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AITHISG OIFIGEIL

# Meeting of the Parliament

**Wednesday 29 January 2020**

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# Scottish Parliament

Wednesday 29 January 2020

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

## Recognising Scotland in Europe

**The Deputy Presiding Officer (Linda Fabiani):** Good afternoon, everyone. The first item of business is a debate on motion S5M-20625, in the name of Fiona Hyslop, on recognising Scotland in Europe.

**The Cabinet Secretary for Culture, Tourism and External Affairs (Fiona Hyslop):** This debate is a direct consequence of Scotland being removed from the European Union against the clear majority view expressed by the people of Scotland in 2016. Most important, it is an opportunity for this Parliament to stand firm in solidarity with all the EU citizens—230,000 of them—who live in Scotland. Those citizens will be most immediately and directly affected by the United Kingdom leaving the EU on Friday.

The Parliament has repeatedly voted to express its opposition to Brexit in any form and I believe that we must do what we can to demonstrate publicly our regret at what is about to happen on Friday. We need to give a practical demonstration of the sense of loss that so many of us in this chamber and beyond will feel when we are no longer members of the EU.

The Scottish Government, for its part, has determined to fly the European flag at St Andrew's house and Victoria Quay routinely—except where we are marking other specific occasions—in solidarity with EU citizens who are living here. Some, of course, will seek to criticise our actions as purely symbolic but, at times of uncertainty and disruption, the value of symbols and what they represent matter.

The Parliament has, in the past—

**Neil Findlay (Lothian) (Lab):** Will the cabinet secretary give way?

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

**Fiona Hyslop:** No, I am not giving way.

The Parliament has, in the past, flown different flags in solidarity with different peoples at different times. I have lost count of the number of times that EU citizens in Scotland have thanked me for the way in which the Scottish Government and members of this Parliament have stood up publicly for their post-Brexit rights here in Scotland and in the rest of the UK.

Flying the European flag is a concrete and visible expression of the value that we place on the contribution that the 230,000 EU citizens who live and work here in Scotland make to our country. That contribution is beyond question.

**Liz Smith (Mid Scotland and Fife) (Con):** Does the cabinet secretary recognise that there are values within this Parliament, some of which are on the mace at the front of the chamber, that are to do with how this Parliament works and that this debate is much more about those values than it is about flags?

**Fiona Hyslop:** I will cover those points later in my speech.

Our simple message to those EU citizens who are living here in Scotland is that we want them to stay. Scotland is their home as it is our home and we want them to feel welcome. In the coming days, weeks and months, we will stand in solidarity with them at this time of great uncertainty.

Flying the European flag is one way for the Parliament to give practical expression to those views. This is the human dimension of Brexit. Families—many of whom have been settled here for years—now feel uncertain about their futures. They deserve our support, at this moment in particular, in their place—in their national Parliament. EU citizens are our citizens. Almost 3,000 of my constituents are EU citizens. When people say that we should debate health, education or housing instead, they forget that EU citizens are our constituents and they are our teachers, our doctors and our nurses; they build our houses and they care for our vulnerable, and our services will suffer without them.

It is worth reflecting on the fact that, regardless of Brexit—

**Neil Findlay:** On a point of order, Presiding Officer. I do not know whether the same is true of other parties, but my party has no back-bench speakers in this debate. I would have thought that it would be very much in order for the cabinet secretary, who is leading the debate on behalf of the Government, to take some interventions from back benchers. [Interruption.] She took an intervention from a front bencher—do members not know that Liz Smith is a front bencher?

**The Deputy Presiding Officer:** That is not a valid point of order. [Interruption.] Mr Findlay, please be quiet. It is not a valid point of order. It is up to the speaker whether to take interventions. The format of the debate was agreed on by the business bureau with all parties.

**Fiona Hyslop:** It is worth reflecting on the fact that, regardless of Brexit, the UK will remain a member of the Council of Europe. The European

convention on human rights, which is overseen by the council, is embedded in every action that we take in the Parliament.

The European flag was first adopted by the council in 1955. It was only in 1985 that the then European communities adopted the flag. Therefore, even after Brexit, we will maintain an important relationship with the European flag. The aims of the Council of Europe speak directly to the values on which this Parliament is based: a joint endeavour to build peace and prosperity together while respecting democracy, human rights, the rule of law and diversity. Why should we publicly distance the Parliament from that institution?

Holding this debate today to seek to give a direction to the Scottish Parliamentary Corporate Body is not a step that we have taken lightly and—*[Interruption.]* Liz Smith made a point and I am trying to address it.

**Mike Rumbles (North East Scotland) (LD):** On a point of order, Presiding Officer. Can I have some clarification on the motion? I read the motion in the *Business Bulletin* and it was about giving a direction to the corporate body. Is the Government trying to interfere with the Parliament to direct the corporate body to change its mind?

**The Deputy Presiding Officer:** The corporate body is part of this Parliament, and this Parliament is now debating items that are relevant to the corporate body.

**Fiona Hyslop:** That is the point that I was coming to.

Holding this debate to seek to give a direction to the Scottish Parliamentary Corporate Body is not a step that we have taken lightly and I agree that it should not happen regularly; I would resist that. However, it is not the first time, so it is wrong to say that it is unprecedented. On 6 December 2007, a motion from the Labour Party, which was supported by the Conservatives and the Liberal Democrats, instructed the corporate body to set up the Calman commission. It was opposed at the time by the minority Scottish National Party Government.

**Mike Rumbles:** On a point of order, Presiding Officer. I must be a little bit deaf, or maybe I am misunderstanding what the Government has suggested. Did it suggest that the Parliament instructed the previous corporate body to overturn the decision?

**The Deputy Presiding Officer:** The content of any speech is up to the cabinet secretary. If she wishes to repeat that point, I am sure that you will hear it clearly if other members in the chamber will so allow.

**Fiona Hyslop:** I have said it a few times now, so I am quite happy for the member to read the

*Official Report* to understand the precedent that I am talking about. It is not one that should be used—*[Interruption.]*

I am about to finish speaking. Presiding Officer, with grace, I seek a few moments to complete what I have to say.

I am one of the few members in this Parliament who has served on the Parliamentary Bureau and I know the importance of seeking to reach cross-party consensus within the institution of Parliament—and, above all, on the corporate body. *[Interruption.]*

**The Deputy Presiding Officer:** Excuse me, cabinet secretary.

The cabinet secretary is coming to a close. There should be no more interventions.

**Fiona Hyslop:** The role of the Presiding Officer in reading the mood of parliamentarians across the chamber is key.

The Scottish Government has always accepted that the corporate body's decision to change the policy was made with the aim of being non-political. However, and I say this with the greatest of respect to the members of the corporate body who reached that decision, I do not believe that their decision reflects the views of the Parliament as a whole. Nor do I believe that the decision could be non-political, whatever outcome had been reached. On that basis, I believe that it is appropriate for all of the Parliament to be given the opportunity to express its views, just as it did on the Calman review set-up.

I stress that, to avoid this situation, the Government sought to find a compromise; unfortunately, that was unrealised.

Parliament should send a clear and symbolic signal that, even after Friday, we want to maintain strong bonds with our European friends and neighbours; to continue to share the same fundamental values; and to show what their citizens—our constituents, who live in Scotland and who will continue to be valued and respected—mean to us.

I move,

That the Parliament notes that the European flag has been flown at Holyrood since 2004 as a symbol of membership of the family of European nations; recognises that Scotland and the UK will continue to be represented within the Council of Europe, and that the UK's exit from the European Union will not change this; notes that the European flag was originally the flag of the Council of Europe and affirms Scotland's commitment to the aims of the Council of Europe to build peace and prosperity together, while respecting common values of democracy, human rights, the rule of law and diversity; recognises the importance of continuing to fly the European flag as a sign of support and solidarity with those EU nationals who have made Scotland their home, and directs the Scottish

Parliamentary Corporate Body to ensure that the European flag continues to fly daily at the Parliament building.

**Neil Findlay:** On a point of order, Presiding Officer. If the Parliament were to agree to the motion, it would be overturning a decision of the corporate body—I think, for the first time. If that were to be the case, would it not be tantamount to a vote of no confidence in the corporate body? Has the Presiding Officer had any indication of what members of the corporate body might do in that situation?

**The Deputy Presiding Officer:** That is not technically a point of order. However, I refer the member to the terms of the Scotland Act 1998. If he feels very strongly about such matters, he may write to the Presiding Officer.

Before we move on, I say to members that I understand that feelings can run high when we discuss certain issues, but I am not at all content when I hear rudeness from members on any of the benches. I would appreciate it if members would bear that in mind.

I call Liz Smith to speak to and move amendment S5M-20625.2, for up to five minutes.

13:40

**Liz Smith (Mid Scotland and Fife) (Con):** I would like to focus my comments on my experience as a former member of the corporate body. However, first, let me apologise to the carers who are in the Parliament today with whom I was due to have a meeting at quarter to 2, which I had to cancel.

As Willie Rennie said in the chamber yesterday evening, those of us who are committed Europeans and who voted remain in 2016 would far rather that the EU flag was still one of the three principal flags that are flown outside the Parliament building, the others being the Scottish and UK flags. However, we lost that argument and, for all the reasons that have been rehearsed in the chamber so many times in recent months, as democrats, we accept that the UK voted to leave the EU. Indeed, it is now a fact that we will shortly leave the EU—that is important in relation to the decision that has already been made by the corporate body.

I remind members that, as is set out in the Parliament's standing orders, the corporate body has a very specific role, which is entirely different from those of other bodies in the Parliament. It is there to make decisions on a wide range of issues that relate to the management of this place—whether they concern budgets, staffing, accommodation or the use and security of parliamentary resources and facilities—and it carries with it significant responsibilities that are reflected in the duties of its elected members.

Corporate body members do not sit to make political decisions. Instead, they are elected by the whole Parliament—usually, but not necessarily, drawn from each of the political groups that are represented in it—to make impartial decisions that are for the collective benefit of all of us in the Parliament. On that basis, the corporate body has impartial relationships with other parliamentary bodies, such as the Parliamentary Bureau and the Conveners Group, which have responsibility for the day-to-day political business of the Parliament.

Corporate body members frequently deal with complex and sensitive issues, including situations in which national security issues come into play, and they can often be party to private and confidential information that is not always available to other members of Parliament. As a result, members will appreciate that it is vital that there is full trust and confidence that, in its work, the corporate body will act impartially on behalf of all members rather than on behalf of the political parties that are represented in the Parliament.

Of particular importance here are the terms of section 21 of the Scotland Act 1998, subsection (3) of which states:

“The corporation shall provide the Parliament, or ensure that the Parliament is provided, with the property, staff and services required for the Parliament's purposes.”

Subsection(4) states:

“The Parliament may give special or general directions to the corporation for the purpose of or in connection with the exercise of the corporation's functions.”

**Daniel Johnson:** Liz Smith has made important points. However, the critical and fundamental one is that the architecture of these institutions was put together with great care, with a focus on the idea that the Parliament should not be within the control of the Government. The corporate body and the bureau were put in place to do precisely what Liz Smith outlined and, importantly, the decisions that she mentioned were put beyond party politics. Is that not what would be undermined by what the motion proposes?

**Liz Smith:** I absolutely agree with Daniel Johnson. The issue is one of collective responsibility, which is exactly the basis on which the recent decision about the European flag was made. I do not believe that it is either appropriate or acceptable to reverse that decision. Indeed, to do so sets a dangerous precedent that would serve to undermine the relationship between the corporate body and the rest of the Parliament, as well as with the effective workings of Parliament.

**Fiona Hyslop:** Having seen it at first hand, I genuinely believe in the importance of consensus in the role of the corporate body. However, in a highly political situation such as this one, it is the role of all of Parliament to make a decision either

way. That happened with the motion that instructed the corporate body to set up the Calman commission, which Liz Smith's party was part of—the Presiding Officer at the time had no choice, for the reasons that Liz Smith has explained, but to carry out the views of the Parliament. Such occasions have been few and far between, but the member is wrong to say that the current one is unprecedented.

**Liz Smith:** I completely disagree. I am not wrong: the corporate body's decision was not overturned in the case of the Calman commission. The SPCB was given an advisory suggestion about the extra support that was required for the general workings of the Parliament, and the situation then was all about that—I have the document here.

Let me address those who have petitioned to ensure that the EU flag continues to fly outside the Parliament. I respect your views, as I respect those of people who believe that the flag should be removed. Yet, the issue before the Parliament is not our thoughts about the UK's withdrawal from the EU but about whether members of the Parliament are prepared to undermine the corporate body, which we elect and which can be overridden by any Scottish Government that happens to get a sufficient number of MSPs to support its decision. We are aware of the dangers that such a precedent could present.

Those issues define the Scottish Conservative Party's thinking in the debate, and I believe that many members of other parties agree with us. However, another issue is the public's rightful expectations of their MSPs as they sit in Parliament, which ensure that they are accountable for spending taxpayers' money. The public can see that the Parliament has ahead of it six committee debates, nine Opposition business days, eight stage 1 debates, 13 stage 3 debates and 88 legislative consent motions. I do not believe for a minute that the public either want or expect us to be spending time debating what flags fly outside the building. They want us to sort out our schools, our hospitals and our criminal justice system and to get on with addressing the issues that really matter to them in their daily lives. Not only has the Government lost its way when it comes to looking after our public services, it has lost its way when it comes to supporting the conventions of the Parliament. In short, this debate should not be happening.

I move amendment S5M-20625.2, to leave out from "the importance of continuing" to end, and insert:

"that decisions about flag protocol on the parliamentary estate are rightly reserved to the Scottish Parliamentary Corporate Body (SPCB); recognises that the SPCB has already made a decision on this matter; believes such

action to be unprecedented and deleterious to the norms of this Parliament, and regrets that parliamentary time is being used to debate flag protocol when such time is limited and could, more rightly, be spent on debating issues such as health, justice and education."

13:47

**Claire Baker (Mid Scotland and Fife) (Lab):** The debate is unfortunate. First, it is a fact that we are leaving the EU, which is a decision that I regret but is now unavoidable. Secondly, there is an attempt to frame the debate as a kind of test of our commitment to EU citizens. Many of us are concerned about the EU citizens who live in Scotland and we need to provide reassurance that they are welcome and valued; that needs to take place in a meaningful way. Thirdly, this is the first time I can recall the Parliament being prepared to overturn a decision that was made by the SPCB. We have to ask ourselves what that means for the governance of the Parliament.

