivery plan. In line with the first test, we looked at how to target families who need the additional income most to lift children out of poverty. That analysis of costs and impacts has been published today. In line with the second test, we considered how to ensure that there is a robust and viable delivery route that protects the safe and secure transfer of the devolved benefits. Those analyses are brought together in a position paper, which has also been published today.

A year ago today, the First Minister appointed me as the Cabinet Secretary for Communities and Local Government and Shirley-Anne Somerville as the Cabinet Secretary for Social Security and Older People. She gave both of us the responsibility for tackling poverty, and we have worked closely together on the income supplement policy. Reducing poverty and achieving a fairer Scotland are why we came into politics. We do not want to live in a country in which we have to mitigate against the policies of another Government; in which children go hungry because their families have had to wait months for their first universal credit payment; in which 85 per cent of benefit spending remains under the control of another Government; and in which we cannot

change the minimum wage to tackle in-work poverty. The majority in this Parliament do not want that either.

However, although we do not yet have all the powers that we need, we are not content to sit blithely by and allow the children of Scotland to bear the brunt of Tory austerity. Our ambitions require bold action. We must use the powers that we have to deliver on our commitment to tackle poverty, and I am delighted to confirm that we will use our new social security powers to introduce a new benefit to tackle child poverty. The new financial support will be delivered by Social Security Scotland and will be called the Scottish child payment. By the end of 2022, the payment will be for all eligible children under the age of 16. The payment will be made monthly and uprated annually in line with inflation, and all children in eligible families will be entitled to the support. There will be no cap on the number of children for that or for any other social security policy in Scotland.

The payment will be based on qualifying benefits including universal credit, jobseekers allowance and child tax credits. However, as universal credit is not due to be fully rolled out until 2023 at the earliest, many families will still be in receipt of legacy benefits. That would make automation of the service, which is always complex and time consuming, particularly challenging. Therefore, in order to deliver the new payment, Social Security Scotland will manage an application-based process. As with all benefits that are delivered by us, we will work hard to get maximum take-up.

Although we will introduce the Scottish child payment by the end of 2022—at a time when we are delivering a suite of complex devolved benefits—we have listened to the voices of front-line poverty campaigners, including people with lived experience who are facing the impact of United Kingdom Government welfare cuts now, and we have looked carefully at what is deliverable within a shorter timescale, considered the effects on other aspects of our social security programme and sought an approach that will have the biggest impact on children living in poverty.

I am delighted to announce that the outcome of that work is that we will introduce the Scottish child payment for all eligible children under six by the end of this Parliamentary session—which is much, much earlier than our original commitment. The approach on which we have decided is informed by these two facts: almost 60 per cent of all children in poverty live in a family with at least one child under the age of six, and we know that making a difference in the early years of a child's life has the biggest impact on long-term outcomes.

We must shift the curve on child poverty, and the provision of direct support to parents can do just that. I announce today that our new Scottish child payment will be £10 a week. For a two-child family, the additional financial support of over £1,000 a year will make a major difference.

The Scottish child payment is a significant turning point in our action to tackle child poverty, which will benefit hundreds of thousands of children. The decisions that we have taken to enable early delivery from next year will benefit 140,000 households with 170,000 children through a substantial investment in families in Scotland. When the policy is fully rolled out, by the end of 2022, 410,000 children—more than a third of Scottish children—will be eligible for the payment.

We expect the Scottish child payment to lift 30,000 children out of relative poverty altogether and to reduce the relative poverty rate by three percentage points, as well as increasing the family incomes of many tens of thousands of families. The payment will help to prevent poverty among families who are on insecure incomes just above the poverty threshold, who face UK Government welfare cuts, and it will help children who are at risk of material deprivation—they are another of our targets.

A payment that prevents deprivation and protects people who need our support is something that this Government and this Parliament can and should be proud of. The Scottish Government is today making a conscious and deliberate decision to prioritise action to tackle child poverty for the remainder of this parliamentary session and beyond. However, doing what we know is right, and doing so early, means tough decisions and choices. Tackling child poverty will be central to the budget and spending review in the coming months, and there will be implications for the delivery of other aspects of our social security programme.

In its recent report “Social security: Implementing the devolved powers”, Audit Scotland noted:

“it is difficult to see how the programme could progress more quickly.”

It is therefore clear that we will need to make the necessary space to deliver the new payment early and successfully. It is important to be open with the Parliament from the outset. We have already carried out extensive work to ensure that we can deliver the payment. We are aware that we will need to actively manage the delivery of the payment within a highly complex and challenging existing programme. Over the summer, officials will carry out further formal assessment of the challenges and develop a clear plan for how to mitigate them. The work will include consideration

of issues that relate to information technology systems, staffing, supplier management and our enabling services.

I can say now that we absolutely will deliver disability assistance for working-age people—our replacement for the personal independence payment—in early 2021, as we outlined to the Parliament in February. We are on track to deliver our first disability benefit—disability assistance for children and young people—next summer, as announced. However, our expectation is that the launch of our new claims service for disability assistance for older people, which is the devolved form of the Department for Work and Pensions attendance allowance, might need to take place in 2021 rather than in 2020, as was originally planned. There might also be an impact on the launch date for new claims for Scottish carers allowance, which might need to move back a few months, to early 2022, and there could be an impact on the date on which we expect to complete the transfer of benefits cases from the DWP to Social Security Scotland.

Today, the Scottish Government has responded to an initiated question on our plan's implications for social security delivery. The Cabinet Secretary for Social Security and Older People will update Parliament with more detail in the autumn, following completion of the impact assessment. We are having to make difficult decisions, but we are making them for the right reasons. After all, the risk of not delivering on the ambition of the payment is that we will not shift the curve on child poverty in the way that we know we have to. That is why, given the commitment across the Parliament to tackling child poverty and the collective agreement on the targets that have been set, the support of all members is crucial in enabling the early introduction of the payment.

Our progress report sets out the first year of action and the clear steps that we have taken towards making genuine reductions in child poverty. Those actions demonstrate our commitment to eradicating child poverty and offer a glimpse of what is possible when we have the powers and the will to act. On its own, the Scottish child payment stands to be one of the most progressive policy proposals since devolution. It will be backed by significant investment, and Scotland will be the only part of the UK that is making such a serious commitment to reducing—and ultimately eradicating—child poverty. The plan to introduce a Scottish child payment of £10 a week is bold and ambitious—and it will reduce child poverty, which is vital. Tackling such poverty head on is the only way in which we can make Scotland the best place in which to grow up.

The Deputy Presiding Officer: The cabinet secretary will now take questions on the issues

raised in her statement; I will allow around 30 minutes.

Michelle Ballantyne (South Scotland) (Con): I thank the cabinet secretary for advance sight of her statement and I look forward to engaging with the Government on the development of its content.

I have two questions. First, I note that the statement contains no numbers. Will she tell us what the estimated delivery costs for the Scottish child payment will be, for the interim period and when it is fully rolled out? Secondly, I am concerned that I again find myself hearing in the chamber that there will be delays in the management of some of the devolved benefits. Will the cabinet secretary assure me that there will be no further delays on those benefits?

Aileen Campbell: In my statement I clearly set out the significant numbers that are associated with the policy. The most significant of those is the 30,000 children who will be lifted out of poverty by that action alone. Another is the three percentage point shift in the child poverty curve that we have needed to achieve for such a long time—an aim that has been made all the more difficult by Michelle Ballantyne's party's UK Government actions.

However, it is important to recognise that we will invest significantly in the delivery of the payment. In the first full year of early payments for under-sixes, the costs will be around £70 million. In the first full year of all payments for under-16s the costs will rise to £180 million.

Given that the Child Poverty Action Group has today published a report about the impact of the two-child limit, today really does tell a story of two Governments. The Scottish Government is committed to tackling child poverty head on, while people in the rest of the UK are bearing the brunt of the UK Government's callous and punitive actions that are destroying lives across the country.

Elaine Smith (Central Scotland) (Lab): I thank the cabinet secretary for early sight of her statement. Scottish Labour will, of course, require to scrutinise the supplementary papers and the progress report in due course.

As we have consistently put the case for interim measures prior to the income supplement implementation date of 2022, we welcome the fact that the Government has responded with proposals to put in place, during this parliamentary session, payments to families with children who are aged under six years. However, the cabinet secretary must recognise that the ambitious target to reduce child poverty significantly, which was set by the Parliament in 2017, will not be met by this new measure alone. We remain concerned for all other children who are living in poverty right now.

In 2017, when Parliament considered the Child Poverty (Scotland) Bill at stage 3, the Scottish Government said that we needed to

“find ways to do more than just mitigate austerity and welfare reform”—[*Official Report*, 8 November 2017; c 63.]

Since the cabinet secretary has mentioned the two-child policy, I ask her why she will not take steps to mitigate the so-called “rape clause”, which, in her statement, she called a “despicable policy”.

Given that the Resolution Foundation has predicted that child poverty is on course to continue rising over the next five years, and that it is on course to hit a 20-year high of around 29 per cent by 2023-24, what further substantial measures will the Government put in place to ensure a dramatic reduction in child poverty over the next year?

Aileen Campbell: I would have thought that the measure that I have announced would have been welcomed by Labour, given that it asked for it and that we have made substantial efforts to tackle child poverty through that action alone. It is a game changer. Other poverty groups have welcomed it, and it is a shame that Labour will not get behind it.

What a pity it is that we cannot raise the debate, given the kind of actions that we can deliver when we have the powers, the political will and the resolve. Imagine what reach the policy could have if we did not have to mitigate the disastrous policies of another Government.

I welcome Elaine Smith’s proposal to scrutinise the rest of the documents that we have published today, but I ask her to scrutinise “Every child, every chance: the tackling child poverty delivery plan 2018-22”, in which we give an undertaking to look comprehensively at all our policies across the Government, not just those in my portfolio or Shirley-Anne Somerville’s portfolio. Collectively, we have committed to tackling child poverty head-on, and that document includes a range of actions that will complement the delivery of the Scottish child payment to ensure that we can reach our interim targets.

Rona Mackay (Strathkelvin and Bearsden) (SNP): I am absolutely delighted that the new payment is being introduced, because it will provide substantial support to people in my constituency and across Scotland. What will the annual investment be in the new benefit?

Aileen Campbell: I thank Rona Mackay for that question, because it gives me a chance to underline the investment that we are putting into the policy. In the first full year of our early payments to under-sixes, that is, in 2021-22, costs will be around £70 million. That figure will rise to

£180 million in the first full year of all payments to under-16s, which is 2022-23. That represents a significant investment in children and families, and it should be seen alongside the more than £0.5 billion that we have invested in the past year alone in supporting low-income families across a wide range of policy areas.

Alison Johnstone (Lothian) (Green): I thank the cabinet secretary for providing advance sight of her statement.

Across the board, means-tested payments have lower rates of take-up than universal payments. Child benefit, which is a trusted and well-known source of support, is claimed by around 95 per cent of eligible families. The Scottish Government’s own analysis suggests that it would achieve better coverage through child benefit. If it is not going to use child benefit as a route to boost family incomes, what assurances can the cabinet secretary give that every low-income family that is eligible for the Scottish child payment will receive it, especially given that the gateway benefits that the cabinet secretary mentioned are underclaimed?

Aileen Campbell: I explained that we will make sure that we maximise uptake. The qualifying benefits will be universal credit and universal credit legacy benefits, which include child tax credit, working tax credit, income support, housing benefit, income-based jobseekers allowance and income-based employment and support allowance. That will be a huge way in which we will be able to target those who need the support most.

It is important to recognise that almost two thirds of the children we expect to receive the payment live in the poorest 30 per cent of households with children, and that almost a quarter of the children we expect to receive it live in the poorest 10 per cent of households with children.

The Child Poverty Action Group has said that our new measure will be a “game changer” in tackling child poverty. It will lift 30,000 children out of poverty, will shift the curve by three percentage points and will make sure that the families who need it most get the payment into their pockets, which will lift the children who need support out of poverty.

Alex Neil (Airdrie and Shotts) (SNP): I give an absolutely unequivocal welcome to the measure. The fact that it will be implemented before the end of the parliamentary session is to be particularly welcomed.

We all know the reasons why there has been a substantial rise in child benefit claims—it is a result of the major cuts in social security benefits that have been imposed by the United Kingdom Government.

Will the cabinet secretary look again at the policy on the living wage as we move towards some kind of Brexit decision? One of the problems that we have is that, under European Union rules, we are not allowed to make it compulsory for companies gaining public sector contracts to pay the living wage. Given the new circumstances that are likely to arise over the next year or two, will the cabinet secretary look again at whether we will get to a position in which we can make that a requirement, as NHS Health Scotland has shown that that, too, would be an effective measure in dealing with child poverty?

Aileen Campbell: Alex Neil is absolutely right to point out that link. One of the drivers of poverty is low income. Alongside the payment, we have to ensure that people who are working get a fair remuneration for their effort, and we have to tackle in-work poverty. That is exactly why the work that is being done across Government to ensure that more employers pay the living wage is critically important. Even though we do not have all the levers at our disposal, Scotland has proportionately more people in receipt of the living wage than elsewhere in the United Kingdom. That shows that, with the will and the resolve, we can influence some of those decisions, despite not having the relevant powers here.

I would also point out to Alex Neil that “Every child, every chance”, the report that we are publishing today, contains a host of other ways in which we are providing parents with the support that they need to ensure that they get access to jobs and that they progress through their employment. That comes with significant investment to ensure that we can enable parents to get the right jobs to lift themselves out of poverty.

Alex Cole-Hamilton (Edinburgh Western) (LD): I thank the Government for the content of today’s statement and offer the full support of these benches. I will ask about uptake, in the same vein as Alison Johnstone.

Last week, Willie Rennie revealed at First Minister’s questions that only a third of families that are affected by poverty and which have two-year-old children are taking up the free childcare places that are available to them. We know that the uptake of Government initiatives is not always great. Will the cabinet secretary undertake to report to Parliament on uptake as we proceed with the implementation of the policy?

Aileen Campbell: Shirley-Anne Somerville has to report back, anyway. I mention some of the things that I said earlier about the best start grant. That received unprecedented numbers of applications, which, again, points to the fact that, if you take away the stigma and encourage people to apply, people will take up the benefits on offer.

We will certainly ensure that we use and explore all avenues that are open to us through the new payment and the delivery partner, Social Security Scotland, to maximise the impact of that, and we will work alongside those who want to be part of what we are doing to maximise the uptake so that the people who need this important benefit the most get access to it.

Shona Robison (Dundee City East) (SNP): I, too, warmly welcome today’s announcement. The UN special rapporteur said that, for devolved Administrations, mitigation was not sustainable. Does the cabinet secretary agree that having full powers over all social security, employment and other areas would ensure that we could use all available levers to pull more people out of poverty and not have to use resources to protect people from another Government’s policies?

Aileen Campbell: I agree. What strikes me as puzzling is why there are groans coming from the Labour benches as a very legitimate question is asked.

We are not content simply to mitigate or to tackle these issues with one hand tied behind our back. We are not just going to sit back, which is why we are using the powers that we have to deliver the benefits for those who need them most. We are not content simply to mitigate, which seems to be what Labour is content with. Why would we be content to mitigate when we are working up against a Government that has been described as “harsh and uncaring” and whose politically and ideologically driven decisions on welfare are consigning thousands of children to poverty?

We will use the powers that we have, and we will mitigate where we can. However, the UN rapporteur said that it was not sustainable to mitigate all the actions of the UK Government. We will continue to ensure that we can have all the powers that we need to ensure that we can tackle poverty more generally, in the way in which this party and this Government want to.

Alison Harris (Central Scotland) (Con): As the cabinet secretary stated, on Monday, the Government announced funding for impact assessments of community-based out-of-school care, which will commence in April 2020 and will take two years to complete. A framework will be published at the end of this summer, but when will new systems be put in place to deliver on the Government’s commitment to out-of-school care for school-age children from low-income families?

Aileen Campbell: The £3 million fund that we announced this week was designed to test new approaches to focus the care and support that is required to enable parents of school-age children to access work and training. It is important that we

test the flexibility and the different ways in which that care and support can be delivered. I launched the fund with Maree Todd in order to complement her work in driving forward the transformational change in early learning in childcare. We will make sure that Alison Harris is kept informed of the progress and framework for that. It is a critical part of ensuring that parents get the support that they need to access work, which should be paying the living wage.