If the vote is won by a small margin and it changes the decision of the SPCB, that will set a precedent for a narrow vote to overrule the corporate body and there is a clear risk of the Parliament beginning to direct and politicise the corporate body. We elect members from each political party to serve on the corporate body and they are expected to leave their politics at the door when they take on the role and make decisions in good faith for the benefit of the Parliament and all of its staff.

**Jenny Gilruth (Mid Fife and Glenrothes) (SNP):** Will the member take an intervention?

**Claire Baker:** Yes, although I am very short on time.

**Jenny Gilruth:** When a former Labour MSP lodged a motion on the subject, proud Europeans such as our colleague David Stewart and Alex Cole-Hamilton were able to support that motion. Why could that not be the case today?

**Claire Baker:** I am aware of the motion that was previously lodged and I understand that members have a range of views across the Parliament, but the corporate body is elected to represent the Parliament and made its decision in good faith. I have concerns about the Parliament being prepared to overturn that decision and undermine our colleagues on the SPCB.

I recognise that there is a certain logic to the decision. The Scottish Parliament flies flags of unions that we are members of and, by the weekend, we will no longer be a member of the European Union. I have heard the case that it is a Council of Europe flag, which was adopted by the EU, but that does not reflect the reality of how the flag is universally recognised or acknowledge that the Council of Europe often adapts the flag to



distinguish it for its own use. The proposal to fly the EU flag on Europe day brings the Scottish Parliament's policy into line with the Scottish Government's flag policy for Scottish Government buildings in Scotland.

We should respect the independence of the corporate body and respect the decision of its members, a decision that was unanimous until it became a political football. We are not talking about a Government building, which arguably has a political identity, or about a building that is owned by one political party that can exert its will over the operations of Parliament.

We are a responsible and respected elected Parliament, and the neutrality of the institution is important. There will be an important role for the Parliament to play in fostering European and international relationships, recognising the work of the Presiding Officer's office and the international office. As parliamentarians, we all have a role to play in welcoming migrants to Scotland and valuing their contribution, and we should be focusing on how we do that. The immigration policy that was published this week could be an example of where we can work together to make a positive difference.

I have regard to the argument that challenges whether this debate is the best use of parliamentary time. Although it is a short debate, it has still absorbed the resources of the Parliament in the week that we are leaving the EU. This is a time when we should be focusing on the real challenges that Scotland faces as a consequence of the decision to leave the EU, and I do not believe that that is encapsulated in a debate about whether to fly a flag.

If, after today, the EU flag stays up outside the Parliament, does it really matter? I do not believe that the flying of the flag will define our future relationship with Europe and, although the flag reflects our relationship in law, it is not illegal for us to continue to fly it. What is problematic is the way in which this debate politicises the decision, undermines the status of the corporate body and questions its ability to act independently of Parliament, and leaves the institution open to accusations of political motive. Those are the issues that we need to reflect on.

I move amendment S5M-20625.1, to leave out from "as a symbol of membership" to end and insert:

"in recognition of membership of the European Union; continues to welcome and value EU citizens who have made their home in Scotland and the huge contribution that they make; recognises the importance of the future relationship within the family of European nations and the important role that the Scottish Parliament has in fostering that; notes the explanation brought forward by the Scottish Parliamentary Corporate Body (SPCB) as to why it took the

decision to stop flying the flag of the European Union, and recognises that such decisions are best made by the SPCB operating on a non-partisan basis."

13:52

**Ross Greer (West Scotland) (Green):** I appreciate the argument that decisions about operational matters on the parliamentary estate should not be politicised, but we are now long past that option. There is no way—and there was never likely to be any way—to make the binary choice between keeping the European flag up and taking it down without that choice being political. The flag is a political symbol and what we, as the democratic voice of the Scottish people, do with it has significant symbolic meaning. It sends a message—more accurately, it sends a variety of messages, depending on people's political persuasion, their citizenship status and a number of other factors. The Greens believe that the European flag should continue to fly, and we will vote for that today.

The European flag is not just about the European Union.

**Liam Kerr (North East Scotland) (Con):** Will the member take an intervention?

**Ross Greer:** I will take just one intervention, because I have only four minutes.

**Liam Kerr:** I asked for a ministerial statement this week, so that the Cabinet Secretary for Justice could come to Parliament to talk about the state of the police under the Scottish National Party and seek solutions. That request was refused for lack of time. Instead, we are debating flags and symbolism. Does the member feel any shame or embarrassment that he and his party think that that is more important than the funding and resourcing of Police Scotland?

**Ross Greer:** I am sure that Mr Kerr enjoyed that moment of self-indulgence. I will come on to the Conservatives' hypocrisy shortly.

The flag that we are debating is the European flag, not just the flag of the European Union. It was originally, and remains, the flag of the Council of Europe, which we remain part of. That organisation, which predates the European Union, plays an important role, particularly in relation to the European convention on human rights, which members of the Conservative Party often suggest that we should just get rid of. We might be leaving the EU on Friday, but we are not leaving the Council of Europe, and it is important that we continue to acknowledge and value our membership of that organisation.

In addition, continuing to fly the flag will send an important message to European citizens in Scotland. The past four years have been an

unpleasant experience for them, and a great many feel utterly abandoned by a Westminster Parliament and Government that they previously had respect for. European citizens have been made to feel unwelcome, and discrimination and hate crime have risen across the UK. People who have lived here for decades are being asked to provide proof of their right to continue doing so just to access basic services.

Symbols matter, and, for many of the 237,000 EU citizens who live in Scotland, our decision to continue to fly the flag, which is a statement of our continued commitment to a common European future, matters a great deal.

I do not have a huge amount of interest in flags. Unsurprisingly, I have no affinity for the union flag, but I do not feel a particular affinity for the saltire, either—that is not what motivates my politics. However, if continuing to fly the European flag can provide some visible reassurance to European citizens that the Parliament continues to stand up for them and that we are still their representatives as much as we are anyone else's, so be it. That alone is a good enough reason for me.

**Mike Rumbles:** Will the member give way?

**Ross Greer:** No, I am afraid not.

I hear the concerns of people outside the chamber who are frustrated that Parliament's valuable time—even just half an hour of it—is being given over to a debate about flags. They are right to have those concerns, and they are considerably more sincere than those who are making similar points in the chamber today, whose parties absolutely wanted the debate to happen precisely so that they could make political capital out of it. The Scottish Government has opened itself up to justified criticism for bringing forward this debate despite not having brought forward a single debate on our schools for more than two years. I have been vocal in my criticism of its failure to do so.

However, we should be totally honest: the Tories are delighted that the debate is taking place. They really wanted it to happen. The Tories reckon that they stand to benefit politically from a failed attempt to make the European flag over this building come down, just as it is likely that the Greens and the SNP will come out of the debate well with people who feel a strong sense of European identity, with EU citizens and with others. With respect, I am not sure whether anyone will particularly notice Labour's position. The only real losers are the Liberal Democrats—the party of Europe. Unless they are about to make a significant U-turn, they are set to vote with the Conservatives to take the flag down.

**Ruth Davidson (Edinburgh Central) (Con):** Will the member give way?

**Ross Greer:** I am just about to round up. I have already gone over my time.

I did not want to have this debate, and I am not the only one, but there was never likely to be any way other than a full vote in Parliament to make a binary decision on something that symbolises such a defining issue of our era. We should reflect on that—the collective failure of our processes—and we should resolve to ensure that debates about flags do not become a recurring feature, regardless of whose partisan interests they serve. That truly would be a failure.

Today, given where we are, the other Greens and I will cast our votes for a symbol of internationalism, of common endeavour, of solidarity and of Scotland's continued commitment to our European future. We will vote to keep the European flag flying over this Parliament.

15:57

**Liam McArthur (Orkney Islands) (LD):** It is a matter of deep regret to me that Parliament is having this debate on the Government's motion and that we have just been subjected to that contribution from Ross Greer.

It is a matter of deep regret not because I do not believe in the partnership of European nations or the values that underpin it; I can safely say that I am a Liberal Democrat precisely because of my party's internationalist outlook. I joined the party all those years ago because of the long-standing commitment of Liberals to European integration and to arguing for the benefits of pooling and sharing with our European partners. That is why, in 2016, I campaigned hard and with conviction to remain, it is why I was distraught at the outcome of the referendum and it is why I was proud of the leading role that Liberal Democrats played in making the case for a people's vote.

I worked in Brussels for five years, including in the European Commission. I remain a loyal member of the Royal Brussels British Football Club, which currently sits top of ABSSA division 1 and is eyeing another title, for those who might be interested. I can credibly argue that the UK's membership of the EU brought me and my now wife together, as we met in Brussels when we both worked there in the mid-1990s.

Therefore, I find no argument with the aspects of the motion that speak of a shared, passionate and enduring commitment to the aims of the Council of Europe, and of

“democracy, human rights, the rule of law and diversity”.

Sadly, though, that is not what the motion is really about. It is not about the Council of Europe or, indeed, the European family of nations.

The Scottish Parliament has flown the European flag since 2004 to reflect our membership of the European Union. That is the reason, that has been the justification and that is why today's motion is so politically charged. Removing the flag does not make the Parliament anti-European, just as leaving it up does not make us pro-European. The flags are a statement of legal fact, not political desire.

I have had the privilege of serving on the corporate body since 2011. Having been elected twice by members, I genuinely consider it an honour and take seriously my responsibilities as an SPCB member, as I know my colleagues do, too. We work together collegiately and constructively, often on difficult and sensitive issues. We recognise that the decisions that we make could affect the reputation of the Parliament or, indeed, of MSPs. We make our decisions while being aware of the political environment in which we operate and with the aim of protecting the political neutrality of the SPCB and the Parliament as an institution.

We agreed to lower the European flag on 31 January, to reflect the legal position that Scotland, as part of the UK, would no longer be a member of the EU. Does that prospect fill me with joy? Absolutely not. Will I continue to make plain my opposition to Brexit and my belief that it is an act of self-harm? Members had better believe it. However, I also believe that, as MSPs, we have a duty to protect the neutrality and reputation of this institution.

SNP ministers will be free to continue to argue that Brexit makes the case for indyref 2. I will disagree, and we will have those debates in this chamber. Meanwhile, with everything else that is going on in Scotland, the spectacle of this Parliament debating flag policy will strike many people as bizarre.

However, it is more serious than that. By seeking to direct the SPCB, this Government is moving into uncharted territory and sending a dangerous message about the lengths that it is prepared to go to in order to get its own way. It risks calling into question the role and neutrality of the SPCB and opening the door to future decisions being second-guessed by ministers. For partisan reasons, future Governments of a different political colour might seek to impose their will on this institution. With this decision, we risk giving them permission to do as they please. I do not believe that Fiona Hyslop or MSPs across this chamber want that, and I am not sure what Alex Neil will make of it.

By wrapping not just ourselves but this Parliament in a flag, that is what we risk doing. I urge colleagues not to support the Government's motion this afternoon.

## Portfolio Question Time

### Health and Sport

14:02

#### Naloxone Kits (Scottish Ambulance Service)

**1. Ruth Maguire (Cunninghame South) (SNP):** To ask the Scottish Government how many take-home naloxone kits have been supplied by the Scottish Ambulance Service since 2011. (S5O-04053)

**The Minister for Public Health, Sport and Wellbeing (Joe FitzPatrick):** The Scottish Ambulance Service responds to many potentially fatal opioid overdoses by directly administering naloxone to reverse the overdose and save a life.

I am pleased to announce that the drug deaths task force will support a three-month trial, providing 500 naloxone kits to the Scottish Ambulance Service, which will enable its paramedics to issue patients at risk of an overdose with that potentially life-saving medication to take home. I visited the Scottish Ambulance Service station in Springburn this morning. I am pleased to report that training is almost complete and the trial is expected to start next week.

**Ruth Maguire:** I thank the minister for that welcome announcement. Those accidental deaths are preventable. The actions that he mentioned will save lives. The lives are worth saving.

Some 514 naloxone kits were handed out in North Ayrshire in 2019, and it was reported that 45 lives have been saved. North Ayrshire is training additional community development staff to administer the life-saving drug. Will the minister join me in commending that action and encourage others to follow suit with urgency?

**Joe FitzPatrick:** I add my commendation to that action. That work is replicated across Scotland. Improving provision of naloxone has been a key focus of the early work of the drug deaths task force. In order to improve provision of naloxone to the most vulnerable people—for example, through the winter shelters—we work with the Scottish Ambulance Service and other people who come into direct contact with those vulnerable people. That is a clear way that we could save lives.

**Monica Lennon (Central Scotland) (Lab):** It is right that the Scottish Ambulance Service personnel are equipped to administer naloxone. However, the minister is aware that the Scottish Police Federation has resisted calls for officers to carry naloxone. I would like his response to that.

The Government's national funding for the naloxone programme ended in 2015-16. Can the minister confirm how much is currently available in order to fund naloxone kit provision and training across the country?

**Joe FitzPatrick:** On the member's final point, naloxone use is embedded in budgets and should be part of normal business, for all who require it. The Ambulance Service programme is a new service, which is why it is being funded directly by the Scottish Government at this stage. Given that naloxone is almost a miracle drug, in that one injection can reverse a potential overdose and save a life, it is absolutely appropriate that its use should be embedded in normal business.

Dialogue between the Scottish Government and Police Scotland is on-going, and Police Scotland has established a short-life working group, with partners, to address police access to and carrying of naloxone. Previously, naloxone had to be injected, which was initially a big challenge and a concern that the Scottish Police Federation raised; there is now nasal application, which I hope removes that barrier. I hope that the short-life working group's work will mean that police officers who are most likely to come into contact with someone who has overdosed will be able to carry naloxone in the very near future.

#### **Child and Adolescent Mental Health Services (Waiting Times)**

**2. Alison Harris (Central Scotland) (Con):** To ask the Scottish Government what action it is taking to reduce child and adolescent mental health services waiting times. (S5O-04054)

**The Minister for Mental Health (Clare Haughey):** I have been absolutely clear that long waits for children and young people to access mental health treatment are unacceptable.

There is no simple solution in the face of increased demand for children and young people's mental health services. That is why we are undertaking an ambitious programme of work to drive forward performance in mental health waiting times across Scotland, while supporting early intervention in community settings and across the third sector, local government and the national health service.

The work will build on the superb work of CAMHS teams across Scotland, who are supporting thousands of young people all year round. Only today, a report in *The Courier* highlighted the increase in the number of young people who are being supported in Perth and Kinross. That response is replicated elsewhere in Scotland.

Through the children and young people's mental health and wellbeing programme board, which is

jointly chaired by the Convention of Scottish Local Authorities, we are implementing the key recommendations of the Coia children and young people's mental health task force, the youth commission on mental health services and the Scottish Association for Mental Health's audit of rejected referrals.

**Alison Harris:** In NHS Forth Valley, in the most recent quarter, fewer than two thirds of children and young people with mental health problems were treated within 18 weeks of referral. Is there something more specific that the minister can do to help those children in the NHS Forth Valley area?

**Clare Haughey:** Officials are working closely with boards to monitor performance regularly, acknowledging that some boards face particular challenges. We are adopting an approach that will involve enhanced engagement over the coming months, with a series of site visits and meetings with national health service chief executives, integration authority chief officers and senior clinicians, to review the trajectories and support the development of local improvement plans.

#### **Community-led Sport (Aberdeen South and North Kincardine)**

**3. Maureen Watt (Aberdeen South and North Kincardine) (SNP):** To ask the Scottish Government what funding it is providing for community-led sports in the Aberdeen South and North Kincardine constituency. (S5O-04055)

**The Minister for Public Health, Sport and Wellbeing (Joe FitzPatrick):** As the member will be aware, the Scottish Government routes our funding for sport through our national agency, sportscotland. In Aberdeen South and North Kincardine, sportscotland invests in community-led sport through its direct club investment and sport facilities funds, and provides investment for its local delivery partners for the active schools and community sport hub programmes.

**Maureen Watt:** In November, I was delighted to attend the opening of the Neale Cooper Cruyff court in Tullos, in my constituency, which is the second Cruyff court to open in Aberdeen. I am aware of the fantastic work of the streetsport programme in encouraging young people to get involved in sport—indeed, I will hold an event in the Parliament on Tuesday to highlight that work.

How is the Scottish Government working with such organisations to ensure that sporting activities are accessible, especially to people from deprived communities?

**Joe FitzPatrick:** I welcome the new facility in Tullos and the work that the streetsport programme continues to undertake in the area. Through our changing lives through sport and

physical activity programme, the Scottish Government and sportsScotland work with third sector organisations to identify and deliver sporting opportunities all over Scotland, with a focus on deprived communities.

#### **Out-of-hospital Cardiac Arrests**

**4. Angus MacDonald (Falkirk East) (SNP):** To ask the Scottish Government what its response is to the findings of the out-of-hospital cardiac arrest data linkage project report. (S5O-04056)

**The Cabinet Secretary for Health and Sport (Jeane Freeman):** The report shows that Scotland's out-of-hospital cardiac arrest strategy is delivering real results: 64 per cent of people who suffered a cardiac arrest outside of hospital in 2018-19 received cardiopulmonary resuscitation from bystanders, compared to 41 per cent before the strategy was launched in 2015. One in 10 people who suffer an out-of-hospital cardiac arrest survive and leave hospital, compared to one in 20 when the strategy was launched.

Those results are a real testament to the hard work of the save a life for Scotland partnership, which has equipped more than 519,000 people in Scotland with life-saving CPR skills since 2015, and especially to the work of all those who have been involved and have been willing to learn the skills that could—and do—save a life.

**Angus MacDonald:** The cabinet secretary will be aware that all Scotland's local authorities have signed up to the British Heart Foundation's project to build a nation of life-savers by providing CPR training in schools. Can she advise what more the Scottish Government is doing to provide training to adults as well as children, in order to increase the number of people who have those life-saving skills, and to increase the chances of survival of out-of-hospital cardiac arrest patients in Scotland?

**Jeane Freeman:** The 32 local authorities have made a very welcome commitment to a systematic and sustainable approach that will see every secondary pupil leaving school with CPR skills. The strategy that we have just reported on was a five-year strategy and it ends this year. Although the target for the number of individuals who have those skills has been overshot, we will now look at what more we want to do, as we want to not only maintain the work, but see where we can build on that success. In particular, we will want to look at increasing skills in our most deprived communities.

**Miles Briggs (Lothian) (Con):** Although very welcome progress has been made in some areas, today's report still shows that people living in the most deprived communities in Scotland continue to have around twice as many out-of-hospital cardiac arrests as those in the least deprived

communities. What assessments have ministers made of the cardiac rapid response team, which was piloted in NHS Lothian, and are there plans to roll that out into deprived communities?

**Jeane Freeman:** The assessment of the pilot and how we would roll it out; what more we need to do, having seen the success of the out-of-hospital cardiac arrest strategy; and the focus on those more deprived communities are all part of the work that we are doing to understand exactly how we should target the resource in order to ensure that we close that inequality gap.

#### **Emergency Departments (Delays)**

**5. James Kelly (Glasgow) (Lab):** To ask the Scottish Government what action it is taking to reduce delays at accident and emergency departments. (S5O-04057)

**The Cabinet Secretary for Health and Sport (Jeane Freeman):** Our emergency departments have been experiencing sustained high levels of attendance, which are more than 11 per cent higher than they were four years ago. To ensure that immediate improvements are made, and that they are sustainable, we have invested £20 million to strengthen capacity, reduce delayed discharge and ensure quality of care and access to services over the winter.

We continue to support improved processes through external support to our health boards and our health and social care partnerships that face the greatest pressures, in order to minimise delays for patients, no matter where they are in the system.

We have also invested £30 million over the past four years to take forward the recommendations that were made in Sir Lewis Ritchie's review of out-of-hours care.

**James Kelly:** The latest statistics for University hospital Hairmyres in the NHS Lanarkshire area are deeply concerning, with 95 people having had to wait more than 12 hours in the A and E department. It is difficult enough having to wait in an A and E department, but to wait for such a length of time is completely unacceptable. Is not the cabinet secretary embarrassed to be part of a Government that is so out of touch that it is more interested in bringing to Parliament a debate about flying flags than it is in dealing with the concerns of constituents who are having to lie sick, on trolleys, waiting for treatment in A and E departments?

**Jeane Freeman:** I am interested in focusing on improved patient care—not in making cheap political points out of such situations.

**James Kelly:** What did you just spend half an hour doing?

**Jeane Freeman:** Shouting at me will not take Mr Kelly very far.

I am concerned, as Mr Kelly appears to be, about the number of 12-hour and eight-hour delays. However, I am pleased to be able to tell Mr Kelly that the levels are coming down, in part because of the actions that I have just outlined, but primarily because of the efforts of NHS staff. Our overall focus is on ensuring that we continue to drive up performance to meet the targets. That includes reducing the number of 12-hour and eight-hour waits.

However, in recognition of the work of our NHS staff in emergency departments, and across our health and social care system, I point out that we continue to be the best-performing country in the United Kingdom, as we have been for four and a half years, in terms of meeting our accident and emergency targets.

**Alex Cole-Hamilton (Edinburgh Western) (LD):** The Royal College of Emergency Medicine will confirm that the extended delays in A and E are largely a result not of performance in A and E departments but of the fact that, in many cases, patients cannot be admitted to the wider hospital because of the absence of beds, which is caused by people staying for too many nights in hospital after they have been declared fit to go home. Does the cabinet secretary recognise that the interruption in flow that is caused by inadequate provision in social care in our communities is leading to delays in A and E?

**Jeane Freeman:** Mr Cole-Hamilton is, in part, right. The reason for the challenges that are faced in A and E is partly that flow through hospitals is being disrupted by delayed discharge. It is also about the quality and sustainability of out-of-hours care. By and large, that care operates robustly across the country—although there are two exceptions, one of which is NHS Greater Glasgow and Clyde. As Alex Cole-Hamilton knows, I have taken action on that.

We have invested £711 million in health and social care and we know what needs to be done to improve delayed discharge. I could take Mr Cole-Hamilton to a health and social care partnership that operates in a particular health board. That partnership has no delayed discharges, whereas its neighbouring health and social care partnership, which operates within the same health board, has delayed discharges. Both partnerships receive, proportionally, the same levels of funds and support from the Government.

The question is about what we need to do to improve performance in a way that is scalable and sustainable across the country. That is what we are focused on with our partners in the Convention of Scottish Local Authorities. Through the specific

actions from the ministerial strategic group for health and community care, we aim to ensure that all our health and social care partnerships in Scotland reach the level of excellence that we see in some.

### Organ Donation

**6. Mark Griffin (Central Scotland) (Lab):** To ask the Scottish Government what progress it is making on delivering a soft opt-out organ donation system, following the passing of the Human Tissue (Authorisation) (Scotland) Act 2019. (S5O-04058)

**The Minister for Public Health, Sport and Wellbeing (Joe FitzPatrick):** The Scottish Government is working in collaboration with NHS Blood and Transplant and the Scottish National Blood Transfusion Service to implement the Human Tissue (Authorisation) (Scotland) Act 2019. Work is under way on a number of workstreams, including the development of guidance, training, updating of information technology systems, secondary legislation, awareness raising and public information. We are confident that all the necessary steps will be taken in time for autumn of this year.

**Mark Griffin:** The minister has commenced provisions in relation to further consultation on the act. What plans are in place to boost awareness of the change to an opt-out system of donation, and when is the public awareness campaign likely to start? Will the minister expand on the action that has been taken to train NHS staff so that they are ready to deliver the opt-out system as soon as possible?

**Joe FitzPatrick:** It is absolutely essential that we get the work on public awareness right to ensure that people continue to have confidence in the system. Part of the safeguarding that underpins the system is about making sure that people understand it. It is aimed at ensuring that people do not become donors if they do not want to be, which is important.

Awareness raising began last year and will continue. It includes a campaign that will peak at various points and that uses different media outputs to reach the whole population. Importantly, it will include a mail drop to all households, supported by a high-profile awareness-raising campaign on TV and radio and in the press, in the lead-up to introduction later this year.

On Mark Griffin's point about training, it is very important that our staff are appropriately trained. Delivery of training to NHS staff who will be involved in donation and transplantation is scheduled to begin at the end of March, or in April, in order to meet the autumn implementation date. We have worked closely with NHS stakeholders

on guidance to support the training, and to provide clarity on how the changes in law will work in practice.

### **Social Prescribing (Rural South Scotland)**

**7. Claudia Beamish (South Scotland) (Lab):** To ask the Scottish Government what support it provides to third sector organisations that offer social prescribing solutions in rural South Scotland. (S5O-04059)

**The Minister for Public Health, Sport and Wellbeing (Joe FitzPatrick):** We recognise that social prescribing is a valuable approach that enables people and communities to take more control of their health and wellbeing.

We are working together with partners to realise the benefits of social prescribing and to develop effective links between local wellbeing initiatives and the healthcare professionals who can connect people to those initiatives.

For example, in South Scotland, we are contributing funding as part of the €8.7 million European Union mPower programme that is working with third sector organisations in NHS Dumfries and Galloway and NHS Ayrshire and Arran to support the health and wellbeing of older people. Social prescribing and technology-enabled care are key components of the programme, and we are developing our approach as it progresses.

**Claudia Beamish:** In 2016, the Royal College of General Practitioners identified that 30 per cent to 40 per cent of GP consultation time was spent with patients who would have benefited from community groups and services. Given the increased reliance on, and the recognised value of, such non-medical routes, will the Scottish Government consider how future investment might be made directly to local communities in order to create a more community asset-based approach, such as is taken by Healthy Valleys in Lanark, where I stay?

**Joe FitzPatrick:** Claudia Beamish has made a good point. We are committed to helping the third sector to build and maintain the national third sector infrastructure that supports charities, social enterprises, community groups and volunteers. The 2019-20 Scottish budget included a dedicated third sector budget of almost £24 million.

However, I am certain that we need to look at how to take that further. The Health and Sport Committee has taken a considerable amount of evidence on the issue and we will have a debate on how to take it to the next level to ensure that everyone in primary care realises the potential benefit of social prescribing to individuals and the wider health service.

**The Deputy Presiding Officer (Linda Fabiani):** That concludes questions on health and sport. I am sorry that we did not reach Alex Cole-Hamilton's question. We are a bit over time. We only heard three supplementary questions, so I ask members to think about the length of questions and answers in the future.

## **Communities and Local Government**

**The Deputy Presiding Officer:** Question 1 was not lodged.

### **Green Space**

**2. Alison Johnstone (Lothian) (Green):** I refer members to my entry in the register of members' interests. I am a committee member of Fields in Trust Scotland.

To ask the Scottish Government what action it is taking to record the loss of green space in Scotland. (S5O-04062)

**The Minister for Local Government, Housing and Planning (Kevin Stewart):** The Scottish Government contributes to the funding of the Ordnance Survey, which maintains the green space map that is updated every six months. We also funded the "Third State of Scotland's Greenspace Report", which provides data on the amount and types of green space, as well as a baseline for measuring change in urban Scotland.

**Alison Johnstone:** The Scottish National Party previously announced a moratorium on the sale of playing fields, but instead there appears to have been a moratorium on the report that helped us understand a little about what was being lost. Will the minister confirm why the publication of the annual report entitled "Planning applications affecting playing fields" ceased? Will he commit to publishing an annual update that is more specific than the examples that he has previously given?

**Kevin Stewart:** I do not have that information to hand. I am unaware of the document that Ms Johnstone refers to, but I am more than willing to write to her on that.

In general, the Government's national planning framework 3 aims to significantly enhance green infrastructure networks, particularly in and around our cities and towns. We designate the central Scotland green network as a national development. It is Europe's largest green space project and stretches across the central belt.

**Graham Simpson (Central Scotland) (Con):** In light of the climate emergency, does the minister agree that it would be entirely wrong for councils to give the go-ahead to large scale developments on green belt land?

**Kevin Stewart:** Those matters are for local authorities. We all have to look at the climate emergency in how we develop policy for the future. As Mr Simpson is aware, the new Planning (Scotland) Act 2019 makes it a statutory duty for planning authorities to prepare open space strategies, including an audit of existing open space provision. Open space should be part of all local development plans and regional spatial strategies. My expectation is that local authorities use their logic and local knowledge to get the approach right and ensure that we do all that we can to combat the climate emergency.