Mark Griffin (Central Scotland) (Lab): We welcome the fact that the Government has listened to Labour and front-line poverty campaigners, who have consistently called for the early introduction of the income supplement.

Given the fact that the cabinet secretary said in her statement that children often go hungry because families have had to wait months for their first universal credit payment, does she share concerns around using universal credit as a qualifying benefit? I ask that on a completely constructive basis. Universal credit has been roundly and rightly criticised. Can the Government not find an alternative way of delivering the payment?

Aileen Campbell: We have set out a comprehensive analysis of why we have taken the approach that we have, which is the same approach that we have taken for the best start grant. The analysis makes the point that we are using legacy benefits to ensure that we target the families who most need the support. Although there were groans and moans around mitigation and not wanting us to call for the powers that we need, we have to deal with the world that we are in. This is the world that we are in and that is why we are taking this approach. There is a comprehensive analysis of the reason why we are taking it, which is to make sure that, in the best possible way, we get to the right people and families who require the support.

Tom Arthur (Renfrewshire South) (SNP): Today's announcement should be welcomed across the Parliament. What support does the cabinet secretary expect to get from other parties to ensure that the new benefit is introduced in the right timeframe, so that it can start working for children and families in Renfrewshire South and across Scotland?

Aileen Campbell: I underline what I said in my statement: this stands to be one of the most progressive policy proposals since devolution. Given that we are about to celebrate the 20th anniversary of our Parliament being reconvened, that is fitting. Alongside our statutory child poverty targets and the wider actions that we are taking, the policy sets Scotland apart as being the only part of the UK that is taking such concerted action to reduce and eradicate child poverty. We are

pleased that, despite the grumbling, in general, there seems to be a degree of support. Given that we collectively signed up to the Child Poverty (Scotland) Act 2017 and to hitting the targets to shift the curve on child poverty, it is incumbent on all MSPs across the Parliament to welcome and support the new benefit and give their assurance today that, if they ever reach Administration, they will seek to continue its payment.

Alexander Stewart (Mid Scotland and Fife) (Con): Can the cabinet secretary confirm whether the new regulations for payment of disability assistance to people with a terminal illness will be introduced in the summer of 2020, or will that benefit also be delayed?

Aileen Campbell: Nothing has changed on that matter.

Stuart McMillan (Greenock and Inverclyde) (SNP): I warmly welcome the statement and the substantial measures in it, and I am sure that my constituents in Greenock and Inverclyde will, too.

Can the cabinet secretary highlight other key priority areas where we can tackle inequality and reduce poverty?

Aileen Campbell: We will continue to work hard across the whole of Government in recognition of the fact that a whole-Government approach is required to tackle child poverty. We will continue to concentrate on the work that we are doing to support employment opportunities and actions on the living wage and to provide support through the financial health check and a range of other things. I note that Maree Todd is here. In relation to her portfolio, we will continue to focus on the flexible delivery of early learning and childcare in order to ensure that families get the support that they need to access employment and training opportunities without facing a burdensome cost.

A range of actions require our diligence and our commitment across Government to enable us to reach the interim targets and, ultimately, the targets that we have set out for 2030.

Gordon Lindhurst (Lothian) (Con): Will the Scottish Government introduce primary or secondary legislation as a basis for the new Scottish child payment? If so, when might we expect to see that?

Aileen Campbell: We will take the matter forward through secondary legislation. Over the summer months, we will have an opportunity to explore all the things that we will need to ensure that we continue with the safe and secure delivery of social security payments. My colleague Shirley-Anne Somerville will update the Parliament on that work and outline the ways in which we will take forward regulations to deliver the payment.

Iain Gray (East Lothian) (Lab): As we have heard, the Scottish child payment, which all my colleagues have welcomed this afternoon, will be both demand led and means tested. Can the minister confirm that the budget figures that she gave a few minutes ago were calculated on the basis of a notional 100 per cent take-up?

Aileen Campbell: We have looked at and analysed a number of different approaches, and the analysis and projections are being published today in the open and transparent way that is required. The payment will be demand led, and that is what we have based the figures on. The analysis is there for Iain Gray to look at, and if he comes back with further questions, I will be happy to answer them. However, it will be a demand-led service that is delivered in the way that I have outlined, through the qualifying benefits, and it stands to lift 30,000 children out of poverty. That shift in the child poverty rates is important if we are to hit the child poverty targets.

George Adam (Paisley) (SNP): I add my voice in welcoming the cabinet secretary's announcement of the Scottish child payment, and I look forward to seeing the difference that it will make in our communities. A lot of the content of the statement has been covered by previous questioners, so I ask the cabinet secretary what the other key priority areas are to tackle inequality and reduce child poverty.

Aileen Campbell: We are taking forward a range of actions and activities to tackle child poverty. One of the big things to point out is the "Every child, every chance" progress report, which shows that, alongside the significant announcement that I have made today on the Scottish child payment, we are investing £527 million in targeted support for low-income families across a wide range of programmes to make a long-term sustainable difference to children who are living in poverty. That includes some of the things that I outlined in my statement, such as the work that Shirley-Anne Somerville is taking forward and the mitigation that we have to do to help to protect our most vulnerable people from the harsh realities of UK reforms. It does not include the things that we all enjoy—early learning and childcare, education, universal services or the social contract that underpins the society that we in this Government maintain and hold dear.

Jenny Marra (North East Scotland) (Lab): I welcome the Scottish child payment. It is a good initiative—and a long overdue one—to help to tackle child poverty in Scotland and in Dundee, where 31 per cent of our children live in poverty.

As the cabinet secretary encourages take-up, will she show some flexibility? I have had a constituent who recently tried to take up the best start grant for a child who was starting school and

was told that they were not eligible based not on income, but on the cut-off date, because the child's school place was deferred. Will the cabinet secretary look at that issue of eligibility for the best start grant and encourage flexibility as she approaches this welcome new policy?

Aileen Campbell: As I understand it, people who defer can apply. If Jenny Marra wants to set out the specifics in correspondence, we will ensure that she gets information and support and that we take any necessary actions. We will deal with the points that she raised because we want to maximise uptake. If there are things that we can learn, we are happy to do so.

Angela Constance (Almond Valley) (SNP): For as long as I have breath, I will always campaign for the full powers of independence. However, given that this Parliament made an all-party commitment to use our existing powers and resources to end child poverty, how will the cabinet secretary build consensus on not just what we will spend money on, but the tough choices that will have to be made about what we do not spend money on so that we can focus our resources and efforts, raise the debate and take on the challenge of ending child poverty?

Aileen Campbell: I pay tribute to Angela Constance for taking forward the Child Poverty Act 2017 and the delivery plan and setting in train the actions that we are reporting on today, which will have a fundamental and transformative impact on children's lives and future life chances. She is right to point out that the issues that we grapple with demand tough choices. Today, I outlined the tough choices and hard decisions that we have had to make to find and carve out a space to deliver this much-needed bit of support for families around the country.

The progress report captures actions across the whole Government. Whether for the economy, education or other portfolios, every cabinet secretary needs to be guided by the principle of creating a fairer and more equal country.

My job—as Angela Constance's was before me—is to ensure that the voices and lived experiences of those who experience poverty are not forgotten, and to speak up for folk who are not heard, are disempowered and are surviving but not thriving.

The decisions that we take as a Government must be examined through the lens of child poverty to generate the better decisions that must be made. That is the only way that we will ever make good on our national performance framework, which I fundamentally believe in, because it values the success of our society based not only on gross domestic product, but on

the depth of our humanity and kindness, our dignity and our wellbeing.

All those things will ensure that we as a Government take the right decisions and make tough choices. It might be bumpy, but if we have the collective support of this Parliament, we can overcome those bumps. Ultimately, we want a country that is fairer, supports children's rights and eradicates poverty.

The Deputy Presiding Officer: I have had a last-minute request, which I can accommodate.

Bob Doris (Glasgow Maryhill and Springburn) (SNP): I very much appreciate that, Presiding Officer.

I welcome the cabinet secretary's announcement of the child payment, which will benefit 410,000 children around Scotland.

The cabinet secretary mentioned the required alteration of the timetable for the new disability assistance benefit, which I accept. Is the cabinet secretary still confident that new claims for disability assistance and reassessments for it will be carried out by Social Security Scotland, as opposed to the DWP, by the end of this parliamentary session?

Aileen Campbell: Nothing is changing in that regard. Given Bob Doris's position as the convener of Social Security Committee, we will furnish him with all the implications of the announcement and ensure that he has access to the full analysis. We will send him a letter to ensure that he is clear about what the announcement means in terms of the other benefits that are being delivered by Social Security Scotland.

The Deputy Presiding Officer: That concludes questions on the ministerial statement on the tackling child poverty delivery plan first-year progress report.

Tenement Maintenance

The Deputy Presiding Officer (Christine Grahame): The next item of business is a debate on motion S5M-17892, in the name of Kevin Stewart, on the working group on tenement maintenance.

15:50

The Minister for Local Government, Housing and Planning (Kevin Stewart): I welcome the publication earlier this month of the final recommendations report of the working group on maintenance of tenement scheme property. I commend the group for bringing together members from all parties and a wide range of stakeholder interests. As convener, Graham Simpson has led the work to bring the report and its recommendations to publication. I also commend his predecessor as convener, Ben Macpherson, for his work to bring the group together and get it started.

The consensus that has been achieved is reflected in the motion today, which has the support of all parties in the Parliament. The motion seeks the Parliament's agreement that the working group's recommendations merit serious and careful consideration. I fully agree with that, and I have previously committed to consider the recommendations. Today, I reiterate that commitment. I intend to make a substantive response to the report in the autumn.

I note the working group's intention to hold a conference in September to consider the recommendations. The Government will support the approach, and I am sure that discussions at the event will help us to take the matter forward.

Many people in Scotland live in tenements that will continue to provide good-quality, safe, sustainable and affordable homes for many years—but only if we look after the homes that we live in. Owners of tenements need to accept their responsibility for protecting and preserving them, whether we are talking about our older built heritage or brand-new flats, and they must carry out repairs and maintenance to common parts of their properties.

According to the most recent Scottish house condition survey local authority report, it is estimated that 36 per cent of Scottish homes are in tenements. Disrepair is worse in tenements than in other kinds of house; it is estimated that 66 per cent of houses and 76 per cent of tenements have at least some minor disrepair, which can cover a wide range of defects, and that around 5 per cent of houses and 8 per cent of tenements have extensive disrepair.

Regular maintenance is not just good practice; it is much more cost effective to invest in regular, proactive maintenance than to let small defects grow, through neglect, into problems that need expensive and potentially ruinous repairs. It is frustrating for owners who accept their responsibilities and are keen to work with their neighbours to find their efforts hampered by a culture of poor maintenance.

It is also necessary to look after our homes to play our part in tackling the global climate emergency. We will need more than 80 per cent of the homes that we currently live in to be in use in 2050.

In its report, the working group recognises that primary legislation will be needed to deliver its recommendations in full and that time is needed for the development and passage of bills. A 10-year timescale is anticipated to implement the recommendations in full, including the proposal to commission the Scottish Law Commission to consider the complex interaction of maintenance responsibilities and property law. I will include the point in the response to the recommendations that I intend to make in autumn.

I completely agree that owners of tenements should plan ahead for future common repairs and maintenance and that they must be prepared to work together and pay their share of the cost of the work. However, as the working group notes in its report, it might be difficult to enforce compulsory sinking funds or five-yearly inspections. It is not clear what would happen if a flat owner did not have the money to contribute to a sinking fund or refused to pay.

Some home owners would not welcome the need to hand over sums of money for repairs that are not required at that point. That does not mean that the proposals are unworkable, but there needs to be serious thought about how they could be funded and enforced in practice; we all need to work together to address those issues. The motion recognises the challenges that must be met to ensure that our housing stock can continue to provide safe and sustainable homes for the future.

Andy Wightman (Lothian) (Green): The minister has highlighted challenges, such as the sinking fund. Does he accept that there are plenty of examples around the world of such arrangements that operate very smoothly? Although it is a challenge, it is not impossible.

Kevin Stewart: I have not said that it is impossible, and we need to look at what has happened elsewhere to get that absolutely right. I will respond in depth in the autumn about it. Mr Wightman can be assured that we will not do all this in isolation; we will look at practice elsewhere

to see whether we can plagiarise the good ideas from other places.

I am pleased that what the Government has done has been acknowledged. We have taken action to improve the condition of Scottish tenements; the positive impact of missing shares powers and equity loans are noted in the report. In my constituency in Aberdeen, I have seen how missing shares powers have had that positive impact—often the threat is enough to persuade an owner to engage with neighbours. However, I accept that we need to go further.

The energy efficient Scotland programme will drive change in Scotland's housing stock. Poor condition is a factor in the difficulties of keeping houses warm and affordable. A building that lets out heat or lets in water because it is in a poor state of repair is likely to consume more energy to heat comfortably, and that will lead to higher carbon emissions.

We will consider how to take those issues forward as part of the programme. The equity loan scheme provides access to funding for some maintenance works in conjunction with energy efficiency improvements, which could provide a route to funding for tenement owners. We will continue to monitor the scheme's performance in the coming months with a view to wider roll-out.

I also give an undertaking today that the recommendation to link a five-yearly report on tenement condition to the home report will be looked at as part of the Government's response to the recommendations for improving home reports.

Traditional stone tenements are a distinctive part of Scotland's built heritage. We have added to that with more modern types of flat. Our system of individual property ownership is also distinctive. As Professor Robertson notes in his recent report on common repairs for the working group, citing an observation from Roman law—*communio est mater rixarum*—co-ownership is the mother of disputes. He quotes Hugo Grotius from the 17th century:

“common ownership could bring nothing but discontent and dissention”.

That may be so, but I hope that the report of the working group on tenement maintenance can be a basis for finding a way forward that will allow us to improve co-operation between owners, helping us to build a culture of proactive common maintenance and to preserve our unique buildings for the benefit of future generations.

I move,

That the Parliament appreciates the work of the Working Group on Maintenance of Tenement Scheme Property and the publication of its Final Recommendations Report; acknowledges that the group had cross-party representation and has gathered views from across the

Parliament and that of the housing sector; notes that the report acknowledges the important action that has already been taken to improve the condition of Scottish tenements; recognises the challenges that must be met to ensure that Scotland's housing stock can continue to provide safe and sustainable homes for the future, and believes that the group's recommendations merit serious and careful consideration.

15:58

Graham Simpson (Central Scotland) (Con): I thank the Government for giving up its debating time to debate this issue; the Minister for Europe, Ben Macpherson, who was the initial convener of the working group; and fellow members who have been an integral part of the group—Andy Wightman, Daniel Johnson, John Mason, Jeremy Balfour, Maureen Watt, Stuart McMillan and Gordon Lindhurst, who I suspect was the only member who understood the minister's attempt at Latin.

We have had a few debates on this subject, but the condition of housing does not get nearly enough attention in this place. It affects all of us and, if things go wrong, it can harm people's physical and mental health.

We have all dealt with cases of buildings that are in need of repair, damp, insecure or leaking. The statistics—the minister touched on some of them—paint a pretty grim picture. We know from the most recent Scottish house condition survey that 68 per cent of homes have some degree of disrepair; disrepair to critical elements stands at 50 per cent; 28 per cent had some instance of urgent disrepair; and 5 per cent had extensive disrepair. Those figures have not moved in a year. Nearly a fifth of our housing is pre-1919—that is 467,000 homes, and 68 per cent of them have disrepair to critical elements. That is a lot of homes that need a lot of work done to them.

We need to see housing as part of the fabric of our nation. Our built heritage is part of our infrastructure, and we need to view tenement maintenance in that way. There is a need to act. Recent statistics for Edinburgh, for example, show that there are 20 incidents of falling masonry every month. That is just in Edinburgh—if we imagine that replicated across the country, we see the scale of the problem. We are looking not only at older buildings that one might traditionally think of as tenements but at newer buildings, too. In East Kilbride, where I live, a lot of the buildings, which were all built around the same time—they are not pre-1919—are falling into disrepair.

The working group on tenement maintenance is a genuinely cross-party group. That is important, because if we are going to tackle this extremely difficult issue, it needs to be done with the approval of every party in the chamber. Earlier this month, we published our final report with key

recommendations; I will come to those in a moment. Implementing the changes will not be easy, and there will be a cost, but we cannot ignore the human cost to physical and mental health and wellbeing of not taking action.

There are three recommendations. First, we believe that tenement properties should be inspected every five years, and a report should be prepared that will be publicly available to existing or prospective owners, tenants, neighbours and policy makers. The purpose of the report will be to show what condition the building is in, how much it will cost to bring it up to standard if it is defective and what needs to be done by way of on-going maintenance.

Secondly, the group recommended the compulsory establishment of owners associations. Such associations are an essential element of tenement maintenance in that they provide leadership and effective decision-making processes and are able to enter into contracts. If, for whatever reason, an owners association cannot be established or it fails, compulsory factoring could be the fallback position.

The final recommendation is the establishment of building reserve funds. There was a lot of discussion over how such a fund would look and operate; the minister rightly touched on some of the challenges in that respect. It was decided that a central fund was preferable to an owners association-held fund, as it would have better protection and would make it easier to prevent fraud. We know that none of those ideas is simple. The issue is very complex. The solution could be controversial and a lot of people will not like it, but it needs to be done. The report provides suggestions for further research and actions as well as timelines for the implementation of the recommendations. As the minister said, it could take 10 years or more.

There is a lot still to do, but I am confident that we are on the right path, and I know that the Scottish Government takes the matter seriously. I am pleased to hear that the minister will be making a statement in the autumn—I look forward to that. We need cross-party support, which is why no amendments to the motion have been lodged.

I give my appreciation for the hard work and effort of the stakeholders in the group, our secretariat—Euan Leitch from the Built Environment Forum Scotland and the Royal Institution of Chartered Surveyors—as well as the other organisations and individuals who took part. Without them, we would not be where we are today.

Last May, Parliament voted in favour of a motion that called for a review of legislation on tenements. That has not happened yet, but I hope that today's

debate will be the catalyst for it. I was pleased to hear the minister say that he will make a statement and that the Government will take part in a conference on the issue because, to be frank, doing nothing is not an option.

16:04

Daniel Johnson (Edinburgh Southern) (Lab): I, too, begin by reeling off a list of thanks. I thank my fellow members of the cross-party working group. Taking part in such a group has been genuinely refreshing. It has worked in a very constructive way and certainly without any hint of party-political partisanship.

I thank the Government for making time for the issue to be discussed. The issue is serious, but it could easily be dismissed as technical or not necessarily as important as I believe that it is. I thank Euan Leitch, who put in an absolute power of work. Without his input, the report would not have been written. I also thank RICS, which supplied much of the wherewithal to make the report happen.

There is a simple reason why I think that the work is important. Tenemented residences and homes are absolutely core to my constituency. When we think of Edinburgh Southern, which I represent, we think of places such as Marchmont, Bruntsfield and Morningside. Those places are absolutely built on tenemented maintenance, and we need to maintain such fantastic areas and areas that we might not consider to be tenemented. As we have heard, the buildings range from post-war local authority-built houses to subdivided mansions. All those types of building—that rich seam of different types of homes—are tenemented. We need to maintain them not just because they are nice buildings—many of them are—but because they are critical to our country.

As Graham Simpson pointed out, housing is infrastructure. However, it is our most fundamental form of infrastructure. We are talking about the very homes in which we live. Housing is critical.

The minister and Graham Simpson set out some of the details. Before I set out some of the context, I acknowledge that Andy Wightman established the concept of housing being infrastructure. That is critical. Although housing is infrastructure, we must recognise the context in which the debate is taking place. We are seeing something of a housing crisis on many counts.

We are seeing a crisis of availability. Huge numbers of people in the city of Edinburgh have to live in temporary accommodation for far longer than they should have to. On affordability, too many people find themselves priced out of the housing market or simply find that housing costs take up a disproportionate amount of their wage.

There is also the issue of sustainability. I was glad that the minister made points about the environmental sustainability of our housing and the need to invest in that for those reasons.

Those are the reasons why housing is so important. Maintenance is critical to housing for all those social goods, because housing underpins so much wellbeing in this country.

There is a clear public interest in taking forward measures such as those that are set out in the report. It is important that we preserve our housing stock and invest in it for future generations. It is not just the people who live in the houses now who will benefit from investment; future generations who will live in those houses will, too.

That is why we need legal recognition of the reality of tenemented housing. People do not own individual bits of property that are completely distinguished from other people's property; in effect, they are co-owners of a single building. That fact is not currently recognised in the law, and that needs to change.

Over and above those points, there is a fundamental point of public safety that we need to recognise, which Graham Simpson alluded to. In the city of Edinburgh, there are huge numbers of roof falls every month. Between 2014 and 2018, the number of roof falls almost quadrupled. The 78 roof falls in Edinburgh, including 53 masonry falls, rose to a total of 254 roof falls and 179 masonry falls in 2018. Roof falls can be lethal, and they have been lethal in the past.

The proposals are not simply things that it would be nice to have and which would make lives a little bit better, although they would do. They could potentially save lives. The proposals have already been outlined, but we need building checks to make sure that the buildings continue to be safe and habitable, because preventative spend is much more cost effective than spend that is required when the damage has already been done.

We need owners associations so that people have the structure and the entity through which they can make collective decisions—

The Deputy Presiding Officer: You must close now.

Daniel Johnson: I will close shortly. For those reasons—

The Deputy Presiding Officer: Now.

Daniel Johnson: I welcome the proposals and look forward to the minister's statement in the autumn.

The Deputy Presiding Officer: Thank you. I am glad that you understand the word "now". I call Andy Wightman, who will be followed by Stuart

McMillan. The open debate speeches are four minutes, Mr McMillan. I know that you will set the precedent.

16:10

Andy Wightman (Lothian) (Green): As other members have done, I thank the minister for making time for the debate and the Scottish Government for providing some critical funding that oiled the wheels of the work behind the scenes of the debate.

I thank Ben Macpherson, who is not here—presumably he is busy with other things. It was during his members' business debate in January 2018 that the proposal to establish a cross-party working group was first made. Like Daniel Johnson, I very much enjoyed engaging with the group. We grappled with some quite complicated questions, but nevertheless it was very worth while.

I also thank the wide range of members, including landlords, factors, surveyors and council officials, who contributed substantial time and effort in analysing, discussing and researching the issues and developing papers. I particularly thank Euan Leitch of the Built Environment Forum Scotland who provided the secretariat.

The fact that it was called a working group is important; the group actually did some serious work on a vitally important area—the governance of tenemental property. Like other members I am sure, I have a regular stream of constituents who have complaints about common repairs and the difficulties of securing on-going maintenance.

Although I no longer own a home, I owned a tenement flat until 1996 and the stress of organising repairs, which involved threats of violence against me by neighbours, led me and five other residents to sell up. I know many other folk who have faced similar situations. When we talk about people's mental and physical health, the stresses that can arise as a result of living in an environment that is not appropriately governed are real.

The issue is not a new phenomenon. In the past, most of the tenements were owned by landlords and occupied by tenants, so the landlords were responsible for maintenance and there was not such a variety of responsibility. Nevertheless, most of the properties in Glasgow and Edinburgh have been here for a century at least and in some cases more than 200 years. With proper maintenance and refurbishment, they should last many more years, but they have not had that proper maintenance. Although we have systems in place and some improvements have been made—as the minister alluded to—we still face a very challenging situation. In short,

Scotland has allowed a major part of its infrastructure to fall into disrepair as the result of a failure to develop the modern governance arrangements that are prevalent in most normal European countries.

As Graham Simpson said—I am sorry, I should have thanked him at the beginning for convening the cross-party working group—the working group made three key recommendations on building inspections, compulsory owners associations and building reserve funds. It also laid out a proposed timetable for delivery.

As Daniel Johnson alluded to, and as I have mentioned before, at the heart of the issue is the fact that we treat domestic property as an exclusively private interest, despite the fact that a third-floor flat enjoys support from the second floor and shelter from above. The lifespans of tenements in the city should be measured in centuries. In that light, such properties are part of the public infrastructure of our cities, just as the streets, the sewers and the utilities are. In that public infrastructure, there are the private interests of the owners and occupiers for the time being. It is their essentially short-term private interests—typically they last for 10 years, or 20 years at most—that too often prevail and have frustrated progress on the issue in the past. Those interests can frustrate the necessity of undertaking regular maintenance.

I would like us to frame the debate clearly as one that concerns the public infrastructure of our urban realm, rather than private property. Let us also agree that owners have responsibilities as well as rights. Those responsibilities need to be laid out well in advance and signposted. In that regard, it is important that we move from the broad agreement of the working group to a high-level political agreement to implement the proposals.

The proposals that are set out in the report have cross-party support. We can build on that and agree a programme of work to deliver them.

16:14

Stuart McMillan (Greenock and Inverclyde) (SNP): I thank Graham Simpson for chairing the working group, and Ben Macpherson for doing so beforehand. The work of the group has been a useful exercise and, as others have said, its title as a “working group” was important. I made it to only one of the meetings, but my staff went along to others on my behalf.

In 2007, 48.8 per cent of Inverclyde homes were considered to be flats, and that figure incorporated tenements. Many constituents have come to me with housing issues, and I will touch on one in a moment.

I do not think that every landlord is a bad individual. The vast majority of landlords are good and do a wonderful job, but a small minority unfortunately gives the responsible owners a bad reputation. The working group's recommendations are important in helping the debate to go forward.

As a society, we need to improve how we educate people, but to do so not in a patronising way. As Daniel Johnson touched on in his speech, people who live in tenements need to appreciate that they have a joint responsibility for all common areas in their building, whether or not they are directly affected by any problems or issues. There was much discussion in the working group about sinking funds, which residents would pay into to ensure that a pot of money was available when repairs were needed. Although I accept—I am sure that others do, too—that that would result in monthly bills being a bit higher, it could certainly guard against people needing to pay a big one-off bill by ensuring that maintenance takes place before emergency repairs are needed, which would cost even more money.

The working group's report made three recommendations, one of which related to sinking funds. I am pleased that the minister, in his opening speech, indicated that the Scottish Government will consider the report and come back with a full and detailed statement later in the year.

The first recommendation on building inspections is really important, but there will certainly be some challenges. Having inspections every five years is right, but we need to fully consider whether we have enough people who are trained and have the expertise to deliver the checks every five years.

The second recommendation, on the introduction of owners associations for tenements, is very sensible and could help to foster better relationships between neighbours. Andy Wightman touched on that point. I am often contacted by constituents who have strained relationships with their neighbours or are dealing with a neighbour who simply will not engage in repair talks, and I imagine that the introduction of owners associations would force absentee landlords to engage.

I have already mentioned sinking funds. Recently I was contacted by a constituent who is thinking of leaving because of the trouble that they are having with some of their neighbours in their block. A sinking fund would certainly help, but an owners association would help in that situation, too.

I am conscious of the time, so I will just say that I welcome the report and that I am pleased to have played a small part in it. The fact that there is

cross-party support indicates the importance with which all the parties in the Parliament treat the issue.

16:18

Gordon Lindhurst (Lothian) (Con): As a member of the cross-party working group, I am pleased to have the opportunity to speak in the debate. I begin, as others did, by thanking my colleagues—I will not name them all, because others have already done so—for their excellent work on the vital report.

I thank the minister for citing Grotius, who is a much-neglected source of legal wisdom these days. I do not know what Grotius had to say about subdivided mansions, which Daniel Johnson mentioned, but I am sure that Daniel Johnson can research that for himself at some point.

As someone who represents Edinburgh and the wider Lothian region, I am acutely aware of how many tenements there are in the area. They play a vital part in our history, and not just in relation to our housing needs. In fact, I was thinking about whether I should make a declaration of interests, as I am a dweller in one of these buildings. However, I think that people can simply look up the interests of members who have spoken in this debate in the register of members' interests—we all have to live somewhere.

Without a shadow of a doubt, many tenements have fallen into a state of disrepair. That is why it is absolutely vital that the recommendations in this report are heeded. Under modern conditions, there is, in my view, no effective mechanism in Scotland to ensure that the maintenance of tenements is carried out, far less to ensure that it is carried out to the appropriate standard. As a result, it is often left up to individuals to sort out the works themselves. Indeed, usually, one proprietor carries the burden of organising them. That applies whether one is living in an Edinburgh tenement of six properties or a block of 16 properties. In either case, it can be extremely hard to get everyone together to agree to works that might be desperately needed. A wide variety of people might live in those flats for different reasons, and many of them are not owners.

My colleague Graham Simpson referred to factoring. That can be an option, but at present there is no legal obligation to have a factor, unless that is set out in the title deeds, and, even if it is, it can prove difficult to enforce such conditions.

With almost 70 per cent of pre-1919 dwellings facing a state of critical disrepair, we are at a crucial point in the life of such tenements. The necessity of introducing a binding system is clear to all.

Compulsory owners associations being set up to help with the essential upkeep and maintenance of these tenements is the solution that has been suggested. Such associations would be able to enter into legal contracts, giving them far greater effectiveness. Being able to sing from the same hymn sheet like a choir, rather than an individual having to take legal responsibility for the whole of what can be very costly and substantial works, would be helpful. Preventing apathetic owners from holding up repairs that might be urgently required is also crucial.

It has been pointed out that the move might not be easy and that it might not happen overnight, but today's debate heralds an important step forward for thousands of people in Edinburgh and across Scotland. That is why the working group has called on the Scottish Government to take forward plans to enshrine many of the recommendations in law by 2025. It would be helpful if the Government could clarify the timetable that it would like to work to on that issue—I appreciate that the minister made some commitments in his opening statement.

What has happened to many of our vibrant and iconic tenements and dwellings is a crying shame, but it is a real privilege to have been part of this cross-party working group, and I hope that we will be able to continue to change matters for the better by agreement when it comes to housing repairs.

16:22

Pauline McNeill (Glasgow) (Lab): There is no Latin in my speech, Presiding Officer. If you hear any, it is there by mistake.

First, I thank the members of the working group—Daniel Johnson, Ben Macpherson, Graham Simpson, Andy Wightman and others—for their work. It is quite unusual in this Parliament for there to be such a process outside the committees. I think that that procedure should be adopted, and I say well done to everyone who was involved in it.

The Tenements (Scotland) Act 2004 was a good act, but it clearly needs to be re-examined and reformed. Like other members, I have experience of living in tenement buildings. I lived in one in the west end of Glasgow from 1999 until 2002. Although I loved the large, spacious rooms and the cornices, I did not like so much the dry rot, roof repairs and leaks. However, those are the things that one has to contend with if one lives in a tenement building. Living in a tenement is excellent if one has good neighbours and everyone is on board, but, I have certainly found that that is not always the case and that there is always someone who has difficulty getting

involved, which can hold up the whole process of any works.

We cannot ignore this policy issue. Some 24 per cent of Scotland's housing stock is tenemental, and 29 per cent of that was built before 1919, which represents 7 per cent of all stock. Further, 36 per cent of the buildings in the tenement sector are in critical or urgent need of repair, compared with 24 per cent in other sectors. As the minister says, we cannot ignore the issue, not least in relation to our efforts to tackle global climate change and meet our targets on fuel poverty. To do that, we need to make it simpler and more affordable for owners to improve their properties in the short term and the long term.

I think that it was Gordon Lindhurst and Stuart McMillan who said that many owners do not appreciate the full extent of the repairs that are needed to their property, which could have built up over a long time. I know many owners who have found themselves in that situation, although that may have changed since the introduction of the home report because more information is available. We need to make sure that we do not land the current owner with all the bills resulting from the building falling into disrepair over a lengthy time.

Common repair management is not easy when there is no factor. Getting together with neighbours is, essentially, the way to tackle that. Graham Simpson is right to say that dealing with repairs and how to pay for them can affect people's mental health, because they may have little experience of dealing with a leaking roof and getting their neighbours to agree to pay up.

There is an issue with windows in tenement properties in conservation areas in the west end of Glasgow. We have not yet found a solution to the problem facing people who need to replace their windows but do not want to spend the fortune that that can cost in a conservation area. I know many owners who would like a scheme to help them to do that.

Absentee owners are a serious barrier to progress, so obligations must be placed on them to ensure that other owners can manage and keep up the maintenance.

On the report's recommendations, the five-year MOT on buildings seems like a good idea, depending on what that means for the owners in relation to costs. We will need to examine the detail of that. Compulsory residents associations seem to be the only way in which to make the management of tenement buildings easier and more comprehensive. Owners of the individual properties cannot ignore the fact that they share parts of common areas in the building and

compulsory residents associations would provide a baseline for that.