### **Children in Temporary Accommodation (Edinburgh)**

**3. Miles Briggs (Lothian) (Con):** To ask the Scottish Government what action it is taking to reduce the number of children across Edinburgh who are living in temporary accommodation. (S5O-04063) [*Interruption.*]

**The Minister for Local Government, Housing and Planning (Kevin Stewart):** I do not want to see any children living in temporary accommodation, so I am disappointed to see that the numbers continue to rise in Edinburgh. I met with the chief executive and housing convener of the City of Edinburgh Council on 21 January and discussed the progress that it is making in transforming its homelessness system to ensure that children do not live in unsuitable accommodation such as bed and breakfast.

Our transition to a rapid rehousing approach will ensure that homeless households, including those with children, spend as short a time as possible in temporary accommodation before moving to a permanent settled home. To support that, we are investing £32.5 million in rapid rehousing and housing first, in partnership with all our local authorities.

**Miles Briggs:** I thank the minister for that thorough answer, but he will be aware of the statistics that indicate that both the City of Edinburgh Council and Glasgow City Council have pretty much cancelled out all the progress that has been made across other councils in Scotland. Given that the figures show that those councils are not meeting their statutory duties, and given the specific issues that families are experiencing in both Edinburgh and Glasgow—legal action is being taken against Glasgow City Council—what other actions do ministers look to take specifically in Glasgow and Edinburgh where there are increases in the number of children in temporary accommodation rather than decreases, as in the rest of the country?

**The Deputy Presiding Officer:** Kevin Stewart.

**Kevin Stewart:** Thank you, Presiding Officer. I apologise for coming in before you called me last time.

Mr Briggs will be aware that I continue to discuss those matters with local authorities on a regular basis. It is fair to say that I am not particularly happy with some of what has gone on in the local authorities that Mr Briggs mentioned. The legal action that he talked about in Glasgow is suspended: the Scottish Housing Regulator is going in to look at practice there. I will look very carefully at how it reports back on progress on improvement.

To be fair to both local authorities, they are embarking on a significant amount of change. Here in Edinburgh, last week or the week before, I went to a supported accommodation household that is quite exceptional and is the kind of initiative that needs to be replicated in other places. Beyond that, the Government will continue to try to ensure that the best practice that is happening in some places is rolled out everywhere.

Having read some reports today, I praise Perth and Kinross Council for its efforts, which have dramatically reduced the number of folks applying as homeless. There are lessons to be learned from what it has done.

**The Deputy Presiding Officer:** Minister, I ask you to be a wee bit shorter with your answers. You are disadvantaging members in the chamber.

### **Unaccompanied Child Refugees (Withdrawal Agreement)**

**4. Annabelle Ewing (Cowdenbeath) (SNP):** To ask the Scottish Government what its position is on an amendment to the United Kingdom Government's withdrawal agreement that would allow unaccompanied child refugees to be reunited with their families in the UK. (S5O-04064)

**The Cabinet Secretary for Communities and Local Government (Aileen Campbell):** I was shocked and saddened by—and totally disagree with—the UK Government's decision, backed by the Conservative party, to vote to defeat an amendment by Lord Dubs that would have reinstated a guarantee that unaccompanied asylum-seeking children could continue to join relatives in the UK after Brexit. Those children, many of whom have fled war and persecution, will either remain in migrant camps, where they are susceptible to further harm and exploitation, or take desperate measures to rejoin their families that are living in the UK, often taking dangerous routes that involve extreme risks to their lives.

**Annabelle Ewing:** I share the cabinet secretary's sadness at the regrettable fact that the Dubs amendment in the Lords was rejected by the UK Government. Given that that happened, what



can the Scottish Government to do to ensure that we in Scotland, unlike the callous UK Tory Government, do not turn our backs on vulnerable children who have families here?

**Aileen Campbell:** I heard some laughter from the Conservative benches at that serious question. It is sad that, following yesterday's consensual debate marking Holocaust memorial day, we are still seeing failures to step up and help those facing persecution.

Scotland has a long and proud history of welcoming asylum seekers and refugees from all over the world. We believe that that welcome should most obviously extend to unaccompanied children seeking asylum in Scotland. Those children are among the most vulnerable in the world. They have faced extraordinary levels of adversity to get here and they deserve to be supported and protected.

We will continue to press the UK Government to outline its plans for those most vulnerable children as soon as possible following the passing of the European Union (Withdrawal Agreement) Act 2020. The UK Government made a commitment to rehome 480 children from migrant camps in Europe, but it seems to have turned its back on the world and those vulnerable children.

### Regeneration (Renfrewshire South)

**5. Tom Arthur (Renfrewshire South) (SNP):** To ask the Scottish Government how it supports regeneration in communities in the Renfrewshire South constituency. (S5O-04065)

**The Cabinet Secretary for Communities and Local Government (Aileen Campbell):** The Scottish Government works closely with local authorities and other partners to support regeneration through a combination of funding and investment. Our support includes local delivery of the town centre fund, the regeneration capital grant fund, the empowering communities programme and business improvement districts.

I know that the communities in Johnstone and Linwood in the member's constituency are active in their efforts to revitalise their town centres and have accessed funding through, respectively, the town centre fund and the regeneration capital grant fund to deliver regeneration projects in their towns.

**Tom Arthur:** What role does the cabinet secretary think that regeneration can play in supporting town centres to adapt to the changing retail environment that has been brought about by out-of-town shopping centres and the growth of online shopping?

**Aileen Campbell:** Our approach to regeneration in Scotland, which empowers and

supports communities to inform and shape local place-based plans, is integral to supporting our towns to adapt to become more diverse, successful and sustainable. Government is most effective when it empowers our communities and local authorities and when it acts with them—when it does not do things to communities but lets them become the solutions themselves, and removes barriers that stand in the way of their progress. The collective impact of what our communities can then achieve is massive.

Tom Arthur and I attended the Paisley is open exhibition, which set out the long-term vision for Paisley's town centre. I think that that will serve as a blueprint that will show other towns what Paisley and its partners have done and will help us to deliver successful, vibrant towns in the future.

### Local Government (Review)

**6. Gail Ross (Caithness, Sutherland and Ross) (SNP):** To ask the Scottish Government when the last review of local government was carried out. (S5O-04066)

**The Cabinet Secretary for Communities and Local Government (Aileen Campbell):** The last major review of Scottish Local Government took place around the Local Government etc (Scotland) Act 1994, which took effect in 1996 and created the 32 unitary local authorities we have today.

**Gail Ross:** Highland Council covers a huge and diverse geographical area, with 74 councillors covering a third of the land area of Scotland—9,996 square miles—including 14 island communities and areas that are classed as "remote rural" and "very remote rural". Is it not time that Inverness had its own local authority, which would allow remote rural areas to receive representation that would better suit their unique needs?

**Aileen Campbell:** I recognise much of what Gail Ross says. I also acknowledge the challenges that the geography of the Highland Council area brings. However, to separate Inverness would still leave about 80 per cent of Highland Council's population remaining in that one authority, and might not address the wider geographical issues. Any changes to Highland Council would be part of a wider review of all local authority areas in Scotland, and we have no current plan to carry out such a wider review.

Nonetheless, the local governance review looks to rebalance democracy and empower our people and our communities. Given the issues that Gail Ross has raised, I am happy to meet her to ensure that we get thorough responses from the communities that she represents in the Highlands, in order to help to shape and mould that work as it goes forward.

**Kenneth Gibson (Cunninghame North) (SNP):** Does the cabinet secretary agree that the current structures of the national health service, local government and governmental agencies, together with integration joint boards, growth deals and community planning partnerships, are understood by only a fraction of the population and that work to declutter the public sector in order to focus more effectively and transparently on service delivery is therefore essential?

**Aileen Campbell:** That question flows from what I said about our local governance review, which is about ensuring that we have appropriate levels of governance and accountability in our country. That is why, as part of the joint local governance review, the Scottish Government and the Convention of Scottish Local Authorities have recently invited Scotland's public sector leaders, including all councils, to submit their proposals for alternative governance arrangements that can improve people's lives. That includes proposals that are tailored to local circumstances and which aim to improve effectiveness, efficiency and transparency as much as possible so that some of the clutter that Kenny Gibson mentioned could be looked at.

#### **Dumfries and Galloway Housing Partnership**

**7. Colin Smyth (South Scotland) (Lab):** To ask the Scottish Government what its response is to the decision by Dumfries and Galloway Housing Partnership to enter into partnership with the Wheatley Group. (S50-04067)

**The Minister for Local Government, Housing and Planning (Kevin Stewart):** The decision was a matter for the board of Dumfries and Galloway Housing Partnership, which, following a ballot of its tenants, decided to protect tenants' interests and deliver on the opportunities and the commitments made by the Wheatley Group. It will benefit Dumfries and Galloway Housing Partnership's customers, staff and communities while retaining local accountability. [*Interruption.*]

**The Deputy Presiding Officer:** I ask members not to have what I am picking up as shouted conversations across empty seats, please, and to have a bit of respect for the chamber.

**Colin Smyth:** I thank the minister for that answer. Given the extent to which DGHP had lost its way on building new homes and refurbishing existing properties, I welcome the positive investment plans in the new partnership with the Wheatley Group, which the minister mentioned.

However, figures that the Government published yesterday reveal that the number of homelessness applications in Dumfries and Galloway is not falling, with 864 last year alone. Will the minister give an assurance that there will be no reduction

in next year's budget for grants for new social housing so that the new partnership in Dumfries and Galloway can play a full part in building the homes that we desperately need to end the shame of homelessness in the region?

**Kevin Stewart:** On the affordable housing programme, I note that the planning assumptions were laid out some time ago. New build is being delivered in Dumfries and Galloway by Cunninghame Housing Association. Unfortunately, given the troubles that Dumfries and Galloway Housing Partnership experienced, it did not invest as much as it should have in new homes. With the Wheatley Group moving into the area, there is a huge opportunity.

As I said, the decision protects existing tenants and addresses the financial and capacity risks that the organisation was facing. The partnership arrangement includes some very positive things, such as a 2 per cent rent cap, detailed plans for additional investment in existing housing stock, the first new-build houses programme, a new handyperson service and recruitment of DGHP's first modern apprentices. That is good news for Dumfries and Galloway.

#### **Thermal Electricity Generating Capacity (Planning Policy)**

**8. Mark Ruskell (Mid Scotland and Fife) (Green):** To ask the Scottish Government how its planning policy is guiding the siting of thermal electricity generating capacity under 50MW. (S50-04068)

**The Minister for Local Government, Housing and Planning (Kevin Stewart):** Current Scottish planning policy does not contain specific policies to guide the siting of thermal electricity generating capacity under 50MW. However, it sets out a range of considerations that are to be taken into account, including environmental and community impacts, when local development plans are prepared and applications for energy infrastructure projects are determined. We are reviewing all national planning policies to inform the preparation of national planning framework 4.

**Mark Ruskell:** The minister will be aware of the situation in Fife, where there is a free-for-all of planning applications for polluting gas peaking plants and waste incinerators. As part of that review into planning policy, can he commit to updating guidance to councils so that they can take into consideration the climate emergency and the cumulative impact of such developments being sited very close together, as was proposed this week in Inverkeithing?

**Kevin Stewart:** As Mark Ruskell is well aware, I cannot comment on individual planning

applications, and I know that there are lives ones in Fife.

When it comes to that area of planning, as well as others, I encourage folk to get involved in the shaping of NPF4 and the review of Scottish planning policy. We have a new website that breaks down the separate areas of business that we will look at. I encourage Mr Ruskell and other members to look at the web site and to encourage their constituents to look at it, too.

## Scotland's Future

**The Presiding Officer (Ken Macintosh):** The next item of business is a debate on motion S5M-20615, in the name of Nicola Sturgeon, on Scotland's future.

14:41

**The First Minister (Nicola Sturgeon):** Today, I ask Parliament to endorse a basic but fundamental principle: that Scotland's future should be decided not by politicians at Westminster who have not won a general election in Scotland since the 1950s but by all of us who live here and call Scotland home.

It is the sovereign right of the people of Scotland to determine the form of government that is best suited to our needs. That is the declaration at the heart of the claim of right, and it should be endorsed by this Parliament today.

I am sure that we will hear a lot of faux outrage from Opposition parties today about the fact that this debate is taking place at all, so let us, at the outset, remind ourselves exactly why it is. On Friday, because of the Brexit obsession of the Conservative Party, Scotland will be removed from the European Union against our will. In Scotland, the vote to remain in the EU was more than 60 per cent, and that desire to stay at the heart of Europe has been reiterated at every election since.

It is not just about the fact of Brexit; it is also about the consequences of it. Let us make no mistake: those consequences will be significant for our country now and well into the future. There will be consequences for our economy and trade, our public services and the opportunities that are open to our young people.

Some of those consequences are already known to us. For example, there is the practical and emotional impact on the 200,000 EU nationals who have made such an enormous contribution to our country. There is also the impact on our population levels in the future, which will make it much harder for businesses to recruit the workers that they need and for successive Scottish Governments to sustain our public services. Other consequences will become clearer as trade negotiations get under way.

**Neil Findlay (Lothian) (Lab):** I do not support independence—that will be no surprise to the First Minister. However, had the motion been more realistic and rational, I might have voted for it, because I believe absolutely in the sovereign right of the Scottish people to decide their future.

The First Minister herself has said that we do not know all the implications of Brexit, and we do not. Therefore, it is unrealistic to have any

referendum until we know exactly what is happening with Brexit.

**The First Minister:** Neil Findlay has a more respectable position on the issue than many of his colleagues, but he either accepts Scotland's right to choose our own future or he does not. It is not conditional on what he thinks the choice should be. That is the principle at the heart of the debate.

As I was saying, other consequences will become clearer as the trade negotiations get under way. Contrary to what we hear, and as Neil Findlay just said, Brexit is not yet done. However, the trade negotiations are about to be led by a United Kingdom Government that is completely deaf to Scotland's interests, needs and voice. At no point in the three and a half years since the Brexit vote has any effort whatsoever been made to understand Scotland's different views or to accommodate our interests in any way.

Indeed, as recently as Monday, when the Scottish Government published practical proposals on migration, which are backed by businesses and civic Scotland and are designed to work within the current constitutional arrangements, the response of the UK Government was to dismiss them out of hand, with no consideration whatsoever. That is the reality that Scotland faces as part of the Westminster system, and it is not good enough.

**Jackson Carlaw (Eastwood) (Con):** Will the First Minister give way?

**The First Minister:** I hope that Jackson Carlaw will back our migration proposals.

**Jackson Carlaw:** If the First Minister was trying to build a genuine consensus in this Parliament on the proposals, she might have circulated them or offered them to the leaders of the other political parties. I have still received no such communication from her office. I do not know how she expects us to build consensus when all she does is grandstand in public and shout about the proposals rather than circulate them to this Parliament.