I just want to ask—

The Deputy Presiding Officer: I am afraid that you cannot. I want to leave time for the statement on transvaginal mesh ; I do not want to eat into that time.

Pauline McNeill: That is fine.

16:27

John Mason (Glasgow Shettleston) (SNP): I am pleased to take part in the debate to mark the launch of this report. As others have said, the subject is difficult and will not be easy to sort, but we need to address it. Many of us and our constituents are living in flats, tenements or four-in-a-block properties that are not being properly maintained and have possibly not been maintained for many years.

In my case, our estate of some 270 flats was built some 60 years ago as part of greater Easterhouse. It had a major refurbishment around 1989, with whole floors removed and entirely new roofs put on. However, that was 30 years ago—I have lived there for 29 years—and in most cases the roofs have not been inspected during that time.

Routine maintenance has not been carried out, not even gutter cleaning, and we can see the whole estate gradually deteriorating. We have factors in place and I have no complaint against them, but their hands are tied if the owners do not pay for maintenance. I have constituents who live in much worse conditions in much older properties.

There is also a safety angle to the matter, with the possibility of stone or slates falling off roofs, as Daniel Johnson graphically described, not to mention electrical dangers and the possibility of fires, as Electrical Safety First reminded us in its briefing.

On the other hand, there are tenement properties in very good condition, including modern, post-war and older sandstone stock. That is often because they are owned by housing associations that take part of the rent each month and set it aside for planned and cyclical maintenance. When painting, gutter cleaning or even a new roof is required, there is a fund sitting there ready and available.

My question is: can we learn from what happens in housing associations and come up with a system that will work for all flat owners? It seems to me that that is what the report is suggesting with its three proposals: building inspections, owners associations and reserve funds. That will

be good not only for individual owners and their families; it is a national problem and we need a national solution.

Much of our housing stock has been there for 100 years, as Andy Wightman said, and there is really no reason why it cannot be there for another 100 years. It is a national asset, and it gives our towns and cities their distinctive character.

As I said, this is not an easy subject. The problem impacts on not just individuals but the whole country. Taking measures might well not be popular, especially if owners have to put aside money for maintenance each month. The reality is that that will cut into spending on other things, be they holidays, new furniture or whatever.

There is a valid question about what happens to people who have no available cash to save. That is a challenge. However, a fair proportion of people—some people say 80 per cent—could afford to maintain their buildings but just need a better and simpler system for doing so. If we can bring in that better system for those people, we can consider what extra help the minority will need.

That is certainly the case in my constituency, which, although it has a lot of high-quality properties, has many properties that are worth less than £100,000 and some that are not worth anything at all.

Grants will have to continue to play a part. We must also consider imaginative solutions, such as interest-free loans that are repayable only when a property is sold.

For today, we are focusing on a better system. Other countries have put in place the kind of measures that we are suggesting, such as building inspections, owners associations and reserve funds.

I thank the people who did the real work for the report. I am pleased to associate myself with it and to support its recommendations.

16:31

Annie Wells (Glasgow) (Con): It will come as no surprise to members that I am speaking in today's debate on tenement maintenance, given that I am a member for Glasgow.

Glasgow is famed for its tenements. They have been part of the fabric of the city since the 19th century. To live in one is to be immersed in Glasgow's rich history. It is amazing that around 73 per cent of Glaswegians live in a flat of some description, compared with a proportion of less than 25 per cent in comparable cities in England and Wales.

Therefore, the importance of the debate cannot be underestimated. For that reason, I put on record my thanks to the working group for all the hard work that it put into highlighting the issue.

We have known for some time the problems that Glasgow's tenements face. A report last year from Glasgow City Council revealed that thousands of closes are in critical disrepair. It was estimated that around 46,000 tenement flats that were built before 1919 are dangerous and require major, structural weather-tightness and restoration work.

The cost of the work is estimated to be just under £3 billion, which is a substantial figure. The concerning point is that that is needed just for Glasgow's tenements. Across Scotland, there are nearly 600,000 tenement properties, which make up 24 per cent of the total housing stock. It is alarming that 68 per cent of all dwellings have some degree of disrepair, however minor it might be.

In Glasgow, the main areas of concern are Govanhill, Ibrox, Cessnock, east Pollokshields, Strathbungo, Haghill and Dennistoun. I understand that the council is carrying out condition surveys of around 500 pre-1919 tenement properties across the city and will publish another report in November. I hope that that will kick-start a longer-term plan for the city.

Meanwhile, the working group on tenement maintenance, which was set up last year, has made a number of recommendations. As we heard, the Scottish Government can action those recommendations and I hope that it does so. I welcome the minister's commitment to return to the Parliament later in the year with his response.

Individuals are currently left to themselves to sort out the work, so we are seeing tenements left to deteriorate beyond repair, on a mass scale.

As we heard, the working group called for regular building inspections every five years and a publicly available report, to enable existing and prospective owners and tenants to know what condition a building is in and what future expenditure might be expected.

The working group called for the establishment of compulsory owners associations, to provide leadership and effective decision making and to enable groups to enter into contracts with building professionals. It also called for the establishment of building reserve funds, held centrally, with guidelines on how much needs to be contributed, depending on the building's age and type.

The Scottish Conservatives support all those recommendations and the working group's call for legislation to be introduced in the Parliament by 2025, to enshrine in law the responsibilities for tenement maintenance.

The Scottish Government needs to take decisive action to protect our built environment and to take forward the working group's recommendations.

Three years ago, during my first tour of the Scottish Parliament, I was told that the MSPs had their offices in a building that, through its architecture, represented a tenement building. It is therefore ironic that we have buried our heads in the sand for so long when it comes to addressing the scale of the problem. If we are serious about bringing tenement buildings across Scotland back into liveable conditions, we must implement the working group's recommendations. If we do not give the issue urgent attention, we will let down the thousands of people whom the problem affects.

16:35

Maureen Watt (Aberdeen South and North Kincardine) (SNP): I, too, am pleased to be taking part in the debate, as someone who has attended all the meetings of the working group on tenement maintenance since September last year, when I became eligible to join it, although I understand that the meetings started in March. I have been very impressed by the talent and experience of the professional members of the group and by the fact that the folk on sub-groups have progressed different strands of work quickly, effectively and efficiently. I, too, would like to thank Euan Leitch of Built Environment Forum Scotland for providing the secretariat. I would also like to thank the academics, including Douglas Robertson, for their input, and Graham Simpson, for the way in which he has chivvied along the work.

I joined the group because I love the wonderful granite tenements in my constituency and that of the minister, which look absolutely majestic in the sun but deeply grey in the rain, and which—inside and out—are in need of a great deal of TLC. It is not only those buildings that require attention; more recent council housing—and the properties that have been sold on—does, too. A large part of the 900,000 households across Scotland that fall under the Tenements (Scotland) Act 2004 occupy such buildings.

Those homes fall under various types of ownership. As well as those that are owned by the council, there are those that have owner-occupiers, long-term tenants and—sometimes—very absent landlords. As we know, it is very difficult to get agreement on doing repairs. It is also the case that many people who purchase a house do not remember that, as well as having to allow for mortgage payments, they will be required to maintain their property. Sometimes, lawyers or selling agents can be remiss in failing to tell

people what is involved in buying particular properties.

In common with other MSPs, I have had a fair number of cases involving constituents—whether home owners or tenants in private or council-owned properties—whose homes have required major repair. Despite the availability of the missing share mechanism, some councils have not been as good as others in using it. I hope that many councils will learn from the City of Edinburgh Council on how things should be done in that regard.

In many cases, private owners have legitimate serious concerns about what the council says that work will cost, which can be much higher than estimates that the owners have obtained for the work. That is why owners' associations are extremely important. I hope that, when we get down to the detail of those, we will ensure that they include all the residents in a building, including the tenants, if they wish to be involved. If all the residents feel some responsibility to maintain the block in good order, that will avoid the building falling into disrepair.

I think that owners' associations should become a given in new blocks and that they should have sinking funds. That way, people will begin to see the benefits of having such associations with sinking funds. People in other areas will see that owners coming together on a voluntary basis—as might happen in areas such as those that Daniel Johnson mentioned or in the new town—is infinitely preferable to compulsory factoring, which can be especially fraught. I know of several instances in which compulsory factoring has been fraught, especially in relation to ground maintenance.

The Deputy Presiding Officer: You must end there—thank you.

I call Daniel Johnson to close for Labour.

16:39

Daniel Johnson: There have been a great number of speeches, and it is notable how much agreement there has been in the chamber. I do not propose to rehearse any of the arguments, but I will emphasise for the minister what I think the key points are, bearing in mind his statement planned for the autumn.

There are three simple propositions behind what we are discussing: that we should check our buildings, that we should provide owners in common with a mechanism for making agreements and coming to co-decisions, and that the people who co-own buildings should save together. Those are three simple ideas, but they

are vitally important ones for maintaining our housing stock in this country.

I believe that the key issue is getting that going. I believe that, once we establish the mechanisms and set the expectation for those who own tenemented property—saying, “This is what we expect”—that will reinforce itself, the culture will change, expectations will change and things will simply happen. The question is how we get things going.

On the first point, that of building checks, we now have a system in place involving home reports. People expect to see a home report when they buy a house. I think that the same thing will become true of the tenement building check—the so-called building MOT. People will simply not be prepared to buy a tenemented property if that check is not in place. I think that, if we can establish that, it will take hold.

Likewise with owners' associations. That is possibly the most difficult bit, but there is the expectation that they will be put in place. The Government will need to give some thought to how to make it easy for owners' associations to be set up, whether that involves off-the-shelf articles of incorporation or publicity schemes to promote the use of such associations. Ultimately, when building works need done, if those mechanisms are available and on the shelf, the co-owners of buildings will reach for them, because that will make their decisions easy.

Likewise with sinking funds. I think that we will need to make them mandatory, and that will be difficult, but the missing shares scheme points to how that could be made to work. If such arrangements are not in place and the funds are claimed back at the point of sale, that will not be popular, but it will make things work.

There are examples from elsewhere in the world where such arrangements have been made to work—where such systems or mechanisms have been put in place—such as in Ireland, where multi-user developments were introduced in 2011 and sinking funds were established using a simple €200 per annum fee, just to get them going.

Those are the sorts of things that we will need to consider in Scotland. I think that we can, and indeed we must, as we have been here before. The Labour and Liberal Democrat Administration consulted on the self-same proposals back in 2003, but decided that they were too difficult. I do not think that we can come to that conclusion this time. Yes, it is difficult, but I urge the Government to have courage. I think that we need to, in order to preserve our housing stock.

I urge the other parties to join the consensus. If we make this policy something of common and collective interest—it is something that we

recognise as difficult, so we must stand shoulder to shoulder—we will make it happen, and our housing stock will be the better for it.

16:43

Jeremy Balfour (Lothian) (Con): I thank the Government and the minister for making time for the debate, and I am grateful for all the contributions that have come from across the chamber.

The Scottish parliamentary working group on tenement maintenance, on which I have been proud to serve as a member, was formed in March 2018. It set out to find common themes on how to improve legislation in this area. Remarkably, we did find common themes that had cross-party support and, which is perhaps even more important, had support from the experts in the field.

That is the strength of the working group's report, as others have mentioned. We have not only cross-party support from four of the five parties—we are not quite sure where the Lib Dems are, but hopefully they will appear at some point—but, more importantly, buy-in from the professionals and from local authorities.

I, too, thank Ben Macpherson for bringing about the debate that took place a couple of years ago. The reason why I took part in that debate involved my rather troubled experience as a councillor in Edinburgh. I was pleased that Maureen Watt, I think, said what a good model Edinburgh had. If she had come here a few years ago, she might not have had quite the same experience. The local authority went through quite a difficult time with regard to how to deal with tenements, but the council learned from that experience and it has shown that we can move forward together. We need to work on that.

Everyone has mentioned the three recommendations. To save time, I will not go through them again. John Mason was right when he said that the difficulty will not be in agreeing principles but in how we implement the proposals in practice. I think that Daniel Johnson and others also picked up on that point. That will be the challenge for the minister and the Government when they come back in the autumn. We can agree on terminology and principles but, when it comes down to how we actually implement the proposals and the amount of money that will be involved, we will have to work closely together. Beyond that, there is the question of how we can sell the proposals to our constituents, because, as has been pointed out by other members, they will have to pay extra.

It is important to make the point that Graham Simpson started with. This is an issue not just for

Edinburgh, Aberdeen and Glasgow but for lots of cities and towns throughout Scotland, because tenements were built not only 100 years ago but in the post-war period and even in more recent times. We have to consider what we are going to do with tenements that are being built today. I know that many people now have factors, and I think that that is the way forward. We perhaps need to think further about how we encourage—or even, perhaps, force—owners to have some kind of factoring service in their block.

I again thank all those who have done the hard work. I pay particular tribute to Ben Macpherson and Graham Simpson, who chaired the meetings.

We have set ourselves a target of 2025, which is the date by which we want the proposals to be implemented. That might seem a long way away, but the hard work starts now. I know that members on this side of the chamber and, I am sure, across the chamber, look forward to hearing not only the minister's summing-up speech today but also, more importantly, what he will say in the autumn.

The Deputy Presiding Officer: I call Kevin Stewart to close for the Government.

Kevin Stewart: How long have I got, Presiding Officer?

The Deputy Presiding Officer: Six minutes.

16:47

Kevin Stewart: I am grateful to all the members who have taken part in today's debate. The common ground on the points at issue is reflected in the joint motion and the consensus that has been displayed this afternoon on all the main points.

Many issues have been raised. We must get the definition of "a tenement block" absolutely right, because, as Jeremy Balfour said, we are talking not only about the blocks that were built at the end of the 19th century and the beginning of the 20th century but ones that are being constructed today. According to the 2004 act, a tenement is

"a building ... which comprises two related flats which, or more than two such flats at least two of which ... are, or are designed to be, in separate ownership; and ... are divided from each other horizontally".

That might include subdivided mansions, although I say to Daniel Johnson that not many of those exist in my constituency.

I know, from my casework, the problems that can be caused as a result of common ownership. It can be frustrating for owners who accept their responsibilities and are keen to get things done to find that others in their block are not so keen to do that. Members including Pauline McNeill and Andy Wightman have said that those things often lead to

mental health problems, so the issue is not just the cost of doing the necessary work but the human cost of not doing the work. Time and again, I have come across people being worn down by the fact that they cannot get traction when dealing with a difficulty.

We all agree that we want to preserve our tenements for the future and on the scale of the task that is involved, but there will always be disagreements on the detail and timing of how we progress. Mr Lindhurst asked me about timing, but I am not going to give an answer; I will give that substantive response in the autumn, as I have said. It would be wrong for any of us to lay out a timetable or say exactly how we will move forward, because we may have to do some of the work incrementally. We need to look at what changes will be required in secondary legislation and regulation or in primary legislation, for which it is always difficult to give timescales. Some folk now seem to think that that is a statement, but it is not agreed with the Minister for Parliamentary Business and Veterans, so I may have to go back and have that conversation with him.

There are existing powers to help folks out there. I was frustrated with Aberdeen City Council's non-use of missing share powers, but the situation has changed and it now uses them, which is a great relief to me and my constituents. As I said before, I want to hear from members if they are finding difficulties in their patches in case I can be helpful and cajole some councils to move forward.

I have spoken previously about schemes that exist to help folk, including the equity share scheme that we are piloting in a number of local authority areas. I am keen to roll that scheme out across the country, which could make a difference by helping folk to access the finance that they need to make repairs to their properties.

Mr Wightman said that we are grappling with complex questions here, and that is very fair. The issue is extremely complex, and, as Mr Johnson pointed out, it is one that Parliament has looked at previously but copped out on. None of us can afford to do what was done in the early 2000s; some of the issues may take a bit of time—10, 15 or 20 years—to get right, but the working group's work and the responses show that we cannot ignore this.

We will explain exactly how we will move forward, and there may be disagreement around some of the particulars of that. However, we cannot ignore the issue, and I hope that we can continue with the consensus that we have seen today as we move forward.

Transvaginal Mesh

The Deputy Presiding Officer (Christine Grahame): The next item of business is a statement by Jeane Freeman on transvaginal mesh. The cabinet secretary will take questions at the end of her statement, so there should be no interventions or interruptions.