**The First Minister:** I assure Jackson Carlaw that the proposals are available on the internet. I am sure that he is able to use a computer. However, in the interests of consensus, I will ensure that a copy of the proposals is personally delivered to Jackson Carlaw's office later this afternoon. Perhaps we can then get his support for the proposals and he can try to persuade the UK Government not to dismiss them out of hand. I will wait for that intervention from Jackson Carlaw.

Having our future imposed on us by a UK Government that is utterly contemptuous of our views is not good enough. It is a Government that is contemptuous of our interests and that seems

intent not on preserving a close relationship with the EU but on diverging and deregulating. What that means for the future of workers' rights, environmental protections, the shape of our economy and the nature of our society is profound.

Labour, in particular, should reflect on this point. If it continues to stand against the right of the Scottish people to even consider a different future, it is that Tory vision for Scotland's future that it is giving the green light to—a Tory vision that is driven on the part of some by jingoism and xenophobia; a Tory vision that will narrow the horizons of the next generation, make the country poorer and hit hardest those who are already poor and vulnerable. If Labour stands aside and lets that come to pass, it will be on Labour just as much as it is on the Conservatives.

At the heart of all this is a basic fact. Brexit—and everything that will flow from it—is happening against the will of the vast majority of the Scottish people. It is an affront to democracy and, of course, it represents a material change of circumstances from those that we faced in the 2014 independence referendum. Back then, the message from those on the anti-independence side could not have been clearer. The only way to protect EU membership, they said, was to reject independence. As Ruth Davidson said:

"No means we stay in. We are members of the European Union".

Of course, we were also told back then that the Tories would probably not win the next election and that the prospect of Boris Johnson becoming Prime Minister was just a scare story. Yet now, because we are not independent, we have a Boris Johnson-led majority Government that Scotland did not vote for and we stand just two days away from losing our EU membership and all the rights that go with it.

In my view, it is now beyond doubt that the only realistic way for Scotland to return to the heart of Europe and ensure that we get the Governments that we vote for is to become an independent country.

**Mike Rumbles (North East Scotland) (LD):** Will the First Minister give way?

**The First Minister:** In a moment.

I accept that many people in this chamber—including the member who is trying to intervene—and across the country take a different view on independence. That is entirely legitimate. However, what should be beyond any democratic argument, in the light of the material change of circumstances that Brexit represents, is that it must be Scotland's choice to make. It must be for this Parliament, not Westminster, to determine

when and on what basis an independence referendum should take place—a view that is backed by more than 60 per cent of people in Scotland, as was shown in a poll at the weekend.

On that point, I am happy to give way.

**Mike Rumbles:** It is appropriate that the First Minister gives way on that point, because she has just cited an opinion poll that puts the figure at 60 per cent. However, we had a vote last month in which 55 per cent—the majority of Scottish voters—voted for candidates who did not want another referendum. [*Interruption.*]

**The Presiding Officer:** Order. Can we hear the question, please?

**Mike Rumbles:** Some members might not like that, but it is a fact.

How about recognising a democratic mandate?

**The First Minister:** I know of at least one Liberal Democrat candidate who stood in that election in Scotland and backed Scottish independence, so Mike Rumbles's argument is somewhat flawed. On the subject of elections, my party has now won three successive elections on a manifesto commitment not to impose a future on people, as the Tories want to do, but to give them a choice between accepting Brexit as part of the Westminster system and choosing a different future as an independent country.

In the general election just past, it was the Tories who explicitly recognised that the result would provide a mandate. It was on the ballot paper, they said. A vote for the Scottish National Party was a vote for a referendum, and the only way to stop it was to vote Tory. Well, people cast their verdict. In that election, the Tories lost more than half of their seats and the SNP won a higher share of the vote than Boris Johnson did UK-wide. The democratic case for allowing people in Scotland to decide whether or not to become an independent country is overwhelming, and it is that principle—not the substance of the independence issue—that the Parliament is being asked to endorse today.

It is hard to escape the conclusion that it is their fear of the choice that Scotland would make on the substantive question that is driving the anti-democratic position of the Opposition parties. Parties that had confidence in their case and believed that it would win the day would have no problem whatsoever in trusting the people of Scotland to make their choice. It is only ever parties that know that their arguments are bust that have to resort to blocking democracy.

The problem for the Tories, Labour and the—completely misnamed—Liberal Democrats is that the more contempt they show for the right of Scotland to choose our own future, the more they

demonstrate the urgent need for us to become independent as the only way to protect our vital interests. I cannot remember the last time that I heard any of those parties make a positive case for the union. All they ever do is tell us to keep quiet and accept whatever the Tories want to throw at us. For my part, I will continue to make the positive case for independence. It is the means by which we can shape our own future and build a better Scotland.

With control over tax and social security, we can protect our schools and hospitals from the Tory austerity that has been imposed on us for a decade; we can do more to lift people out of poverty; and we can build a fairer country. With control over economic levers, and as part of the world's largest trading bloc, we can build a more prosperous country. With control over migration policy, we can end the hostile environment and ensure that we remain the welcoming, tolerant nation that we must always be. With independence, we can choose to become a member of the European Union in our own right.

As I said, I know that not everyone agrees with my position on independence, but I am happy to have that debate and let Scotland decide.

What members of the Scottish Parliament across the chamber have to decide today is this: do they support the principle in the claim of right for Scotland that it is for the Scottish people to determine our future? Do they support the principle that, in any democracy, people must be entitled to change their minds—particularly when they face a democratic outrage such as being forced out of the EU? Do they support the principle that election results in Scotland matter?

I know that the Tories will vote against all of those principles. Others in the chamber should consider this: if they support the Tory position, they will not only be voting against the right of the people of Scotland to choose our own future; they will be voting for something, too. They will be voting for the right of the Tories to impose a hard Brexit on us. They will be voting for a future to be foisted on Scotland that they know will make us poorer in so many ways. They will be voting to expose our workers' rights and environmental protections to a Tory party that is threatening a race to the bottom. They will be voting to give Boris Johnson the right to negotiate—over our heads—a trade deal with Donald Trump that they know will threaten our national health service. They will be voting to end freedom of movement, knowing that it will lead to a decline in Scotland's population. If we refuse people in Scotland the right to choose a different future, all those things will happen.

Given what the Tories have in store, proposing a further decision on independence is not simply

legitimate; it is necessary. It is time to put Scotland's future into Scotland's hands, which is why I urge the Parliament to back the motion in my name.

I move,

That the Parliament recognises the sovereign right of the people of Scotland to determine the form of government best suited to their needs; agrees with the cross-party Smith Commission report published after the 2014 referendum and backed by the UK Government that "nothing in this report prevents Scotland becoming an independent country in the future should the people of Scotland so choose"; recognises that there has been a material change in circumstances since 2014 and that a referendum should be held so that the people of Scotland can decide whether they wish it to become an independent country, and calls on the UK Government to reach an agreement with the Scottish Government on such a referendum taking place on a date and in a manner determined by the Scottish Parliament, which the Scottish Government proposes should take place in 2020.

14:55

**Jackson Carlaw (Eastwood) (Con):** I thank the First Minister for fulfilling—for the first time, in my experience—a promise that she made here, in the Parliament. I have just received a copy of her migration proposals, which I have here.

Let us be up front about why we are here today. It is not because the First Minister thinks that she is going to hold a referendum this year; she knows that that is not going to happen. The reason that we have been called here today is that she needs to convince the yes movement, behind her and beyond, that something is happening—or that, if it is not actually happening, they should not worry, because it will soon.

That points to the real indictment on this Government: it is divided and fearful of telling hard truths to its own political supporters. It is so obsessed with mollifying them in some way that the interests of the people of Scotland are shoved to one side. If the First Minister feels the need to attend marches in her spare time in order to shore up her position with Joanna Cherry and the die-hards, that is up to her, but I do not see why the majority of people in this country have to play along with that ridiculous charade.

The First Minister says that there will be a referendum by Christmas. Really? Given the state of the ferry service over which she presides, they had better start sending the ballot papers to the islands now. There is also to be a new white paper—and yet, according to the First Minister, we are still to accept that the last one was the most authoritative ever. Her tame polling company breathlessly claims that people support the holding of a referendum being agreed, yet somehow it forgets to ask them whether they actually support independence. If only the Government spent the

same amount of attention on the police and schools as it spends on polling and spin we might have the safest streets and the best schools in Europe.

While SNP members debate among themselves their favoured route to another referendum, what the timetable should be and whether they need the approval of Westminster, most people outside the political bubble just look on in either wearied resignation or abject fury. The debate that people outside the chamber want to see is on how to drive up educational standards and give their children the solid start in life that they need and deserve. Instead, they get parliamentary statements about more referendums.

People also want to see action on how to tackle a drugs death crisis that is claiming over 1,000 Scottish lives every year—the highest rate in Europe. They want to see action to reverse the record low in attainment in the highers and advanced highers results in Scotland's schools. They want to see the four-year rise in violent crime stopped, front-line police officer numbers protected and a Government that does not describe collapsing ceilings in police stations as "hyperbole". Instead, civil servants are directed to waste time in drawing up more plans for independence.

People want a debate over how to grow our economy; how to create more, better-paid and more secure jobs; and how to drive up living standards for everyone in Scotland. Instead—here we go again—we get more time devoted to the First Minister's personal obsession at the expense of the country's real and pressing priorities.

Perhaps the First Minister really cannot let it go. Perhaps she is fated to see out the rest of her days in office single-mindedly banging the drum for separation. That is a grim prospect for the rest of the country, but perhaps that is the way it will be. Only in the corridors of the Scottish Government—alone in the four nations of the United Kingdom—do we see a Government that is determined to keep us stuck in the past. The rest of the UK is moving on, but Scotland is being left behind.

There is a real tragedy here, too. The Government promised a fresh start after the divisions of the 2014 referendum, and the First Minister made, in her own words, a heartfelt promise to serve all Scots, regardless of how they voted in that referendum. How hollow that all sounds now. Instead of healing the divisions of 2014, the Government has exacerbated them. Instead of the fresh start that it promised, we have had five years of unceasing agitation for independence. Instead of a laser-like focus on education, health and the economy, all of those

matters have been sidelined in favour of the First Minister's singular priority.

**The First Minister:** Will Jackson Carlaw address the fact that Scotland, against its will, will be taken out of the EU in two days? He used to oppose that but is now a born-again Brexiteer. The people of Scotland deserve to hear him justify that fact.

**Jackson Carlaw:** I am speaking to the amendment in my name, which concentrates on the priorities that the people of Scotland want to see addressed.

Most people will see the past five years as a catalogue of wasted opportunities to improve Scotland. Public service failure under the SNP is the real "material change in circumstances". Most people want the Government, the Parliament—all of us—to dedicate our efforts to the education, health, prosperity and wellbeing of our people.

Is it not about time that the Government listened to the voice of most people and that the First Minister finally acted on the pledge that she made at the start of her term in office, to serve all Scots and their interests whether they voted for or against independence? Is it not time that the First Minister and her Government put aside their endless campaign for a vote that a consistent majority of the people in the country do not want, to focus instead on the country's real priorities?

Today, another two and a half hours of parliamentary time will be wasted on debating yet another statement on independence in which nothing new is said—that is all to be saved for other people, not this Parliament, on Friday. Instead, let us get back to dealing with the business that the people outside the chamber elected us for, and let us make this the last such debate—we are fed up.

I move amendment S5M-20615.1, to leave out from "the sovereign right" to end and insert:

"that the sovereign right of the people of Scotland was exercised in 2014 when more than two million people voted to reject independence; agrees with the cross-party Smith Commission report published after the 2014 referendum and backed by the UK Government that 'nothing in this report prevents Scotland becoming an independent country in the future should the people of Scotland so choose'; recognises, however, that the 2014 referendum was rightly described as a once-in-a-lifetime opportunity and that it is incumbent on all parties to abide by its result; calls on the Scottish Government to abandon its obsession with a second independence referendum; expects the Scottish Ministers to devote their energies to, and to use their parliamentary time to debate, matters of devolved competence, such as health, education, transport and the economy in Scotland, and regrets that yet again the Scottish Government has chosen to debate the constitution instead of the failures in Scottish public services for which it is responsible."

15:01

**Richard Leonard (Central Scotland) (Lab):** I completely understand that the thought of five more years of a Boris Johnson Government is driving some people to despair and others to anger, and that discontent is widespread, but it must be understood that the people of Scotland do not want another independence referendum anytime soon. The people know—they have applied common sense to this—that we need to do some hard thinking and work through the Brexit situation. They know that until we do that, given the profound uncertainty about the nature and terms of the future economic, trading, social and cultural relationships between the people of the UK and the people of the EU, a referendum in 2020 makes no sense whatsoever. Yet that is the proposition that we are being asked to vote on this afternoon. The First Minister herself said that a second independence referendum should not happen until after Brexit is done. Brexit is not done and it will not be done in 2020.

The Government motion talks of a "material change in circumstances", but we do not yet know what those changes will be. However lofty the First Minister's rhetoric is, she and everybody knows that she is playing a game. Nobody in the chamber really believes that there will be a referendum this year—I am not sure that many people in this chamber believe that there should be one this year. Members are being asked to vote for what they know to be a falsehood and many of them are prepared to do it willingly.

This debate is not an example of a good use of power. The First Minister claims to be speaking for Scotland, but she is not even speaking to Scotland. Nicola Sturgeon is using the Parliament to speak to her own party and she is not even telling it the truth. The way in which the Government is using the Parliament shows a rather contemptuous use of power.

The Government's motion is a synthetic political manufacture dressed up as high principle. It is our duty as members of this Parliament to expose that and to offer real leadership on this question. It is our duty to represent all of the people, not just placate an overagitated political base of activists.

We know the numbers in the Parliament, and we know that the Greens will support the motion. I say in all sincerity to the Greens that a turn to nationalism at a time when we face a global economic and climate crisis is a move in precisely the wrong direction. We should not be putting up national boundaries; we should be pulling them down.