16:54

The Cabinet Secretary for Health and Sport (Jeane Freeman): I am pleased to update members on the progress of our work in relation to transvaginal mesh. In doing so, I thank all those who are involved in the Scottish mesh survivors group for their tireless campaigning, and members across the chamber who have supported them.

In September 2018, I announced my decision to halt the use of transvaginal mesh in cases of pelvic organ prolapse and stress urinary incontinence. I set out that I required high vigilance from boards to ensure that my decision was implemented, and that such a halt would be lifted only if a restricted-use protocol could be developed to my satisfaction.

Our chief medical officer, Dr Catherine Calderwood, duly instructed health boards on the restriction to practice and, in compliance with my statement, established a group of board accountable officers to consider aspects of service and care that are available to women who suffer from stress urinary incontinence and pelvic organ prolapse. The group has met once, and the minutes were published on the Scottish Government website. To be as clear as possible, I see no prospect of the halt that I instigated being lifted, and I have not asked for any planning to lift the halt.

I wrote to the chief executive of the Medicines and Healthcare products Regulatory Agency on 31 October 2018, and the CMO was in contact with the director of medical devices in November and December, which was followed by a phone call later in December. In those exchanges, we raised our concerns about the approvals process, and I hope that we have been not only listened to but understood. The MHRA has set out that it takes those views extremely seriously, and it has invited NHS Scotland to join all cross-cutting initiatives, including the work on the unique device identifier and the improved communication with patients on the potential outcomes from the use of all types of medical devices. The MHRA says that it stands ready to support us and our healthcare system to ensure the safety of all patients who need treatment. I am sure that members across the chamber will join me in ensuring that we hold the MHRA to that commitment.

In March this year, following a members' business debate, the CMO and I met a group of women from the mesh survivors group. I am grateful to them for their time and for their courage and willingness to share their experiences with me. Following that meeting, I set in train the work that I had promised the women that I would.

A mesh complications short-life group was set up to consider the physical and psychological needs of the women who experience complications; to consider what additional steps are needed to offer choice to women who are clinically suitable for and want mesh removal; and to review and identify areas of best practice, wherever it happens, and determine how such practice can be provided in Scotland.

In addition—again, in line with the commitment that I gave—I ensured that the voices of women would be heard in the short-life group's deliberations through the membership of Dr Wael Agur, whom members of the mesh survivors group wanted to represent them, and the Health and Social Care Alliance Scotland. As members will be aware, I set out details in four Government-inspired questions, on 8 March, 6 June and 13 June, and through an update that was provided on 19 June.

A key part of the mesh complications working group's actions is to ensure that the care and treatment that is provided for women who have been affected is as good, if not better, than that offered in any other centre here in the United Kingdom or elsewhere around the world. That requires benchmarking processes and outcomes with other centres, as well as sharing experience and techniques with clinicians.

In that context, Dr Veronikis's offer to come to Scotland to work is very welcome, and I recognise that a number of patients are eager for him to come here. As a result, and in consultation with the service here in Scotland, I have asked that we look to bring Dr Veronikis to Scotland as soon as possible. The intention will be for him to work with the clinical service in a complementary fashion to provide treatment, expert advice and training. I want there to be a valued partnership that benefits patients now and over the long term.

In saying all that, it is important that we are all clear that such an arrangement is subject to agreement and regulatory approval. As regulation in the area is reserved, I have written to the United Kingdom Government's health secretary and to the General Medical Council to highlight the case and to ask that, on their part, steps are taken as expeditiously as possible.

I am pleased that the GMC has responded quickly and positively with an assurance that it will do all that it can to ensure that the important

regulatory process is completed quickly and smoothly. With appropriate agreement and sponsorship by the service, I hope that Dr Veronikis can visit by the autumn. I await a response from the UK Government.

The mesh complications working group has been working to establish a national complex case review unit in NHS Scotland. The work to finalise the details and the important connections between the unit and the relevant health board is being taken forward through our service design processes, with the intention that the unit be established by mid-2020.

The working group has also taken forward a number of other measures, which are designed to ensure that patients have choice, and all the information that they need to exercise that choice. That includes the establishment of clear care pathways—through primary care as well as in acute services—that are consistent throughout Scotland.

I repeat my thanks to the Scottish mesh survivors group. The group's initial work and campaigning was intended to ensure that in the future no other women would suffer the pain and life-changing effects of mesh use that they had suffered and still suffer. The halt that I instructed last September was a direct response.

The women then, rightly, sought the attention and care that they themselves are due. From all the correspondence that I have received, from the representations that members have made to me and, most important, from the women themselves, I understood clearly the areas where the care and attention—and choice—that is being offered could be improved. The update that I have provided today directly responds to that.

Our health service is there to provide safe, effective and person-centred care. In this area, and for the women who suffer complications from mesh, my intention is that what I have set out today should take us ever closer to providing that focused, safe and person-centred care.

I commend this update to the Parliament and I am happy to take questions.

The Deputy Presiding Officer: The cabinet secretary will now take questions on her statement, as she said. We will have about 20 minutes for questions before we move on to the next item of business. I ask members—apart from those on the two front benches—to be crisp in their questions, as far as possible, so that I can get everyone in.

Miles Briggs (Lothian) (Con): I thank the cabinet secretary for advance sight of her statement.

Like the Scottish mesh survivors group, I think that there is cross-party support for the development of a clinical service to provide treatment, expert advice and training opportunities in our country. The cabinet secretary will have the support of Conservative members in taking that work forward.

What training budgets will be made available, in relation to the training time and capacity that Dr Veronikis will need to take forward the new techniques and technology that will provide for full mesh removal for women here in Scotland?

Jeane Freeman: I am grateful to Mr Briggs for the support of Conservative members for the work that is being undertaken. I am also grateful to Mr Carlaw, who has been prominent in pursuing the mesh survivors' case.

On training budgets, we are in discussion with Dr Veronikis. Part of what is being done is that, sensibly, the right group of our clinicians will shortly go to the United States to speak to him, to see what he uses by way of equipment and so on, and to discuss with him how they will work together and what their training needs are. I hope that then, with due regulatory process completed—and the GMC's support is helpful in that regard—Dr Veronikis will arrange to come to Scotland. There are limits to the length of time for which an external expert can practise in our country, but all that will be resolved and we will agree the arrangements with him.

I will understand better what is needed by way of training for our clinicians and Dr Veronikis's time—and therefore what additional funding might be made available—when we visit him in the States and when he comes here. At this point, for all those reasons, I cannot give Mr Briggs the figure that he asked for. However, I can give him my absolute commitment to ensure that what is needed is provided and that our clinicians, where appropriate, learn from and exchange good practice with Dr Veronikis.

Monica Lennon (Central Scotland) (Lab): I thank the cabinet secretary for advance sight of her statement.

The mesh-injured women of Scotland continue to live with the life-changing consequences of this medical scandal.

The cabinet secretary says that she hopes that Dr Veronikis can visit by the autumn, but Dr Veronikis offered to come to Scotland in November 2018. A flurry of correspondence now to make that happen is disappointing. Autumn is no use to women such as Claire Daisley, a mother of three from Greenock, who is set to lose her bowel and bladder next month. Claire's body is swelling up because of her mesh injuries and she is trapped in her home.

Can the Cabinet Secretary for Health and Sport tell Claire Daisley and other women in her position whether they will have surgery from Dr Veronikis before it is too late? Will the Scottish Government fund Claire to have her surgery in America, where Dr Veronikis is based, if that is what it takes?

Jeane Freeman: I am grateful to Ms Lennon for her question but I am disappointed at the parsimonious nature of that.

Neil Findlay (Lothian) (Lab): Jeez!

Monica Lennon: You are not the one who is losing their bladder, cabinet secretary.

Jeane Freeman: I will answer the question. Mr Findlay, there is no need to shout at me. If you want to ask me a question, I suggest that you press your button and get up on your pins.

The Presiding Officer (Ken Macintosh): Order, please. Let the cabinet secretary speak.

Jeane Freeman: If members understood how a health service works, they would understand the important steps that we have to go through: to have those discussions with clinicians to understand what their needs are; to have the further conversations; and to have due diligence done on any external expert whom we wish to come here. That is why we are now—fortunately—in the situation that we are in.

As members might know, the CMO has had a conversation with Ms Daisley about her situation. Whether a person is suitable for full mesh removal is a clinical decision. I will not discuss an individual case in the chamber. It will be for the board and Ms Daisley to take that further. I will look at any other matters that arise from that.

The important point here is that, from the meeting that I had in March with the women representing the mesh survivors group, I have now done everything that I undertook to do.

Alex Neil (Airdrie and Shotts) (SNP): I welcome the statement by the cabinet secretary and I congratulate her on the work that she is doing to rectify a long-lasting injustice to those women.

Is the mesh complications working group yet in a position to estimate the number of women who could benefit from the establishment of the complex case review unit? Given that it will probably take until the middle of next year to fully establish such a unit, what are the interim arrangements for women with complications who require urgent treatment?

Jeane Freeman: I am grateful to Mr Neil for the question.

On estimating the number of women who are experiencing mesh complications, the detail

planning for the development of the complex case review unit will be able to take forward more rigorous estimation of demand. At the moment, the work that is going on is that of estimating the figures from our current knowledge and using estimates from NHS England. Once the planning process is finalised, we will put all that together.

As Mr Neil knows, part of the difficulty was with the work that I referred to. That is now being taken forward, thanks to our intervention with the MHRA, to have the unique device identifier and to develop the registry in Scotland and across the UK, which I announced in September; that will give us much better data in that regard. The work is under way, but we are not yet in a position to be completely confident that our estimate of the numbers is as accurate as we wish it to be.

On Mr Neil's point about the situation in anticipation of the complex case review unit being established, when people have been in touch with me about individual cases, I have set out exactly what the process is in relation to choice and how they can exercise that choice. In addition, the short-life group that we set up to consider those matters following my meeting with the women at the beginning of March is establishing a pathway with each relevant health board, so that boards can respond quickly to requests for second opinions and requests about choice with regard to where mesh removal might be undertaken.

Jackson Carlaw (Eastwood) (Con): Whatever differences there might be between us on the overall shape of healthcare, I congratulate the cabinet secretary on the series of actions that she has taken in her year as health secretary, which stands in contrast to the years of frustration that mesh sufferers experienced previously. I have met women in tears who have campaigned to stop mesh as a future condition, and who now have a real expectation that something can be done for them. As a consequence, expectations are sky high.

How confident is the cabinet secretary that the discussions that are under way with Dr Veronikis will lead to a successful conclusion? What, if anything, can Scottish Conservatives do to assist with regard to any support that is required to achieve objectives with the UK Government?

Jeane Freeman: I thank Jackson Carlaw for his kind comments and for his support. As I said earlier, I also thank him for the work that he and others have undertaken to raise the issue consistently.

I am confident that the current discussions will lead to a successful conclusion. I am clear that I want Dr Veronikis to come here to give expert advice and to support the treatment of patients and the training of clinicians, so that any skills and

techniques that he has and which it would be useful for our clinicians to acquire are passed on. I want to consider long-term training for our clinicians, and not just the immediate situation.

I am grateful for the Scottish Conservatives' offer to do what they can to assist us. I await a reply from the Secretary of State for Health and Social Care. I am not trying to make anything other than a statement of fact in noting that I understand that other things are happening for the UK Government at the moment. If I think that the reply is taking a wee bit too long, I will certainly call on Mr Carlaw and others to give the nudge in the appropriate direction. At this point, perhaps they could simply raise with the secretary of state that we have had a very speedy reply from the GMC and that it would be good to get a positive reply from the UK Government.

Neil Findlay: I remind the chamber that we are having this statement only because Labour demanded it. Nonetheless, I very warmly welcome the progress that has been made on bringing Dr Veronikis to Scotland. It appears that campaigning and pressure work, which is a good thing.

However, something does not stack up. On 20 June, I asked the cabinet secretary whether there were any plans to bring back mesh. In her answer, she said:

"I have not instructed any planning to consider the lifting of that halt and the Scottish Government has undertaken no work to that effect".—[*Official Report*, 20 June 2019; c 74.]

However, the minutes of the transvaginal mesh accountable officers group of 22 February state:

"With the likely publication of key guidance later in the year, it will be helpful to look at how reintroduction of the surgical service will work in practice".

The minutes go on to state:

"Primary mesh operations could be performed in Individual Boards".

The cabinet secretary has either lied to the women in Scotland and lied to this Parliament—

The Presiding Officer: Mr Findlay—

Neil Findlay: —or she does not have a clue what the chief medical officer is doing on her behalf. Which one is it?

The Presiding Officer: You can use a certain amount of language in the chamber, Mr Findlay, but "lying" is not a term that we allow. I therefore ask that you withdraw your remark and ask your question of the cabinet secretary in a polite way without using that term.

Neil Findlay: I would have thought that the person who is exposing the mistruths and lies that have been told would be protected—

The Presiding Officer: Mr Findlay, I just asked you—

Neil Findlay: —and that the person who told them would be thrown out.

The Presiding Officer: That word is not acceptable in the chamber, Mr Findlay. You cannot make personal accusations like that across the chamber.

I will let Mr Findlay think about that. In the meantime, we will move on to the next question.

Rona Mackay (Strathkelvin and Bearsden) (SNP): Will the cabinet secretary expand on how the voices of mesh survivors have been heard during the process of establishing the complex case review unit? Will she reassure them that they will remain involved in the process?

Jeane Freeman: As I said in the statement, after the meeting with the women on 5 March, I set up the short-life working group, which is what I said I would do. I asked the Scottish mesh survivors who they would wish to represent them on that group and whether they wished to be represented directly or through a third party. Their response was that they wished Dr Agur to represent them, so he is a member. I have also involved the Scottish care alliance to ensure that there is a wider patient perspective, so both those aspects are involved. The women's voices have been heard in the work that the group has developed, including the complex case review unit, which will be established as quickly as possible. They will continue to be involved to ensure that we deliver on the work that we have said that we will deliver as timeously as possible.

Alison Johnstone (Lothian) (Green): I appreciate the cabinet secretary's assurances that there are no plans to lift the halt on the use of transvaginal mesh. However, I am concerned by her statement that

"such a halt would be lifted only if a restricted-use protocol could be developed".

In March 2017, the Scottish independent review of the use of transvaginal mesh reported:

"In the surgical treatment of POP, current evidence does not indicate any additional benefit from the use of transvaginal implants ... over native tissue repair".

Knowing what we know now, why are we even considering a reintroduction of mesh operations?

Jeane Freeman: Ms Johnstone will recall that what I said about that in the statement today is exactly what I said in September when I announced my decision to halt the use of mesh in these procedures. She will also recall that the reason why I wrote to the MHRA is that it is responsible for determining whether any device that is used is safe. I wanted to question the

degree to which it undertakes that process with rigour and with any evidence base. I am simply being consistent with what I said in September.

To be clear, what I have said again and again—I think that I have now said this three times in the chamber as well as in answers to Opposition members and to Government-inspired questions—is that I can foresee no circumstance in which I will approve the reintroduction of the use of mesh.

Neil Findlay: Why are you planning it then?

The Presiding Officer: Before I call Mr Cole-Hamilton, I note that I am waiting a second for Mr Findlay to calm down and to regain some measure of control over his emotions. I understand how emotive the subject is and how strongly members feel, but I cannot tolerate people shouting accusations across the chamber. I will return to Mr Findlay in a second to ask him to withdraw the remark. In the meantime, Mr Findlay, please do not barrack the cabinet secretary in the middle of other members' questions.

Alex Cole-Hamilton (Edinburgh Western) (LD): I welcome today's statement and the hope that it offers to all the mesh survivors who are known to us in this chamber.

The cabinet secretary will recall the case of my constituent who is suffering not from transvaginal mesh complications but hernia mesh complications, which I raised with her at a previous statement on the issue. Will the considerations in today's statement be extended to sufferers who have experienced complications as a result of mesh in other parts of the body?

Jeane Freeman: I am grateful to Mr Cole-Hamilton for his support and for his question. With regard to the example that he gave, the complex case review unit will certainly consider complex cases arising from complications where mesh has been used, and that goes wider than the particular group of women and procedures that we are talking about at this point. The starting point for follow-up treatment for an individual in those circumstances will, of course, be with their own clinician and that clinician's decision as to whether these procedures are clinically suitable for them.

I anticipate that the training, learning and benefit that we gain from the experience of Dr Veronikis and from elsewhere in Europe, where our clinicians are currently looking—as I have asked them to do—will assist NHS Scotland in dealing with complications in that regard in the future.

Stuart McMillan (Greenock and Inverclyde) (SNP): I welcome the statement. Will the cabinet secretary outline how the accountable officers will work with the primary care services to ensure that the individual cases of mesh survivors are addressed?

Jeane Freeman: A primary care health professional has become a member of the short-life working group and will canvass opinions and views from professionals in primary care. They will work together on the self-evaluation tool that is being completed by health boards for Healthcare Improvement Scotland's transvaginal mesh oversight group to provide information on any additional needs, in order to strengthen the primary care services and pathways. As I said in my statement, it is about making sure that the pathway for individuals in such circumstances is clear to them and to all the clinicians who might be involved at various stages, and that the pathways are consistent across Scotland, so that, no matter where a person lives, they can expect the same response from healthcare professionals in their area.

Annie Wells (Glasgow) (Con): I also thank the Scottish mesh survivors group for its hard work campaigning on the issue and I thank the cabinet secretary for her update. I am pleased to see that there is scope for Dr Veronikis to come to Scotland.

What reflections has the cabinet secretary had on the lessons that have been learned?

Jeane Freeman: That is an important question, and there are two main reflections. One is that we need to pursue the work that we are undertaking with the MHRA on the rigour with which devices are approved for use in our healthcare system. That work involves devices across the piece, whether they are mesh or a hip joint or something else, and is to ensure that we have a rigour in that area that is comparable to the rigour for drug trials and approved drug use in our health service.

The other reflection is the importance of a consistent pathway and making sure that our patients, whatever the circumstances and whatever their condition, have the maximum amount of information in order to make an informed decision and choice. That was reflected by the work of the citizens panel that the chief medical officer ran. I am sure that members have seen its report about the importance of genuinely shared decision making and making sure that an individual patient has all the information that they need and is given the opportunity to ask questions and to return to those questions.

Those are the two main reflections, which apply widely across our health service, rather than simply to this issue.

Emma Harper (South Scotland) (SNP): Will the cabinet secretary further clarify whether it is her intention that clinicians in Scotland will learn from Dr Veronikis and that the sharing of that learning will be supported and monitored, such as by using a peer-reviewed approach?

Jeane Freeman: Yes, I will. As Emma Harper says, and as I am sure she well knows given her background, the whole approach of peer review, consistent learning and exchange of experience, skills and ideas is central to our health service and it is taken across the board. From conversations with Dr Veronikis, I understand that that is his expectation, too. Therefore, I think that it will be a fruitful partnership.

David Stewart (Highlands and Islands) (Lab): I, too, praise the work of the mesh survivors group. Will the cabinet secretary outline what work has been done to assess the number of women who would need specialist mesh removal operations? Can a clinical case can be made for mesh-damaged patients to have removal carried out by Dr Veronikis in the United States and for it to be funded by the Scottish Government or NHS boards?

Jeane Freeman: I have already mentioned the work that is under way to estimate the numbers that we might be dealing with. Our data is not as good as we want it to be, primarily because such a level of data on procedures is not routinely gathered, and we do not yet have the individual product identifier on which we are working with the MHRA. The credit for the fact that the MHRA is working on that should largely go to us for pursuing issues in relation to the way in which it approaches its work.

In relation to whether an individual can benefit from the treatment that Dr Veronikis offers here in Scotland or elsewhere, the discussions that will take place in advance of his coming to Scotland—as I said, I hope that he will be here by the autumn—will be about how he will undertake the clinical assessments, how he will access patient records and so on. We need the regulatory process to be put in place to ensure that he is properly registered to carry out that work and to access that information.

We have not discussed with Dr Veronikis the possibility of patients travelling to the US, but my answer to a previous question remains the same: that is a matter for individual clinical decisions but, should clinicians think that it was required within the timeframe and in advance, we would certainly look at that. I am sure that David Stewart understands that I will not discuss individual cases in the chamber.

David Torrance (Kirkcaldy) (SNP): Will the cabinet secretary provide further details of the activities that Dr Veronikis will undertake while he is here, and of the activities of Scottish surgeons when they travel to the USA?

Jeane Freeman: I am grateful to Mr Torrance for that question. I have already indicated, in part, the areas of work in my statement. They include

jointly delivered treatment, expert advice and training. The details will be further developed through the discussions that my officials and clinicians are having with Dr Veronikis. I am happy to ensure that members are updated once the conclusions are reached. For me, the key point relates to not only treatment but training, because we want to build something for the current patient cohort, as well as for any patients in the future.

The Presiding Officer: Thank you very much, cabinet secretary.

Before we move on, I say that I appreciate that Mr Findlay feels very passionately about this subject, but his outburst earlier was not acceptable. I have given him a few minutes to calm down and to reflect. I ask him to withdraw the remarks and accusations that he made.

Neil Findlay: Presiding Officer, you know that I have great respect for you and the office that you hold. I also have great respect for the women who have been injured by mesh. Two weeks ago, they made a similar statement in the media to the one that I made. The cabinet secretary has to be held to account for her actions. I apologise to you, Presiding Officer—I am very sorry—but I cannot withdraw the comment.

The Presiding Officer: I am sorry, Mr Findlay, but that is not acceptable. I am afraid that I will have to ask you to leave the chamber.

Poverty and Inequality Commission

17:28

The Presiding Officer (Ken Macintosh): The next item of business is consideration of motion S5M-17922, in the name of Aileen Campbell, on appointments to the Poverty and Inequality Commission.

Motion moved,

That the Parliament agrees with the recommendation of the Scottish Government and the Social Security Committee that Linda Bamford, Yvonne Blake, Alex Cobham, Lindsay Graham, Katie Schmuecker, Shona Stephen, Professor Morag Treanor and Douglas White be appointed as members of the Poverty and Inequality Commission.—[*Aileen Campbell*]

The Presiding Officer: The question on the motion will be put at decision time.

Business Motions

17:28

The Presiding Officer (Ken Macintosh): The next item of business is consideration of business motion S5M-17937, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, setting out a business programme.

Motion moved,

That the Parliament agrees—

(a) the following programme of business—

Tuesday 3 September 2019

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

Wednesday 4 September 2019

2.00 pm Parliamentary Bureau Motions
 2.00 pm Portfolio Questions:
 Environment, Climate Change and Land Reform;
 Rural Economy
followed by Scottish Government Business
followed by Business Motions
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business

Thursday 5 June 2019

11.40 am Parliamentary Bureau Motions
 11.40 am General Questions
 12.00 pm First Minister's Questions
followed by Members' Business
 2.30 pm Parliamentary Bureau Motions
 2.30 pm Portfolio Questions:
 Transport, Infrastructure and Connectivity
followed by Scottish Government Business
followed by Business Motions
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business

Tuesday 10 September 2019

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

Wednesday 11 September 2019

2.00 pm Parliamentary Bureau Motions
 2.00 pm Portfolio Questions:
 Justice and the Law Officers;
 Government Business and
 Constitutional Relations
followed by Scottish Government Debate
followed by Business Motions
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time
followed by Members' Business

Thursday 12 September 2019

11.40 am Parliamentary Bureau Motions
 11.40 am General Questions
 12.00 pm First Minister's Questions
followed by Members' Business
 2.30 pm Parliamentary Bureau Motions
 2.30 pm Portfolio Questions:
 Culture, Tourism and External Affairs
followed by Scottish Government Business
followed by Parliamentary Bureau Motions
 5.00 pm Decision Time

(b) that, for the purposes of Portfolio Questions in the week beginning 2 September 2019, in rule 13.7.3, after the word "except" the words "to the extent to which the Presiding Officer considers that the questions are on the same or similar subject matter or" are inserted.—[*Graeme Dey*]

The Presiding Officer: No member has asked to speak on the motion, so the question is, that motion S5M-17937 be agreed to. Are we agreed? I repeat: are we agreed?

Members: Yes.

The Presiding Officer: We are agreed. Where is Richard Lyle, may I ask? [*Laughter.*]

Motion agreed to.

The Presiding Officer: The next item of business is consideration of business motion S5M-17938, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, on the stage 1 timetable of a bill.

Motion moved,

That the Parliament agrees that consideration of the Scottish Biometrics Commissioner Bill at stage 1 be completed by 20 December 2019.—[*Graeme Dey*]

*Motion agreed to.***Parliamentary Bureau Motions**

17:29

The Presiding Officer (Ken Macintosh): The next item is consideration of six Parliamentary Bureau motions. I ask Graeme Dey to move motions S5M-17939, S5M-17940 and S5M-17941, on designation of lead committees; motion S5M-17942, on a committee remit; motion S5M-17943, on parliamentary recess dates; and motion S5M-17944, on the office of the clerk.

Motions moved,

That the Parliament agrees that the Health and Sport Committee be designated as the lead committee in consideration of the legislative consent memorandum in relation to the Birmingham Commonwealth Games Bill (UK Legislation).

That the Parliament agrees that the Standards, Procedures and Public Appointments Committee be designated as the lead committee in consideration of the Scottish Elections (Franchise and Representation) Bill.

That the Parliament agrees that the Education and Skills Committee be designated as the lead committee in consideration of the Disclosure (Scotland) Bill at stage 1.

That the Parliament agrees that, for the purpose of allowing a proposal for a Committee Bill regarding the arrangements for financial assistance to non-Government political parties represented in the Parliament to be referred to the Standards, Procedures and Public Appointments Committee as lead committee, the following be inserted after Rule 6.4.1(a) “(ab) a proposal for a Bill relating to the arrangements for financial assistance to non-Government political parties represented in the Parliament;” until the publication of the Committee’s report on the proposal under Rule 9.15.5.

That the Parliament agrees the following parliamentary recess dates under Rule 2.3.1: 8 to 16 February 2020 (inclusive), 4 to 19 April 2020 (inclusive), 27 June to 30 August 2020 (inclusive), 10 to 25 October 2020 (inclusive), 24 December 2020 to 8 January 2021 (inclusive).

That the Parliament agrees that between 31 January 2020 and 31 January 2021, the Office of the Clerk will be open on all days except: Saturdays and Sundays, 10 and 13 April 2020, 8 May 2020, 22 and 25 May 2020, 18 September 2020, 27 November 2020, 24 December (pm), 25 and 28 December 2020, and 1 and 4 January 2021.—[*Graeme Dey*]

The Presiding Officer: I ask Graeme Dey also to move motion S5M-17945, on approval of a Scottish statutory instrument.

Motion moved,

That the Parliament agrees that the Presumption Against Short Periods of Imprisonment (Scotland) Order 2019 [draft] be approved.—[*Graeme Dey*]

The Presiding Officer: Liam Kerr would like to speak against the motion.

17:29

Liam Kerr (North East Scotland) (Con): I rise to speak against the draft Presumption Against Short Periods of Imprisonment (Scotland) Order 2019, which will bring in a presumption against courts imposing on criminals prison sentences of 12 months or less, unless there is no alternative.

The underlying rationale for the order is that Scotland has the highest prison population in western Europe and that community-based sentences are more likely to reduce reconvictions.

However, the Justice Committee heard that data on populations that are subject to imprisonment or community sentences, their circumstances and the interventions that have succeeded, is sorely lacking.

The conclusion that community sentences lead inexorably to lower reconviction rates is, according to Professor Tata, “dodgy”. The Scottish Sentencing Council is clear that it does not automatically follow that offenders who are given community sentences in lieu of three months’ imprisonment will show similar reconviction rates to those who would otherwise get 12 months imprisonment.

Furthermore, the presumption aims to substantially increase the numbers of criminals entering a system in which a third of sentences and two-thirds of drug treatment orders are not completed; in which a quarter of sentences do not involve work or meaningful activity; and in which a third take longer than mandated to commence. All that is in a context in which the funding and resources for community sentences are challenging. The Howard League For Penal Reform In Scotland said:

“We must avoid a situation in which courts are discouraged from imposing custodial sentences, but effective community-based alternatives are unavailable.”

There are better ways to reduce the reconviction rate and increase rehabilitation, without the risks. We could adequately resource prisons, we could ensure that all prisoners have access to rehabilitation, and we could look at there being proper housing and work available on release. We could examine the Howard League’s suggestions on women in prison, we could review use of remand, and we could properly collate data on what works, why and for whom.

We have not done those things. Instead, the SSI imposes on the independent judiciary. Our judges are experienced, well-trained and knowledgeable in determining the appropriate sentence, yet the SSI will impose a requirement on how to dispose of a sentence, regardless of the individual facts of a case, and despite the failure to ensure that sentencers have trust in the alternatives and that there is more uniform provision across Scotland.

I foresee the SSI going one of two ways. Sentencers might continue to hand out the sentences that they think are appropriate and the prison population will stay static—or, ironically, increase, due to up-tariffing. In that case, we will have wasted time and resource, while ignoring the real challenges and blockers to rehabilitation in the system, such as the lack of resources and data analysis.

Alternatively—and according to the Government’s predictions—sentencers will feel pressured to put into the community criminals whom they would otherwise have put in prison. I fear that the Scottish Government is taking a risk with the safety of the public and, in particular, as Scottish Women’s Aid has said, with the safety of victims of domestic abuse.

I worry that victims and the public have, as we have heard from victims groups, little faith in community sentencing, and I am certain that there are better, safer and more considered ways to achieve what Parliament desires.

Therefore, I urge the Parliament to vote against this SSI.

17:33

The Cabinet Secretary for Justice (Humza Yousaf): Presiding Officer,

“I want a smarter justice system that reduces repeat crime by providing robust community alternatives to ineffective short prison sentences—supporting offenders to turn away from crime for good.”

“If we can find effective alternatives to short sentences, it is not a question of pursuing a soft-justice approach, but rather a case of pursuing smart justice that is effective at reducing reoffending and crime.”—[*Official Report, House of Commons*, 5 February 2019; Vol 654, c146.]

Those are not my words. They are the words of the United Kingdom Government’s Tory Secretary of State for Justice, David Gauke.

There is a disconnect between what Conservative spokespeople say here in Scotland and the policies that are being pursued by their colleagues in the UK Government. The reason for that disconnect is, to be frank, not that Liam Kerr has the interests and concerns of victims in mind, but that he is concerned about his next *Daily Mail* column, and that is just about it.

He referenced the Howard League throughout his remarks. Of course, the Howard League supports the presumption against short sentences of 12 months. I welcome the Justice Committee’s scrutiny of the issue. The committee voted overwhelmingly—seven to two—in favour of the order, with only Conservative members opposing it.

We have increased the resources and protected the criminal justice social work budget of £100 million. We have also increased the funding for community alternatives. I say to Liam Kerr, and to others who are listening who have any scepticism about the presumption, that it is a presumption and not a ban. Of course, the UK Government wants to introduce a ban on sentences of six months, but we are suggesting a presumption, which means that sheriffs will have discretion in sentencing. Therefore, if there are any concerns about people who commit offences of domestic abuse, sheriffs will still be able to put those people behind bars, if that is what the sheriffs wish to do. That is why we waited until the training in that had been completed and the new domestic abuse offence had come into force before we introduced the order.

All the research shows that community alternatives are far more effective at rehabilitation than are damaging short sentences. For some people, it will absolutely be the case that, at the time, the only place for them, and the right place for them, will be prison, and sheriffs will have discretion in that respect. However, that does not apply to the vast majority of people. Short sentences disrupt family connections, tenancies and employment opportunities, and all those things mean that people are more likely to reoffend. If they are more likely to reoffend, there will, of course, be more victims of crime. If there are more victims of crime, we have a serious problem. I think that all members are on the side of victims, so we want fewer victims and less crime being committed.

Rather than pay attention to the Conservatives' naked opportunism, I want to say how delighted I am that an overwhelming majority in the Parliament—the Labour Party, the Scottish National Party, the Greens and the Liberal Democrats—can come together, look at the facts, the data and the evidence, and collectively support progressive justice reforms that we have developed and which will make us all safer as a country and a society. I hope that, by approving the order, we will have fewer victims of crime, which is a win-win situation for everybody.

The Presiding Officer: The question on the motion will be the last one to be put at decision time.