Our objective as members of this Parliament is to promote the welfare of the people—not just their material welfare, but their welfare in the broader

sense—so, in our amendment, we call on the Government to focus its energies on minimising the impact of the Tories' disastrous Brexit deal; to double down on ensuring that, in the coming months, powers are repatriated to Scotland during the Brexit process; and to focus on establishing a new home rule principle that is fit for the 21st century whereby, in the wake of Brexit, all that can be devolved is devolved, not just to the Scottish Parliament but to local government and local communities right across Scotland. Our vision is of a modern 2020 home rule that recognises that we need to radically redistribute wealth and power by tackling inequalities rather than simply reproducing them in a separate Scottish state.

**Stuart McMillan (Greenock and Inverclyde) (SNP):** Will the member give way?

**Richard Leonard:** I am in my final minute.

Our vision is a realistic vision of not just a redistribution of power between Parliaments, but a redistribution of power and wealth between people because, in the end, that is where the divisions in our society really lie. That means that we must amend and extend the Parliament's financial powers and start to use the powers that we already have for planning our economy, building the homes that our families need, tackling the long-standing challenges of public health—*[Interruption]*

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

**Richard Leonard:** —giving hope to our young people and dignity to our pensioners in retirement, meeting the challenges of climate change and technological change, creating the caring society and extending democracy into our economy and our communities, thereby creating a more tolerant and equal Scotland. That should be this Parliament's priority—giving people hope over fear.

I move amendment S5M-20615.3, to leave out from “and that a referendum should be held” to end and insert:

“with the UK, including Scotland, due to leave the EU on 31 January; believes that a period of uncertainty for individuals, communities and businesses will follow; recognises that the majority of the people of Scotland do not want a further referendum at this time; calls on the Scottish Government to focus all of its efforts and energies on minimising the impact of the Prime Minister's disastrous Brexit deal and, as such, does not believe that a further independence referendum in the near future is in the best interests of Scotland; proposes instead the pursuance of 'Home Rule', which fully utilises the substantial powers that are already devolved, and urges the UK Government to ensure that devolved powers are repatriated to Scotland following Brexit and that the Scottish Parliament gains the further devolved powers needed to create a fairer and more equal Scotland.”

**The Presiding Officer:** Before I call Willie Rennie to speak on behalf of the Liberal Democrats, I ask members to stop the on-going heckling. That applies to members across the chamber. In particular, I ask front-bench members not to engage in such behaviour.

15:08

**Willie Rennie (North East Fife) (LD):** When I saw the wording of the motion and realised that we would have not just one but two speeches on independence this week, I wondered whether the debate was for me or for the different factions of the SNP, so that they could sort out whether they would move for a referendum now, next year or ever, what the timing and the framework would be, and whether it would be a wildcat referendum. However, I like to engage in such debates, if only to put the SNP right on important constitutional issues.

I am intrigued by the fact that the Brexiteer Alex Neil is using Brexit as a justification for having not just another independence referendum, but a wildcat referendum. Although that idea is backed by Mhairi Black, Joanna Cherry and a few others, Kenny MacAskill thinks that we should not have another independence referendum at the moment and that the Government should focus on the day job. It is probably the first time ever that I have agreed with Kenny MacAskill. His expressing that view has even led some people to say that we should bring him back, but I am not sure that that would be met with wild appreciation.

Mike Russell thinks that it is racist to heckle Ian Blackford in Westminster while believing that he can heckle Willie Rennie in this chamber.

Of course, it is important to mark this moment, but this is a sad week for pro-Europeans such as me. We are leaving the European Union. We fought hard every step of the way, not just when it was politically convenient to do so. We spent more in the European election than we did in the Shetland by-election—who would have thought that? It was important to stand up for what we believe, and we did so in that campaign. This is a sad week for pro-Europeans.

We should learn the lessons of Brexit, and not repeat them with independence. We have had years of division over Brexit and over independence before that. People are sick of it and fed up with it. They want to move on to the big challenges that the country faces.

Let us look back at the division that we faced all those years ago, in 2014. Friends, families, neighbours and businesspeople were all divided over independence, and those divisions were repeated on Brexit. We should consider all the investment that was held back for all those years



during the independence and Brexit debates. We should not repeat those mistakes all over again. Let us learn the lessons of Brexit. Let us consider the problems that the debate about the Irish border has caused in the affected communities.

In the United Kingdom, people north and south of the border have deep-rooted relationships that have lasted for 300 years. We have seen the turmoil that comes with breaking up a 45-year-old partnership with the European Union. Just imagine how much more difficult it would be to break up a partnership of 300 years.

Apparently, by the end of this afternoon, the SNP will claim that the Parliament has voted, again, for a mandate for another independence referendum. I disagree. The SNP does not have a majority in the Parliament.

In 2016, the Greens put forward a proposal that a petition with 1 million signatures would be needed for another independence referendum to be held. I have hunted high and low, but I cannot find such a petition. I would be surprised if it had one name on it, let alone 1 million names, so there is no mandate this afternoon.

The claim that the general election result is a mandate is also false. I admit that, as has been referenced, the SNP did well in the general election. However, 45 per cent of the vote is no more votes than the SNP got in 2014—in fact, because turnout in the general election was lower than it was in the referendum, the SNP got even fewer votes than it got in 2014—so there is no change at all in that regard. I thought that the SNP supported a proportional representation voting system—a fair voting system—but, all of a sudden, it is claiming that having 47 or 48 MPs is a mandate. It is not.

I remember Nicola Sturgeon softening the message in the last week of the general election. I remember her appealing to people who were in favour of the United Kingdom.

**The First Minister:** Will Willie Rennie give way?

**Willie Rennie:** Not just now.

**Members:** Aw!

**Willie Rennie:** I will come to the First Minister in a second, when I am ready.

The First Minister softened the message during the general election. She appealed to Labour and Liberal Democrat voters and said, “Come with us to stop Boris Johnson.”

**The First Minister:** Will the member give way?

**Willie Rennie:** Not just now.

There was hardly any mention of independence at that stage, then talk of it was ramped right up

after the general election. The First Minister does not have a mandate for an independence referendum.

**The First Minister:** Willie Rennie has set out what, in his view, does not constitute a mandate for an independence referendum. Perhaps he could use some of his time to tell us what would constitute a mandate for an independence referendum. If he does, we might make some progress.

**Willie Rennie:** I am not obsessed with independence. [*Interruption.*] I do not spend every day of the week thinking about how we get another independence referendum. If people vote Liberal Democrat, I guarantee that we will use every opportunity to vote against independence, because it is dividing our country and damaging our economy—[*Interruption.*] Presiding Officer, I do not know whether members are following your encouragement to be quieter in this debate but I suspect that they are not.

We need to recognise that the SNP does not have that mandate. As far as I am concerned, if people vote Liberal Democrat, the SNP will never have that mandate. We need to move on. We need to unite the country. We need to tackle the challenges that we all face. If we do that, we will have a better Scotland and a better United Kingdom.

I move amendment S5M-20615.2, to leave out from “; agrees” to end and insert:

“, and believes that the people of Scotland want the Scottish Government to focus on tackling the slipping education standards in Scotland’s schools, reduce long waiting times in the health service, take mental health more seriously, address the crisis in social care, repair the damage to police services caused by centralisation, reverse the rise in fuel poverty, and take consistent and determined action on the climate emergency, all of which are currently being given secondary status to the issue of independence.”

**The Presiding Officer:** Again, I encourage members not to heckle too loudly.

15:15

**Patrick Harvie (Glasgow) (Green):** In a week in which we heard that even a Conservative leadership candidate thinks that those who bang the no-indyref-2 drum sound obsessed with independence, Willie Rennie might do well to listen to the sage words of Michelle Ballantyne.

I am delighted to join others in not asserting but reasserting the mandate for putting the future of Scotland back into the hands of the people who matter, the people who should make the decision, the people who live here. The Conservatives’ position—that the sovereign right of the people of Scotland was exercised in 2014—is a partial

position. It is as though they can see only 2014 and cannot see the subsequent exercise of the right of the people of Scotland to say something about their future.

In the European Union referendum in 2016, the people of Scotland said clearly that they wanted to remain. In 2016, they sent a pro-independence majority to the Scottish Parliament. In 2017 and 2019, they elected majorities of pro-independence candidates. In 2019, they also elected three pro-independence candidates out of six in the European Parliament election. Even those who defend the first-past-the-post system—and claim that, for a UK Government, 43 per cent is a mandate to do whatever the hell it likes to the people of the UK and Scotland—refuse to accept that a pro-independence majority of MPs is a mandate in Scotland.

Jackson Carlaw says that those who support independence are stuck in the past. The empire 2.0 fans in the Brexit extremist faction that has taken over his party are stuck in the past. The reality for the Conservatives is that, although, once upon a time, the Scottish Conservatives pretended to be the Conservative moderates in these islands, there are no Tory moderates any more. They have all thrown in their lot with the Brexit extremists and the Boris Johnson regime. Everything that that Government does is now on them. There are no more Tory moderates.

As for the Labour position, I say to Richard Leonard that the Scottish Green Party is proudly pro-independence and not nationalist, because we understand that the two are not the same thing. I hope that he respects the fact that I would never call him, as someone who supports membership of the UK, a British nationalist. Those points of language matter. Nationalism is not the only factor that can lead someone to express a view about sovereignty and our future.

He says that we are being asked to support something that we know is not going to happen and he asks whether the Greens ever argue against the odds. Yes, of course we do. Maybe last month, when Richard Leonard was arguing for a UK Labour Government, he knew, in his heart of hearts, that that was not about to happen either.

As for his argument on home rule, I still have to ask myself—what is it? Even if he can put forward a solid, well-defined, fleshed-out proposition for what home rule means, how does it escape the same problem—UK says no—that is encountered not only on independence but on everything from powers over drug laws to a Scottish visa system? The UK will keep saying no until the people of Scotland are given the ability to assert their sovereign right.

As for the Liberal Democrats' position, their amendment says that the domestic agenda matters. Of course the domestic agenda matters; we all think that, whichever side of the independence debate we are on. The Greens regularly challenge the Scottish Government on its support for the oil and gas industry, its education policies, its support for aviation growth and other issues.

None of that should prevent Scotland from also debating its future beyond the currently devolved powers. Let me pick just one example from the Liberal Democrat amendment: fuel poverty. We know that fuel poverty is determined by energy efficiency and can be affected by things that the housing minister can do to reduce energy consumption; we also know that it is determined by energy prices and incomes. It is the approach of the UK Government, including the Conservatives that Willie Rennie's party put into power in the first place, that has had such a deleterious effect.

We know that objective harm is coming from Brexit: economic harm, social harm and environmental harm. Greens will oppose that, because of the political position that we have taken throughout.

**Neil Findlay:** My view is that all powers should be devolved unless there is an overwhelming reason not to devolve powers, and I think that there is an overwhelming reason not to devolve some powers. If the member wants all powers to come to Scotland, does he accept that harm will come from that, too?

**Patrick Harvie:** If Neil Findlay's party had taken that position in the Smith commission, we would have a swathe of powers on employment law and rights in the workplace—powers that Mr Findlay's party should have recognised that there was no reason to keep reserved to UK level.

Aside from the objective harm that is coming from Brexit, a point of principle is involved here. Albeit that I disagreed with the result in 2014, Scotland, in recent years, has voted in favour of both unions, but it is now being told that it cannot have what it voted for. A democratic choice is being made today in the European Parliament on whether to support the UK withdrawal agreement—a democratic choice by a UK Parliament that was not elected with a majority in Scotland. It is only the people of Scotland whose voices are being ignored and overruled—and that applies not only to the voters of Scotland but to Scotland's Parliament, because the EU withdrawal agreement required and failed to be given legislative consent by this Parliament.

Scotland is not being given respect for the claim of right and sovereignty of the people who live in

Scotland. That is not being respected by the UK Government, and the only way to change that is by giving the people who live in Scotland the right to make that decision for themselves again.

On Friday, with campaign events in Glasgow and Edinburgh, Greens will relaunch the Green yes campaign. We are ready to go out and fight that campaign, and—even if the UK Government continues to say no—we look forward to saying, “Scotland demands.”

**The Presiding Officer:** I did not want to stop the member in mid-flow, but I urge him now to be careful about his use of language and not to use expressions that would be regarded as offensive elsewhere. I am not trying to suppress passionate debate; I just ask members to keep it respectful, please.

15:23

**Tom Arthur (Renfrewshire South) (SNP):** In a little over 48 hours, the majority of people in Scotland will, in effect, cease to be citizens of the European Union. I am one of those who are set to be stripped of their citizenship. I have no means of reobtaining citizenship under our current constitutional settlement; my Irish ancestry is too distant to enable me to qualify for an Irish passport. For me, this is a bitter and hurtful experience. I struggle to imagine what Brexit must feel like for the EU nationals who have made Scotland their home.

Although I and many others who have valued our place in the EU will be hurting, I know that many in Scotland will welcome our departure. More than 1 million people in Scotland, including many in my Renfrewshire South constituency, voted to leave. I believe that the overwhelming majority of those who voted leave did so for honourable and principled reasons and were motivated by a desire to protect the interests of their families, communities and country. Similarly, I believe that the 3.6 million people who voted in 2014, whether they voted yes or no, cast their vote based on their honest judgment of what was in the country’s best interests at that time.

As someone who voted to remain in the EU, I think that the experience of Brexit has given me an insight into what people who oppose Scottish independence might have been feeling as the polls narrowed in September 2014: anxiety, fear and perhaps even a sense of unreality.

I know constituents who passionately value their British citizenship and their sense of British identity, often alongside an equally passionate sense of Scottish and European identity. I am their MSP too, and I will always be a staunch advocate for all my constituents in Renfrewshire South.

It is with that sense of responsibility that I approach this debate on Scotland’s future—a debate that, at the time of my election to this Parliament in 2016, I did not expect that we would be having. I stood on a manifesto that called for a referendum on independence to be held only should there be a material change in circumstance. The then hypothetical scenario of Scotland voting to remain in the EU, but being forced to leave because of votes elsewhere in the UK, was specifically given as one such material change in circumstance.

I said that I would not have expected to be having this debate and that is because, in 2016, I did not expect that the people of England and Wales would vote by majority in favour of leaving the EU. Had they voted as I had hoped, we would not be leaving the EU on Friday 31 January and the threshold of material change would not have been met.

Equally, had Scotland joined England and Wales in voting to leave the EU, I would have sought to work with colleagues to implement the decision of the people we all serve. However, the people of Scotland did not vote to leave—they voted by an overwhelming majority to remain and they have taken every opportunity at the ballot box to reaffirm that decision. Scotland being taken out of the European Union against the democratically expressed wishes of the Scottish people is a material change in circumstances. We cannot simply ignore that and pretend that it did not happen.

The UK is a union state; it can exist only with the consent of its members. Scotland is not a city like London or an English county; it is a nation, a country in its own right—just as much as Ireland or Denmark or New Zealand are countries in their own right. It is the people of Scotland who are sovereign.

I turn to the question of timing. Had the UK Government negotiated a form of Brexit that maintained membership of the single market and customs union, or had it provided for a differentiated settlement for Scotland, it would have been reasonable to question whether a referendum on independence was required in the timescale proposed by the Scottish Government.

However, it is the UK Government’s policy to pursue divergence from the single market and to leave the customs union. It has also ruled out any extension to the transition period beyond the end of this year. Therefore, there is a powerful case for people in Scotland having the opportunity to choose, in principle, independence in Europe before divergence makes that proposition more difficult to obtain.

**Alex Cole-Hamilton (Edinburgh Western) (LD)** rose—

**Tom Arthur:** I am afraid I do not have time to take an intervention; otherwise I would.

On the broader question of timing and the oft-repeated, once-in-a-generation line, I will say this: in all honesty, following the referendum in 2014, I did not see the circumstances arising that would justify revisiting the question of Scottish independence in the near future, although other more experienced heads did.

My thinking was informed by the political dynamics of the previous 50 years of constitutional politics in Scotland. Consider the following pairs of dates: 1967 to 1970, 1974 to 1979 and 1988 to 1992. There was a clear pattern of SNP electoral success, movement on the constitutional question from opponents of independence, followed by reduced support for, or underperformance of, the SNP—then the only vehicle for those wishing to express an appetite for constitutional change in Scotland.

Following the devolution referendum of 1997, it was not until 2007 that the SNP became the largest party, and only by a single seat. While it is not a universal view, I am sure there were many people who, prior to 2014, would have forecast that the SNP would go into a period of decline following a no vote. Well, that did not happen.

The events since 2014 are without precedent. Scotland has consistently returned a pro-independence majority of parliamentarians and the constitutional settlement of 2014 no longer exists. We are a nation, we are a country, and it is the people who are sovereign—not this Parliament, not Westminster and not the Crown. We, the people of Scotland, will determine our future. If a majority choose independence, as I hope they will, Scotland will be an independent country.

15:29

**Murdo Fraser (Mid Scotland and Fife) (Con):** It tells us all we need to know about the SNP Government that it is devoting debating time this afternoon to the one thing that it knows will not happen in 2020 and which is a total irrelevance to Scotland's future: an independence referendum. An independence referendum will not happen, because there is no legal power for the Parliament to hold such a referendum, there is no broader support for it outside the ranks of the nationalist parties in the Parliament, and there is no public support for it happening. However, we should not be surprised that the SNP is spending its debating time on the issue, which is the one issue that it is obsessed with above everything else. It is a party that cannot find debating time to discuss education and would rather focus on the one issue that

distracts its followers from all its manifest failures across public services.

Instead of debating independence, we should be debating the SNP's failures in education. The most recent programme for international student assessment—PISA—figures have recorded our worst-ever results in science and maths; teacher numbers are lower today than when the SNP took power; today, we learned that the Government is set to miss its targets to improve attainment among pupils in deprived areas; there are real issues with the implementation of the curriculum for excellence, with leading figures in Scottish education such as Keir Bloomer and Professor Lindsay Paterson calling for an urgent rethink before a generation of young people are failed; and, despite all the promises that the SNP has made to wipe out student debt, we learned last week that Scotland's students have an accumulated debt that has doubled over the past decade.

We should be debating the SNP's track record on health. No fewer than six geographical health boards are now in special measures due to performance and management issues and the 12-week treatment guarantee has never been met under the SNP Government.

**Gillian Martin (Aberdeenshire East) (SNP):** Will the member take an intervention?

**Murdo Fraser:** No, thank you.

According to the latest statistics, barely three in four patients are seen within the 18-week referral to treatment period; children have died in the Queen Elizabeth university hospital in Glasgow and today we learned that as many as 80 children could have contracted infections; the new sick kids hospital in Edinburgh is years late and is costing the taxpayer £1.4 million a month; Scotland is now the worst place in the EU for drug deaths after the sharpest-ever rise in fatalities, following on from a reduction in rehabilitation beds by 80 per cent since the SNP came to power; and the number of young people waiting for a referral for mental health treatment is increasing, with more children waiting longer than a year.

We should be discussing the issues with our police—issues that are so severe that they led to the chief constable, Iain Livingstone, speaking out against underfunding of the police by the Scottish Government, with 750 officer jobs at risk. The police estate is in the worst condition that it has ever been in. I recently witnessed for myself water running down the walls and tiles coming loose in the police station in Pitlochry, and the roof falling in in the Cabinet Secretary for Justice's local station in Broughty Ferry.

**Annabelle Ewing (Cowdenbeath) (SNP):** Will the member take an intervention?

**Murdo Fraser:** No, thank you.

We should be discussing failures in the toxicology service, as a result of which some families could wait a year to get results that tell them how their loved ones died.

We should be discussing the Government's ferries fiasco. We are looking at a £100 million overspend for the delivery of two CalMac ferries by the Ferguson Marine yard in Inverclyde, under a contract that is running at least two years late, with a whole host of unanswered questions as to why the yard was given the contract in the first place and why the Scottish ministers sat on their hands when they should have intervened at a far earlier stage instead of watching taxpayers' money being wasted and island communities being badly let down.

We should be discussing issues with the Scottish economy. We are in a decade of serial underperformance compared with the UK average and figures out this morning tell us that, over the past year, our economy grew at less than half the UK rate.

**The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney):** Would Mr Fraser care to reflect on all the issues that he has raised and answer this question: if all of that is the case, why did the Conservatives lose half of their parliamentary constituencies in the election in December? Why are the Tories so awful in Scotland?

**Murdo Fraser:** I gently remind Mr Swinney that, despite all the campaigning that the SNP did, it could not get more than 45 per cent to support the proposition that there should be another independence referendum. The SNP does not speak for the majority.

We should be discussing the fact that the employment gap between Scotland and the rest of the UK, at 2 per cent, is at its highest in two decades. That represents at least 30,000 adults of working age who are economically inactive and who could be contributing to Scotland's economy, driving forward growth and contributing to tax revenues.

We should be debating last week's Scottish Trends report. In the very week that the First Minister called for us to measure our economy not by growth but by wellbeing, we saw the publication of that comparative index of social and economic wellbeing in 32 Organisation for Economic Co-operation and Development countries, which showed Scotland falling down the table into the third quartile for the first time due to the decline in education and income performances, with our very poor life expectancy performance as our weakest area.

We should be discussing Scotland's tax position, as decisions made by this SNP Government have made Scotland the highest-taxed part of the United Kingdom. There is a £1 billion black hole in the Scottish public finances due to an overforecast of devolved tax revenues, meaning that, in future, public services will suffer due to this Government's failure to create the environment for a growing economy.

We should be discussing local government in Scotland, which has had cuts to its core funding of more than 7 per cent over the past six years, putting vital local services at risk.

That is the record of the SNP Government after nearly 13 years in office. Those are the issues that it should be tackling. Those are the problems that Scotland faces today, which the Government is ignoring because of its obsession with independence.

This Parliament is here to hold the Scottish Government to account and highlight the matters for which it is responsible, not to waste time posturing on constitutional questions. The people of Scotland are sick fed up of this Government and its independence obsession. It needs to stop this nonsense and get on with the day job.

15:36

**Annabelle Ewing (Cowdenbeath) (SNP):** I am pleased to speak in this afternoon's important debate on the rights of the people of Scotland to choose their own future.

At the outset, it might be useful to restate the fundamental constitutional principle that underlies our democracy in Scotland, which is that sovereignty lies with the people of Scotland and not with this Parliament, the Westminster Parliament, Boris Johnson or the Tory party. That means that the sovereignty of the people of Scotland is not time limited, subject to a cut-off period or capable of being unilaterally and indefinitely suspended by political parties. Therefore, the contention of the Conservative Party and others that, since the sovereign right of the people of Scotland was exercised in 2014, their sovereign rights are to be put on pause until some unspecified date in the future is, as a matter of law, a constitutional nonsense. It is also anti-democratic.

I turn to the situation that we now face in Scotland. It is a matter of fact that there was the most fantastic engagement on the part of the people of Scotland in the 2014 independence referendum. During the campaign, a number of key interventions were made, including the infamous vow and the unequivocal statements from those advocating a no vote that the only way

to protect Scotland's membership of the EU was to vote no to independence.

However, what we have seen since is—regrettably and, I submit, entirely predictably—a whole host of broken promises. The vow was not delivered. Our EU citizenship will indeed be removed, notwithstanding the undertakings to the contrary. Our views have been ignored. What happened to the love? What happened to, “Lead us, don't leave us”? Whither the respect agenda? As has been said, at 11 o'clock on Friday night, Scotland will be dragged out of the EU against our will.

All the Scottish Government's sensible compromise proposals over the past three and a half years, such as on staying in the EU single market and customs union, have been simply ignored. There has been no seat for Scotland in key talks over the past three and a half years, which will continue to be the case in the future. As mentioned by the First Minister and put forward on Monday, our detailed proposals for a Scottish visa to tackle the damaging economic consequences of the end of free movement were simply dismissed by the UK Government on Tuesday without being properly considered. Take another example: the UK Tory Government has ensured that, once again, our fishing industry is to be sold down the river as we leave the EU, just as it was by a UK Tory Government on our way into the EU.

That is where we are at the start of 2020. It is a very different place from the one that we were promised. We in Scotland do not need to blithely accept that; we do not need to go back into the cupboard and shut up. We know that the people of Scotland do not want that to happen, because the SNP has won each of the past four parliamentary elections: the Scottish parliamentary election in 2016, the 2017 Westminster election, the 2019 European Parliament election and the 2019 Westminster election. The SNP stood in each of those elections on an unequivocal manifesto on the right of the people of Scotland to choose their future in an independence referendum, in the event of

“a significant and material change in the circumstances that prevailed in 2014, such as Scotland being taken out of the EU against our will.”

**John Finnie (Highlands and Islands) (Green):** Will the member take an intervention?

**Annabelle Ewing:** I will not.

It is clear that that is the manifesto on which the SNP fought and won each of those four elections. Moreover, this Parliament backed that position, and we will see whether it reaffirms that mandate tonight. That is the democratic position and it must be respected.

I can understand why the UK-controlled parties that are advocating a no vote—the Tories, Labour and the Liberal Democrats—do not want there to be an independence referendum, for it is evident that they are running scared. However, they cannot turn their face against the democratic wishes of the people of Scotland. That is an untenable and unsustainable position that simply cannot prevail.

15:41

**Elaine Smith (Central Scotland) (Lab):** Another day and another call by the First Minister for another referendum on independence. We had a referendum on independence, and the Scottish people gave their opinion. There is no indication that the majority of Scottish people want another referendum right now—far from it.

The First Minister knows fine well that, even within her own party, there is no agreement on the urgency of a referendum. In *The Scotsman* this morning, Jim Sillars warned that

“It's a longer process than a few months; and one that cannot have any worth until we know the final details of the Brexit negotiations.”

Therefore, the priority of this Parliament should be to keep our devolved powers and resist attempts by the UK Government to cut across the devolution settlement by attempting to make secondary legislation in devolved areas without the Scottish Parliament's consent. We need to dedicate our attention to the eventual outcome of the UK's withdrawal from the EU, a journey that will begin in a couple of days. The challenge that we face as we begin the Tory withdrawal from the EU is to minimise disruption to Scottish businesses, local authorities and communities and to our citizens, rather than cause further constitutional upheaval.

Meanwhile, on *The Scotsman's* front page, we find the headline “Growing health gap exposed between Scots rich and poor”. The headline relates to a report based on the Scottish Government's own statistics, which show a widening health inequalities gap. The poorest Scots are four times more likely to die prematurely. Surely that should be a priority for debate in the chamber. Instead, today we are debating flags and the constitution.

**John Mason (Glasgow Shettleston) (SNP):** When the member considers all the health and other problems that she listed, does it cross her mind that when we compare ourselves with a country such as Denmark or Norway, the difference is that they are independent?

**Elaine Smith:** I will come to comparisons in a moment.

After 13 years in office, it is hardly surprising that it has become normal for the Scottish Government to be complacent—John Mason's intervention maybe showed that. It has also become normal for the Scottish Government to dismiss concerns or to blame others when it comes to its mismanagement and underfunding of public services.

Cutting council funding to the bone—and worse—could result in the loss of vital local services, such as those provided by North Lanarkshire Council's Kilbowie outdoor centre in my area, or by the schools and nurseries in Edinburgh that face £1.8 million in cuts over the next two years. The local Educational Institute of Scotland secretary in Edinburgh has warned of an already desperate situation, in which teachers are putting their hands in their own pockets to buy basic materials, including pens, pencils and rulers.

The Scottish Government is letting Scotland down in too many ways to list in the time that I have today. On the other hand, the Scottish Government has many powers that are not being used, such as the power to reform the council tax—as I believe that it promised to do—which could help to address the underfunding of local government. Our children are suffering the consequences of school budget cuts, and the failure to deliver on personal care is leading to distress for many families and to delayed discharge from hospitals that are already struggling to cope.

The blinkered view that independence is the solution to the problems that Scotland's families and communities face leads to a failure of governance. With more flexibility, creativity and political will, the Scottish Government could make much more effective use of the devolved powers that we already have. For example, with regard to the need to fight the drugs epidemic in Scotland, we could use all our devolved powers over health, policing, justice and public services to make an effective intervention and save lives. I am serious: what could be more important than removing Scotland from the top of the list for drug-related deaths per capita in Europe?

Another priority should be the immediate implementation of the benefits that have already been transferred from Westminster. I am sure that many in the SNP will agree that people are denied dignity and fairness by the punitive Department for Work and Pensions regime. However, although we could already be rolling out a new and humanely delivered disability assistance scheme without the degrading assessments that are conducted by private companies, the Scottish Government has failed to take control and people are suffering while they wait for change. More children in households with a disabled family member are

living in poverty than children in other households, and we could be starting to give disabled people the dignity that they deserve, and to tackle child poverty further. We know that people are pushed to the brink every day by DWP decisions, and that they are humiliated and degraded by unnecessary and intrusive assessments. Why on earth would this Government delay taking control of those benefits?