Point of Order

17:37

The Cabinet Secretary for Health and Sport (Jeane Freeman): On a point of order, Presiding Officer. I would be grateful for your advice on how to clarify the assertion that Mr Findlay made that I misled Parliament. I want to make it clear that a part of the minutes of the meeting of 22 February that Mr Findlay did not read out states:

“It was agreed that when the future nature of the service is more certain, it will be helpful to get clear direction and guidance from the Scottish Government.”

I have given that clear direction and guidance. The halt will not be lifted, and I can see no circumstances in which it will.

The Presiding Officer (Ken Macintosh): The point of order gave you the opportunity to put that on the record, cabinet secretary. Unfortunately, because Neil Findlay used the wrong language, which was very inappropriate, he was expelled, which did not give you the opportunity that you should have had to respond. The member is not here, but I urge him to reflect on his behaviour, because it does not do his argument any favours whatsoever.

Decision Time

17:38

The Presiding Officer (Ken Macintosh): The first question is, that motion S5M-17892, in the name of Kevin Stewart, on the working group on tenement maintenance, be agreed to.

Motion agreed to,

That the Parliament appreciates the work of the Working Group on Maintenance of Tenement Scheme Property and the publication of its Final Recommendations Report; acknowledges that the group had cross-party representation and has gathered views from across the Parliament and that of the housing sector; notes that the report acknowledges the important action that has already been taken to improve the condition of Scottish tenements; recognises the challenges that must be met to ensure that Scotland's housing stock can continue to provide safe and sustainable homes for the future, and believes that the group's recommendations merit serious and careful consideration.

The Presiding Officer: The next question is, that motion S5M-17922, in the name of Aileen Campbell, on appointments to the Poverty and Inequality Commission, be agreed to.

Motion agreed to,

That the Parliament agrees with the recommendation of the Scottish Government and the Social Security Committee that Linda Bamford, Yvonne Blake, Alex Cobham, Lindsay Graham, Katie Schmuecker, Shona Stephen, Professor Morag Treanor and Douglas White be appointed as members of the Poverty and Inequality Commission.

The Presiding Officer: The next question is that motions S5M-17939 to S5M-17944, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, be agreed to.

Motions agreed to,

That the Parliament agrees that the Health and Sport Committee be designated as the lead committee in consideration of the legislative consent memorandum in relation to the Birmingham Commonwealth Games Bill (UK Legislation).

That the Parliament agrees that the Standards, Procedures and Public Appointments Committee be designated as the lead committee in consideration of the Scottish Elections (Franchise and Representation) Bill.

That the Parliament agrees that the Education and Skills Committee be designated as the lead committee in consideration of the Disclosure (Scotland) Bill at stage 1.

That the Parliament agrees that, for the purpose of allowing a proposal for a Committee Bill regarding the arrangements for financial assistance to non-Government political parties represented in the Parliament to be referred to the Standards, Procedures and Public Appointments Committee as lead committee, the following be inserted after Rule 6.4.1(a) "(ab) a proposal for a Bill relating to the arrangements for financial assistance to non-Government political parties represented in the Parliament;" until the

publication of the Committee's report on the proposal under Rule 9.15.5.

That the Parliament agrees the following parliamentary recess dates under Rule 2.3.1: 8 to 16 February 2020 (inclusive), 4 to 19 April 2020 (inclusive), 27 June to 30 August 2020 (inclusive), 10 to 25 October 2020 (inclusive), 24 December 2020 to 8 January 2021 (inclusive).

That the Parliament agrees that between 31 January 2020 and 31 January 2021, the Office of the Clerk will be open on all days except: Saturdays and Sundays, 10 and 13 April 2020, 8 May 2020, 22 and 25 May 2020, 18 September 2020, 27 November 2020, 24 December (pm), 25 and 28 December 2020, and 1 and 4 January 2021.

The Presiding Officer: The final question is, that motion S5M-17945, in the name of Graeme Dey, on approval of a Scottish statutory instrument, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 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)
 Dugdale, Kezia (Lothian) (Lab)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greer, Ross (West Scotland) (Green)
 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)
 Kelly, James (Glasgow) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)

Lochhead, Richard (Moray) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 Mackay, Rona (Strathkelvin and Bearsden) (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)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Scott, Tavish (Shetland Islands) (LD)
 Smith, Elaine (Central Scotland) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

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

The Presiding Officer: The result of the division is: For 83, Against 26, Abstentions 0.

Motion agreed to,

That the Parliament agrees that the Presumption Against Short Periods of Imprisonment (Scotland) Order 2019 [draft] be approved.

UN Special Rapporteur on Extreme Poverty and Human Rights Report

The Deputy Presiding Officer (Linda Fabiani): The final item of business today is a members' business debate on motion S5M-17505, in the name of Keith Brown, on the United Nations special rapporteur on extreme poverty and human rights report.

Motion debated,

That the Parliament welcomes the final report of the UN Special Rapporteur on Extreme Poverty and Human Rights, Professor Philip Alston, which was published on 22 May 2019; understands that he will present his findings to the UN Human Rights Council at the end of June; acknowledges that Professor Alston visited Scotland as part of his 12-day fact finding visit to the UK, where he heard directly from people affected by poverty; notes with concern the findings of the report, in particular the claim that rising poverty rates have been caused by UK Government policies; believes that the report backs up evidence from organisations working across civil society on the damage caused by UK Government welfare changes and austerity; notes the report's assessment that the UK Government must reverse the many policies that it has pursued, which it believes are increasing poverty and inequality, including it imposing what it sees as regressive measures such as the benefits freeze and two-child cap; believes that the special rapporteur is clear that the UK Government has been failing to listen and is "determinedly in denial" regarding poverty in the UK, and notes the view that the UK Government must take heed of this report and make the radical changes necessary to provide support to people and to actively take action to tackle poverty and inequality in Scotland, including in the Clackmannanshire and Dunblane constituency, and the rest of the UK.

17:42

Keith Brown (Clackmannanshire and Dunblane) (SNP): Presiding Officer,

"great misery has also been inflicted unnecessarily, especially on the working poor, on single mothers struggling against mighty odds, on people with disabilities who are already marginalized, and on millions of children who are being locked into a cycle of poverty from which most will have great difficulty escaping."

That is the reflection of United Nations special rapporteur Professor Alston on the Conservative Party's appalling record in government. The report that we debate today explores the destitution that Tory austerity and universal credit has imposed on communities across Scotland and the United Kingdom. It is unconscionable that, in a country that boasts the world's fifth largest economy and huge amounts of wealth, 14 million people, or one fifth of the population, live in poverty, and more than 1.5 million people live in destitution, and that has been welcomed by the ministers responsible as an "almost unmitigated success". It is completely immoral that the UK Government has presided over the systematic immiseration of such

a large part of its own population, disproportionately women, children, people with disabilities, older persons, and ethnic minority groups.

In September, I hosted a summit in Alloa to assess the impact of universal credit on my constituency of Clackmannanshire and Dunblane. From the evidence presented, it was clear that the Tory's flagship policy is not fit for purpose. It means an unnecessary five-week payment delay that sends people into spiralling debt, a cruel and inhumane sanction system that pushes people to the brink, and a toxic legacy of rising food bank use.

Latest figures from Clackmannanshire Council show that 85 per cent of universal credit-claimant council tenants are in arrears, totalling £550,000. Despite doing all that is required of them, they still end up being six to eight weeks in rent arrears before the Department for Work and Pensions makes any payments.

Stirling Council figures show that the level of rent arrears among tenants claiming universal credit increased from £13,000 in June 2017, when the system was rolled out, to more than £191,000 by April 2019. Those unacceptable figures represent a fundamentally flawed system that traps people in avoidable debt.

In the light of that, the UK Government's contemptible attempts to discredit Professor Alston and his report have not been surprising. Amber Rudd has accused him of showing "wholly inappropriate" political bias, while Philip Hammond flat-out rejected the findings as a "nonsense". Their stubborn denial and refusal to accept any kind of responsibility is matched only by that shown by members on the Opposition benches in this chamber.

It should completely shame all Conservative politicians that the Government has now accepted the findings in Professor Alston's report as "factually correct"—accepted that Tory policies have been directly linked to an increased use of food banks and an increase in the levels of homelessness, and have forced destitute women into sex work.

Alternatively, perhaps it is a lack of shame that has led Tory politicians to stand up in the chamber time and time again, with their social security spokeswoman defending the two-child cap, the rape clause and the bedroom tax—in fact, she even denied that the bedroom tax exists at all—and discrediting the links between draconian sanctions and food-bank use. Others have written glowing puff pieces on the unmitigated disaster that is universal credit. Senior Tory MPs have spent the past weeks roundly criticising their own record in government. It is not too late for their

MSP colleagues to rediscover their shame and accept the harm that those policies have caused.

Professor Alston is right to highlight the ideological fanaticism that the Conservative Government has shown in implementing austerity-driven economic policies and pushing through the deeply flawed universal credit. What we have seen disguised as an unavoidable fiscal programme is a radical social re-engineering and the undermining of the social contract as we know it. For years, we have seen the welfare state—the foundation of the social contract—attacked. “Strivers” are pitted against “skivers”, while values such as freedom and individual responsibility are distorted to eliminate any responsibility on the part of the state to ensure the welfare of its citizens. That enables the creation of an environment in which the vulnerable are viewed as undeserving of assistance. It also enables the creation of a welfare system that denies the most deserving their entitlements; that pushes disabled people into unsuitable work; and in which, as Professor Alston notes,

“British compassion for those who are suffering has been replaced by a punitive, mean-spirited and often callous approach”.

That radical transformation of the relationship between state and individual is an attack on our rights as citizens, for what freedom is there in being trapped in poverty as a child, a single parent or someone with a disability? What freedom is there in being part of a social security system that appears to be designed to keep people trapped in that poverty?

I am glad that that negative view of freedom—that entrenchment of poverty—is rejected by the Scottish National Party Government, which recognises that it is the Government’s role to play a positive part in empowering and enhancing citizens’ freedoms, and that we as citizens have the right to expect a social security system that provides just that. We also have the responsibility to make a fair contribution to society through a progressive taxation system, which—as many political thinkers have said—is a hallmark of a democratic society. Taxation is not a burden; it is an investment in our future—in health, education and infrastructure. That investment empowers our citizens; strengthens their ability to take responsibility for their lives; often liberates them from ill health, poor educational prospects or a lack of opportunities; and enhances their freedom.

The difference between the SNP Government and the Tory Government could not be more stark. Boris Johnson and Jeremy Hunt have presided over a decade of austerity, cuts and sanctions, and they are now offering huge tax cuts to the wealthy. The Scottish Government, for its part, spends £125 million a year on mitigating Tory

austerity—a situation that Professor Alston’s report rightly recognises as “unsustainable”. It is outrageous that a devolved Administration must take action to protect its citizens from UK Government policies.

That money could be better spent on supporting the work of Social Security Scotland: a social security system that is built on the principles of dignity and respect, and which rejects a punitive sanction system that has no role other than forcing millions into poverty. Using new social security powers, the Scottish Government has already delivered transformative new entitlements, supporting 77,000 young carers and 7,000 new families in low-income households, and making more payments in the first two months than the Department for Work and Pensions benefit that it replaced made in a year. It will shortly take on further responsibility to provide disability entitlements and winter and heating assistance.

We heard from the cabinet secretary today about the Scottish child payment. I would be interested to know when she replies to the debate whether she has received any assurances from the Tory spokespeople to whom she has spoken as to whether they would intend to continue with those benefits—the mitigation of the worst of the UK Tory Government’s policies—if they were ever to get into power. The Scottish Government has also strengthened the social contract between the Scottish people and their Government—all paid for by progressive taxation. Will any Tory members stand up today and commit to those entitlements?

Professor Alston described as “compelling” the Scottish Government’s plans to incorporate the United Nations Convention on the Rights of the Child into Scots law and the recommendations by the First Minister’s advisory group on human rights leadership. Such action, which improves the lives of citizens rather than impoverishing them, is the kind of action that Governments should take. Adam Smith, one of Scotland’s greatest philosophers, once observed that

“the true measure of a nation’s wealth is not the size of the king’s treasury or the holdings of the affluent few but rather the wages of ‘the labouring poor’.”

Politicians across the UK would do well to remember that. As representatives of the people, it is our responsibility to challenge inequality, to fight poverty and want, and to build a society that is fair, just and prosperous.

Following the UN’s report, it could not be clearer that the UK Government is manifestly failing in that regard. The Scottish Parliament must have the powers to create a fair and equal Scotland. The bedroom tax, the two-child cap and the rape clause have no place in a civilised society that treats all its people with respect and dignity, and they should have no place in an independent

Scotland. We have a moral responsibility to oppose those measures, and the SNP will continue to do so.

Before we move to the open debate, it is right to recognise that, although this evening's debate focuses on the UN's report, such findings have been consistently raised by other organisations across Scotland and the UK for many years. The UK Government must end its stubborn denial and listen to those voices, it must implement the UN report's recommendations and it must devolve all social security powers to the Scottish Parliament. I look forward to what I am sure will be a considered and thoughtful set of contributions.

The Deputy Presiding Officer: We move to the open debate. Speeches should be of around four minutes, although we have a little bit of time in hand.

17:51

Michelle Ballantyne (South Scotland) (Con): While Dr Alston's report makes many valid points, I feel that an opportunity has been missed to have a rational, reasoned debate on the issues that affect the most vulnerable in the UK and to depoliticise what has been a heavily partisan conversation.

There is a common misconception surrounding United Nations special rapporteurs—namely, that they are representatives of the UN. As Dr Alston himself has said, he is not a UN official; he merely presents his independent findings to the UN. Bearing that in mind, we should be careful not to conflate the views in Dr Alston's report with the opinions of the UN. It is also important to note that the UN has struggled with its relationship with rapporteurs and that it does not always agree with their findings. Philip Alston has recently come into conflict with the UN, as we saw from Ban Ki-moon's reaction to his work in Sri Lanka.

With any piece of work, one of the greatest challenges is ensuring its validity. Many members will have undertaken graduate and postgraduate work. One of the first recommendations that those who embark on research receive is that their sources should be peer reviewed. Sadly, the piece of work that we are discussing today did not enjoy such academic scrutiny. For example, by referring to the UK's budget surplus or fundamentally misunderstanding the devolution settlement, Dr Alston does not help his cause. His hyperbolic language does not aid his case, either, and I believe that the secretary of state will make a formal complaint to the UN to make that point.

Although it has been confirmed that the statistics that are contained in the report are valid, the fact that many of the publications are simply out of date—they rely on figures and anecdotal

evidence from before 2017—has not been accounted for.

Tom Arthur (Renfrewshire South) (SNP): Unbelievable.

The Deputy Presiding Officer: Will you stop shouting from your seat, please, Mr Arthur?

Michelle Ballantyne: I find it strange that Dr Alston claims that poverty is rising in the UK, when we can see from the social metrics figures that he relies on that poverty levels have remained on roughly an even keel since 2001. Dr Alston is right to highlight the funding that was cut from universal credit in the 2015 budget, but he makes no mention of the changes that were made in the 2017 and 2018 budgets.

I have made no secret of the fact that I would like the funding to be restored to pre-2015 levels. As I am sure that many members would agree, it is vital that we support the most vulnerable claimants to the best of our ability. That said, I feel that Dr Alston should have accounted for just some of the recent developments in welfare reform, and in the economy and society, so I will raise them here. This year, £220 billion will be spent on welfare, and almost £10 billion has been injected into the welfare budget since 2016.

Keith Brown: Michelle Ballantyne has spent the bulk of her time so far attacking the author of the report—the messenger. Does she accept the statement of the Conservative Government that Professor Alston's report is "factually correct"?

Michelle Ballantyne: I just did that. Keith Brown needs to listen to what I say, rather than working up interventions.

We have had the introduction of the national living wage, giving 2.1 million of the lowest earners a pay rise; we have had an extra £250 million to support the child element of universal credit; and, last month, working allowances were raised by £1,000, meaning that 2.4 million claimants keep more of what they have earned. Those things have happened, but they are not mentioned in Dr Alston's report.

Elaine Smith (Central Scotland) (Lab): Will Michelle Ballantyne take an intervention?

Michelle Ballantyne: I have run out of time, so I need to finish. Sorry—four minutes is not very long.

Not only that, but, this year, the UK had the lowest number of low-paid workers in 10 years. According to the UN, it is one of the happiest places to live, has record unemployment and is a top 10 nation for social support. How does that square with Dr Alston's report?

I am not alone in believing that the UK Government's welfare reform policies are bringing

positive changes. Bodies such as the Joseph Rowntree Foundation have concluded that UC will reduce the number of working families that are in poverty by around 300,000, and the Institute for Public Policy Research has said that universal credit could be the most cost-effective method of solving child poverty.

That is not to say that Governments should not and could not do more. As the Poverty and Inequality Commission has said, Governments need to be better at monitoring the outcomes of their policies, as well as their impact, and both the UK and Scottish Governments could improve their data collection to inform future policy making.

Solving poverty and inequality is a duty that we all share and, regardless of Dr Alston's report, it is clear that there is still work to be done.

17:56

Bob Doris (Glasgow Maryhill and Springburn) (SNP): I thank Keith Brown for securing the debate and for drawing to the Scottish Parliament's attention the UN special rapporteur's report, which is a shameful and appalling indictment of the UK Government's persistent and deliberate attack on the poor in our society.

Much has been made of the UN's relationship with its rapporteurs, but when an independent report or inquiry is launched, it should challenge institutions—that is why we have independent reports. I commend Professor Alston for his work on exposing the shame of the UK Government.

The rapporteur on extreme poverty and human rights—Professor Alston—was very clear when he stated:

"Policies of austerity introduced in 2010 continue largely unabated, despite the tragic social consequences. Close to 40 per cent of children are predicted to be living in poverty by 2021."

At the end of the summary of his findings, he said damningly of the UK Government:

"A booming economy, high employment and a budget surplus have not reversed austerity, a policy pursued more as an ideological than an economic agenda."

Making the poor of this country suffer is a political choice of the Conservative Party.

That indictment of the UK Government is backed up by this Parliament's Social Security Committee in our recent report on social security and in-work poverty. I am privileged to convene that committee. We hope to secure Professor Alston's attendance at the Social Security Committee to discuss the matters further.

Unsurprisingly, we have already raised concerns about the minimum five-week wait—

although it is often much longer—to get universal credit; the 26 per cent increase in rent arrears in the first four local authorities where universal credit has been rolled out, which is really damaging some of the most vulnerable constituents we represent; and the attack on pension credit for mixed-age households.

We have also raised concerns about the extension of sanctions to not only those who are currently on universal credit but the in-work poor more generally, so even if the only benefits and only parts of universal credit that someone gets are child and working tax credits, they can still be sanctioned. That is new, damning and shameful.

Further, we have raised concerns about the closing of job centres and the move to digital by default; the bedroom tax; the shared room rate; and the attack on housing benefit for the under-35s. I could go on. Our committee has deep and meaningful concerns about all those areas.

Therefore, it is hardly surprising that the Scottish Government has estimated that, by 2021, £3.7 billion will have been taken from Scotland's most vulnerable people through the UK Government's political choices.

I welcome the Scottish Government's attempts to mitigate many of the UK Government's welfare reforms, but the Social Security Committee recognises that that situation cannot go on for ever—it will have an end point. I will not list all the opportunities for mitigation that the Scottish Government has taken, but I will make special mention of this afternoon's announcement of the introduction of the Scottish child payment. As the Cabinet Secretary for Communities and Local Government said, it will be extended to up to 410,000 young people who are most likely to be living in poverty, to address that situation and lift 30,000 children out of it. That illustrates that the Scottish Parliament is taking a different approach from that taken by its UK counterpart.

In the time that I have left, I want to talk about the people who sometimes fall through the cracks—even with the good-quality welfare provision that we in my Glasgow constituency have from Glasgow City Council, Citizens Advice Scotland and others. The other day, Alex O'Kane, a friend of mine who runs a Facebook group called No1seems2care, contacted me, as he has done many times in the past. This time, he was concerned about a lady who had no food or electricity and who also had significant welfare issues, but would not go to her councillor or MSP, or to an advice service. Alex and No1seems2care put me in touch with her; we were able to provide her with food and have her power put back on, and we hope to have her welfare issues addressed.

However, things should not have to be that way. It should not take well-intentioned individuals such as Alex and the members of his Facebook group to draw such cases to the attention of politicians so that they can be acted on. We have to deal with such suffering at its source, which is the UK Government's policy of austerity. I commend Keith Brown for drawing that to the attention of Parliament in the debate. I also thank Alex O'Kane for all that he does to help vulnerable people among the constituents whom I serve.

The Deputy Presiding Officer: The last of the open debate contributions is from Elaine Smith.

18:01

Elaine Smith (Central Scotland) (Lab): I, too, thank Keith Brown for securing the debate, which has highlighted, in the chamber, members' concerns about the findings of the UN special rapporteur on extreme poverty and human rights.

I would normally use the term "shocking" to refer to the situation that is described in Professor Philip Alston's report. However, its contents actually come as no shock to the many members who have been warning of the effects of austerity since 2010. The report also reflects the findings of all the anti-poverty organisations in the UK and of numerous academic studies. What has been shocking is the UK Government's dismissive response to the report, in spite of all the evidence that has been presented, and the Scottish Tories seem to have taken a similar approach here.

The motion that was lodged by Keith Brown notes the special rapporteur's view that

"the UK Government has been failing to listen and is 'determinedly in denial' regarding poverty in the UK".

Indeed, the UK Government's response to the report seems to confirm that view. The roll-out of universal credit across the country has played a major role in the problems that are mentioned in the Alston report, as has the dismantling of the social safety net and the rise in in-work poverty.

An area that must be of particular concern is the increase in the number of people who are turning to what Professor Alston describes as "survival sex", which Keith Brown mentioned in his contribution. The very fact that a parliamentary committee at Westminster has deemed it necessary to launch an inquiry entitled "Universal Credit and Survival Sex: sex in exchange for meeting survival needs" should shame us all. That situation has nothing to do with women—and, in some cases, men—entering the labour market for work; it is about abuse, violence and humiliation. We should also remember that prostitution is on the Scottish Government's spectrum of violence against women and girls.

Universal credit has been an absolute disaster, and its impact on women's lives has been especially bad. Although the Alston report notes the devolved Administrations' efforts to mitigate the worst effects of the austerity agenda—I welcome today's announcement on the Scottish child payment, which will benefit some children—we could, and should, be doing more with the powers that we have. Keith Brown mentioned the Scottish Government's mitigation of the bedroom tax, but he also mentioned the two-child cap, which has not been addressed. I will continue to put the case that it should be mitigated.

Professor Alston's report also mentions the provision of the welfare fund by—

Bob Doris: Will the member take an intervention?

Elaine Smith: Certainly.

Bob Doris: Elaine Smith might suggest that the Scottish Government is picking and choosing what it mitigates, but does she accept that the Social Security Committee has agreed that it is no longer possible to mitigate everything that the UK Government does?

Elaine Smith: I agree that this Parliament and Government cannot mitigate everything, but the Government has been keen to say that the two-child cap is a despicable policy and that it has put it high on the agenda. That is why I continue to put the case that that policy ought to be mitigated. However, I take Bob Doris's point.

The report also mentions the provision of the Scottish welfare fund by the Scottish Government for emergencies and hardship. That fund is welcome, but it has not been increased since 2013-14, which means that there has been a real-terms cut of £3.5 million. The Government has no plans to increase funding between now and 2025, so by that point, there will have been a real-terms cut of £7 million.

When she was asked about the underfunding of the welfare fund last week, the First Minister questioned whether the Labour Government in Wales had such a fund. It has a discretionary assistance fund, and an increase to that fund was announced in the most recent budget. In that regard, Scotland should follow Welsh Labour and make provision of funds for the poorest people in society a priority.

Presiding Officer, I hope that I get a bit of extra time.

In bringing my remarks to a close, I will highlight the work of the charity Soldiers, Sailors, Airmen and Families Association Forces Help, which is exhibiting in Parliament this week. I had a chat with some of its members. The projects that it supports include projects that work with families

who have children with disabilities, and that provide support for women and children who need a stepping-stone home as they escape from dangerous or abusive situations.

Poverty and deprivation affect the families of people in the armed forces and those who have left the services. Veterans are sleeping rough and living in abject poverty. Veterans have nearly been evicted from tenancies because universal credit payments have not come through. I will briefly highlight the case of Walter Richardson. He was medically discharged from the forces. Walter and his family were facing eviction in Lanarkshire because of council tax arrears, and were living in poverty.

In Scotland in 2019, there are far too many such accounts in the UN report, in our newspapers and in our communities. It is unacceptable.

The work of SSAFA Forces Help and of many charities and public services across Scotland should be commended as they try, in the face of increased poverty and further austerity, to hold people's lives together. However, we need fundamental change.

The UN report is damning about austerity, and the rapporteur is equally so about the UK Government's lamentable response, but outrage is not enough.

The Scottish Government needs to make tackling poverty even more of a priority, and to turn ambitious words into meaningful action, in order to do everything that it can with the powers that it has to stop poverty increasing across Scotland.

18:07

The Cabinet Secretary for Communities and Local Government (Aileen Campbell): As others have done, I thank Keith Brown for securing this important and timely debate.

As I set out in my statement of 27 November 2018, the Scottish Government was pleased that the special rapporteur spent two days of his UK visit in Scotland. He heard directly from people who are affected by poverty and met Scottish ministers, parliamentarians, Government officials and representatives of civil society. He got lived experience from the mouths of people who are directly bearing the brunt of Tory austerity—*not* anecdote but the realities of what is happening in Scotland and across the UK.

We welcome the special rapporteur's final report. It is a devastating analysis of the UK Government's austerity measures. It describes the policies that have been pursued since 2010 as

"retrogressive measures in clear violation of the country's human rights obligations."

It clearly shows that there must be a change in direction.

We previously estimated that, in Scotland alone, due to the UK Government's welfare reforms, £3.7 billion would be cut from annual social security spending by 2020-21. To put that into context, £3.7 billion is the equivalent to three times our annual police budget or the entire annual budget of NHS Greater Glasgow and Clyde and NHS Lothian. However, the UK Government refuses to fix the problems that its welfare cuts have caused, which have been articulated today. To use the phrase that we have heard in similar debates in the past, it refuses to test and learn. The continued assault on welfare and continued benefit cuts make it feel as if we in the Scottish Government are fighting poverty with one hand tied behind our backs.

Michelle Ballantyne said that today's debate and Professor Alston's report are a missed opportunity to talk rationally about poverty, but it is the contrary. Professor Alston's work shone an independent spotlight on the politically motivated and ideologically driven attack on the most vulnerable people.

The special rapporteur noted that the devolved Administration is spending considerable resources to protect people from the worst impacts, but that those efforts are simply not sustainable. How can they be, when what is being taken out of social security spending is the equivalent of the NHS budgets for Glasgow and Lothian? In 2019-20, we will continue to invest more than £125 million to mitigate the worst impacts of the change and to protect people on low incomes.

The Equality and Human Rights Commission welcomed "positive policies", such as our mitigation of the bedroom tax. As a result, we have shielded the most vulnerable people. The reductions in household incomes in Scotland due to the impact of tax, social security and public spending decisions is lower than in England and Wales but, ultimately, there is still a reduction. We cannot shield people entirely, and the money that we spend is money that we would much rather invest in lifting families out of poverty.

Elaine Smith: I fully support the Government mitigating the bedroom tax. Given the despicable nature of the rape clause and the two-child cap, should that policy not be considered as a special case for mitigation?

Aileen Campbell: Mitigating everything is not sustainable. There is £3.7 billion coming out of social security spending. We already spend £125 million to mitigate the worst impacts of welfare reform and the figures that I published today show that a total of more than £500 million is being spent on supporting low-income families. I do not

want to be always mitigating the acts of another Government. I would much rather have the powers here to deal with the problem head on.

My disappointment with Labour members is that, while we cross our fingers and wait for a Labour UK Government to try to do that at some time in the future, I would far rather that we had the powers in this Parliament for us to tackle those issues head on and support the people who live in this country. That does not seem to be where some members are, but we will continue to do what we can with the powers that we have to support and protect the people who live in this country to the best of our ability.

The Scottish Government agrees with Professor Alston's assessment that the UK Government must reverse the many policies that it has pursued that increase poverty and inequality, such as the benefits freeze and two-child cap. His criticisms of universal credit reflect the numerous representations that have been made to the UK Government by Scottish ministers.

The UK Government must take heed of this report and make the changes that are necessary to provide support to people and to take action to tackle poverty and inequality in the UK. The changes that have been made do not go far enough; they do not address the long wait for a first payment under universal credit or the two-child cap and its abhorrent rape clause and they do not reinstate the original work allowances that were proposed for universal credit. Professor Alston described the recent changes made as

"window dressing to prevent political fallout",

and I do not think that many of us in the chamber could disagree. As Elaine Smith and Bob Doris have made clear, the disregard that Professor Alston's report has generated from the UK Government is incredible, when it should be utterly shamed by the misery that its callous cuts have caused.

In Scotland, we regard confronting poverty as an urgent human rights concern that requires priority action across ministerial portfolios and on the part of all state institutions. Although child poverty and in-work poverty levels are currently lower in Scotland than in the UK, it is simply unacceptable that people who are doing all that society asks of them should never get out of the bit and should continue to live in poverty.

As I have said in previous debates, that is why we are not sitting blithely by and letting welfare reforms hit the poorest hardest. We are taking action. In his report, as well as noting that the Scottish Government is investing considerable resources to protect people who are living in poverty, the special rapporteur referred to Scotland's ambitious plans for poverty reduction.

Those plans are underpinned by four official measures of child poverty, as set out in the Child Poverty (Scotland) Act 2017, which are expressed as targets towards the eradication of child poverty in Scotland.

Earlier today in the chamber, I outlined the significant action that we are taking towards genuine reductions in child poverty, including the introduction of the new Scottish child payment. By the end of 2022, the payment will be introduced for all eligible children under 16. We estimate that around 410,000 children will be eligible for the payment, and it has the potential to lift 30,000 children out of relative poverty and reduce the relative poverty rate by 3 percentage points.

By the end of this parliamentary session—nearly two years ahead of the time that was given in our original commitment—we will introduce the new payment of £10 per child per week, which will be paid monthly to all eligible families with children under six. The payment will help to prevent poverty in families who are just above the poverty threshold but who are on insecure incomes. That is a substantial investment in families who are most in need.

We agree with the rapporteur's conception of poverty as a "multidimensional" phenomenon that impacts on the full enjoyment of human rights. In Scotland, the Government considers tackling poverty as part of its co-ordinated work to realise a vision of a Scotland where every member of society is able to live with human dignity and to enjoy their rights in full. We are committed to protecting human rights, advancing equality and tackling poverty. The special rapporteur notes our commitment to incorporate the UN Convention on the Rights of the Child into domestic law within the current parliamentary session.

As Keith Brown said, Professor Alston described the recommendations that were made by the First Minister's advisory group on human rights leadership as "compelling". In her response to the recommendations, the First Minister endorsed the overall vision of a new human rights framework for Scotland to be delivered by a new act of the Scottish Parliament. The Cabinet Secretary for Social Security and Older People will co-chair the national task force that is being established to take the work forward.

The special rapporteur is clear that the UK Government has been failing to listen and is

"determinedly in a state of denial"

about poverty in the UK. The same cannot be said of the Scottish Government. We are determined to tackle generations of deep-seated poverty, and we will be ambitious, bold and radical in our approach. We will pursue policies that are designed to respond to the needs of the people of Scotland.

As I said earlier, today is a tale of two Governments. The Child Poverty Action Group published a report today on the devastating impact of the two-child limit, which stems from a decision by the UK Government. On the other hand, there are decisions and actions that we are taking in Scotland. The new Scottish child payment will lift 30,000 children out of poverty, which offers a glimpse of what is possible with the powers that we have. Ultimately, members of the SNP do not want to just show what is possible with the powers that we have; we want to create another Scotland that is fairer and equal and that uses the powers at our disposal, but which does not have to mitigate the actions of another Government.

Meeting closed at 18:17.

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

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

All documents are available on
the Scottish Parliament website at:

www.parliament.scot

Information on non-endorsed print suppliers
is available here:

www.parliament.scot/documents

For information on the Scottish Parliament contact
Public Information on:

Telephone: 0131 348 5000

Textphone: 0800 092 7100

Email: sp.info@parliament.scot



The Scottish Parliament
Pàrlamaid na h-Alba