According to the Resolution Foundation, child poverty is on an upward trajectory, and our 2030 target will never be achieved if addressing child poverty is not a top priority. The Scottish Government should be finding ways to empower local government through legislation and fair funding and by devolving power away from the centre, not grabbing it back. It should shake off its complacency, take a fresh look at the powers that we already have and fully use them, rather than insist that the solution is another divisive referendum on independence. I add that the previous referendum on independence was divisive in my area—it was definitely not respectful civic engagement.

We need this devolved Parliament—which was, I remind members, delivered by the Labour Party—to be a Scottish people's Parliament that uses to the full the extensive powers that are already devolved, gains the appropriate repatriated Brexit powers and seeks further devolution in areas such as employment rights and equality. It should be a Parliament in Scotland that prioritises tackling poverty, inequality and injustice, because that is what its members were elected to do.

15:48

**Jenny Gilruth (Mid Fife and Glenrothes) (SNP):** I start by apologising to my constituents in Mid Fife and Glenrothes. I say to the European nationals I represent, "I am so sorry. You have been let down. This is your country—please stay with us."

Friday will be a sad day for our fellow Europeans—for folk such as my Uncle Knut, who came here from Berlin, my friend Maciej, who came here from Poland, and my constituent, who has lived here for nearly 30 years, working as a foster carer for Fife Council, and who has been denied settled status on three occasions. I am so sorry. They do not deserve to be treated in this way.

Since the Brexit vote in 2016, hate crime has increased across the United Kingdom. In July 2016, police recorded a 41 per cent increase in the number of racially or religiously aggravated crimes in England and Wales compared with the same month the year before. Police Scotland

recorded 6,736 hate crimes in 2017-18, which was a rise of 2.4 per cent on the previous year. More than two thirds of those incidents were race related. Three of the four Welsh police forces have reported rises in racism and race-related hate crime since the 2016 referendum.

Hate has also seeped into our political discourse, changing the acceptability of language that would not have been thought acceptable previously. For example, last year, Conservative Party chairman James Cleverly said that Brexit was a “warning shot” and argued that “democracy breaks” if votes are not respected. Similarly, our Prime Minister openly described those who tried to block Brexit as “surrender operatives” and termed the Benn legislation “the surrender act”. Just last week, one of Labour’s leadership contenders, Emily Thornberry, said, “I hate the SNP”. Setting aside the sheer paucity of intellect exhibited by all three, it is clear that language matters in politics. Hatespeak trips easily off the tongue. If people blame someone else—another party—for their electoral defeats, they quickly create a culture in which hate becomes normalised and understanding evaporates.

As the motion says, the SNP’s manifesto commitment in 2016 was absolutely clear. We said that we would seek a second independence referendum only if there was

“a significant and material change in the circumstances that prevailed in 2014, such as Scotland being taken out of the EU against our will.”

I invite any member of the Opposition to tell me that it is not a change in circumstances for EU citizens who live in Scotland, contribute to our communities and give love and protection to some of the most vulnerable children in society to break down in tears because of the threat that they might be forced to leave after Brexit. I invite any member of the Opposition to tell me that Scotland’s vote to remain in the European Union was not about the people of Scotland desiring something different from the Brexit crisis that has engulfed UK politics since June 2016. No member of the Opposition can say those things—but then, neither can I, because the simple truth of the matter is that we have not asked the people.

What is it about a second independence referendum that terrifies the Opposition so much? It seems sensible to conclude that, unlike in 2014, a visceral fear has arisen among the unionist parties. The values that were enshrined by the Smith commission, which focused on inclusive engagement, have been replaced by a new policy narrative. We hear people say, “We said no and we meant it”, “No means no”, and, “You need a mandate in 2021”. My particular favourite, which came from the Secretary of State for Scotland,

Alister Jack, is, “Even if you win in 2021, you still can’t have a referendum”.

That will not hold, and Opposition members know it. That is precisely why they are now running scared, and it is why the UK Government did not even bother to read the sensible proposals that the Scottish Government put forward this week on migration. The pretence of mutual respect has gone.

Jackson Carlaw’s amendment points to the more than 2 million people who voted to reject independence in 2014. I know one of those 2 million very well. I also have friends who voted no—yet they voted for the SNP in the general election in December for the first time in their lives. Those people exist, and although they might not yet be convinced of the merits of independence, why should Westminster deny them the opportunity to choose once again? The same body politic promised our constituents that a vote to stay in the UK would guarantee them European Union membership. The people might say no once more. They might opt to stay part of the United Kingdom and out of Europe. However, that should be for the people to decide.

The Conservative and Liberal Democrat amendments are—predictably—blinkered to the reality that Brexit has fundamentally shifted the focus of UK and Scottish politics. To bang the day job drum when the UK Government shut down Parliament last year to stifle debate is sheer hypocrisy. Sixty-one per cent of the Scottish population now believe that Holyrood should decide on holding a future referendum on independence.

This debate is about Scotland’s right to choose. It is not about dictating to the people in one way or another. Sovereignty lies with the people, as my colleague Annabelle Ewing said. It is not about saying sorry; it is about saying that there is another way to govern our country, and whether or not people agree with that immutable fact, they should have a say on it.

James Wilson, who was one of the founding fathers of the United States, was born at Carskerdo farm near Ceres, where I was brought up. Some 230 years ago, he wrote:

“Does man exist for the sake of government? Or is government instituted for the sake of man?”

I hope that the Parliament will listen to the words of my fellow Fifer, Mr Wilson. Scotland voted to remain. The UK voted to leave. Scotland is meant to be an equal partner in this union of nations, but Westminster remains cloth-eared to that political reality. Government should exist for the sake of the people, so we should let the people decide our future.



15:53

**Donald Cameron (Highlands and Islands) (Con):** What a day. It is a day of flags and the constitution, and categorically not a day for debating our public services, as many other speakers have pointed out, or matters that affect the everyday lives of people in Scotland. A Government with a strong record of delivery on education, the national health service, transport and broadband would want to debate such matters, but this Government does not want to do so. I wonder why. Why does the SNP want to talk about the constitution instead of talking about its domestic achievements? I will try to answer that by looking at the region that I represent, because the Highlands and Islands have been left behind more than most places by this Government.

Let us look first at education. Audit Scotland's recent report on the performance of Highland Council gives just one example of the failure in a portfolio area that is the First Minister's priority. The report says:

"Performance against national benchmarking indicators has deteriorated over a five-year period, with poor performance in priority areas including education."

The most recent figures from the Scottish Government revealed that, last December, just 60 per cent of Highland Council primary 7 pupils had reached the expected level for writing, and only 54 per cent had reached it for literacy. Even John Swinney is on record as saying that

"performance levels in Highland schools need to improve."—[*Official Report*, 18 December 2019; c 9.]

Over the past year, teacher numbers dropped in both Highland Council and Western Isles Council, despite the Government's insistence that teacher numbers must be maintained.

What about our health services? The NHS in the Highlands and Islands continues to have an issue with vacancies across the board—that is part of a severe staffing crisis that has existed since before I was elected. Just recently, my colleague Edward Mountain found out that NHS Highland alone spent more than £20 million on locums and bank and agency staff in the past financial year. Figures show that between September 2018 and September 2019, there was a 9.2 per cent increase in vacancies across all specialties in NHS Highland, a 10 per cent increase in NHS Grampian and a 25 per cent increase in NHS Shetland. In fact, just yesterday, it was reported that a new kidney dialysis service for Skye has been delayed due to recruitment problems.

Those are the issues that matter to the people we represent.

**Gail Ross (Caithness, Sutherland and Ross) (SNP):** Donald Cameron talks about a recruitment crisis in the NHS. Does he agree with NHS

managers that the loss of EU workers due to Brexit will make that even worse? Highland Council's own figures estimate that the area will lose at least £100 million a year because of Brexit.

**The Deputy Presiding Officer (Christine Grahame):** Donald Cameron will get the time back.

**Donald Cameron:** Thank you, Presiding Officer.

As I have often said, the staffing crisis in our NHS began long before 23 June 2016.

On top of serious staffing issues, NHS Highland continues to experience serious claims of bullying. Only yesterday, Gavin Smith of the GMB union said on "Good Morning Scotland" that he has

"staff across the organisation that say they do not notice any change in the culture since the Sturrock Report".

Those are the issues that really concern our constituents, but they are falling by the wayside.

Why will the SNP not debate ferries? Because its stewardship of our ferry network has been an calamity. We now know that the two new ferries will be delivered even later than was originally forecast. Need I remind the Scottish Government that CalMac said in 2010 that it would have to build a new ferry every year just to stand still? Need I remind the Scottish Government that almost 50 per cent of the existing fleet are beyond their 25-year life expectancy? That is what is damaging island communities, which care a lot more about their transport links than they do about the SNP's obsession with the constitution.

I turn to broadband. If the SNP majored on one area in its 2016 and 2017 manifestos, that area was the delivery of broadband. I will recap. The SNP promised to deliver superfast broadband to 100 per cent of homes and businesses by 2021. That is next year, and the date was selected by the SNP and no one else—it is the SNP's target and its alone. Despite all the grandstanding, we now know that homes and businesses across much of the Highlands and Islands will be lucky if they get superfast broadband by 2026—five years late.

**The Minister for Energy, Connectivity and the Islands (Paul Wheelhouse):** Will the member give way?

**Donald Cameron:** No.

That is another abject failure—that is what matters. Taking all those issues together, and given that abysmal record, I say that it is no wonder that the SNP is so desperate to escape being held to account.

Such avoidance of scrutiny does not end there. It is a running theme that continues right into this

afternoon's debate. When the debate was first announced, its stated purpose was to allow the First Minister to set out her plans, in response to the UK Government's refusal to authorise another independence referendum. I am sorry that she is no longer in the chamber to take part in the debate that she led.

We were told that the "next steps" were to be set out today. It was going to be the big reveal. Here we are—except we are not being told what the fabled next steps are, so we do not have the opportunity to debate them. We are left in the dark, boxing with shadows. We have learned nothing new today, because the announcement is apparently being saved for Friday, after a late change of heart.

Far from the madding crowd—and far from the scrutiny of this chamber: the First Minister prefers the grand theatre of Bute house and Brexit day for her big statement. It is a cynical move in and of itself, but it is made worse—much worse—by the fact that, having avoided proper interrogation of those next steps in the chamber today, the First Minister will nevertheless use tonight's vote as a rubber stamp for whatever plan she comes up with on Friday. That is the true "affront to democracy", to use her phrase.

So, what a day: 29 January 2020 has been a day that will go down in the history of this Parliament for all the wrong reasons. It has been a day when the SNP has wanted us to debate flags and accordingly usurp the decision of our own corporate body; a day when the SNP wanted us to debate the constitution rather than public services; and a day when the First Minister will lay claim to the will of Parliament without having the courage to put her detailed proposals to the Parliament.

In short, it has been a day when, from start to finish, Nicola Sturgeon and the SNP have treated this Parliament and its institutions with contempt. I support the amendment in Jackson Carlaw's name.

16:00

**Alex Neil (Airdrie and Shotts) (SNP):** I will start with the words of the late Donald Dewar when speaking in the debate on the Referendums (Scotland and Wales) Bill in the House of Commons on 21 May 1997:

"I should be the last to challenge the sovereignty of the people or to deny them the right to opt for any solution to the constitutional question which they wished. For example, if they want to go for independence, I see no reason why they should not do so. In fact, if they want to, they should. I should be the first to accept that.

It is on that basis that I had no difficulty—perhaps this is a Scottish point—in signing the Claim of Right, but that does not imply that the people had to exercise their right by travelling on one particular road. That does not imply that if

they failed to pick the road with the exit sign from the United Kingdom, they were betraying their trust. That is not my view. I believe that people have a right to choice, but that they have the right to every choice."—[*Official Report, House of Commons*, 21 May 1997; Vol 294, c 725.]

I say to Richard Leonard and the Labour Party that the wording of the motion that is before us today is an echo of the principles that were laid down, and adhered to, by Donald Dewar and his colleagues in the passage of the legislation, first of all for a referendum and then for the establishment of the Parliament.

I listened to Mr Leonard very carefully. His only real issue was about the timing of a referendum. He does not want it this year. I can understand why he does not want it this year, but the motion does not commit the Parliament at this stage—[*Interruption.*] Read the motion. It talks about a referendum taking place

"on a date and in a manner determined by the Scottish Parliament",

not determined unilaterally by the Scottish Government. I do not understand why the Labour Party now is reneging on the fundamental principles that Donald Dewar laid out.

**Neil Findlay:** With reference to Mr Neil's comments about the claim of right, I concur with what Donald Dewar said then. However, the issue—Mr Neil knows this more than anyone—is that we have no idea what the outcome of Brexit will be. If he can tell me what the trading arrangements, the regulations and all that stuff will be, I would say that we can go forward. However, he knows that we cannot. Until that is clarified, we cannot follow.

**Alex Neil:** That is a very fair point. Indeed, the First Minister is on record a number of times as saying that we need to know the broad shape of the Brexit deal before we can vote in an independence referendum. We obviously hope to know that at some point this year. However, the point is the resolution and what we are being asked to vote for. The resolution says that the date will be decided by the Scottish Parliament. It will not be decided today. Therefore, there is no excuse; if members believe in the claim of right, there is no excuse for voting against the motion today.

I will now deal with Boris Johnson's position. He has changed matters dramatically. Every Prime Minister in living memory—Margaret Thatcher, John Major, Tony Blair, David Cameron and Theresa May—is on record as saying that, if the Scottish people at any time vote for independence, independence they must get. They recognised that they had to fulfil the democratic wishes of the Scottish people if we voted for independence.

In turning down the First Minister's proposal for a referendum this year, Theresa May replied, "Now is not the time". She did not say that we can never have a referendum.

**Adam Tomkins (Glasgow) (Con):** Will the member take an intervention?

**Alex Neil:** I will, in a minute.

Theresa May did not say, "If you win on the back of a mandate in 2021, with an overall majority in the Scottish Parliament, you still cannot have a referendum." She said not now, but Boris Johnson is saying not ever—no matter what the Scottish people say. That is totally unacceptable, not only to the SNP. It should be totally unacceptable to any self-respecting Scot.

**Adam Tomkins:** The SNP has always said that, in its view, referendums such as the one on independence are once-in-a-generation events.

In September 2013, Nicola Sturgeon said that the independence referendum was probably a

"once in a lifetime opportunity"

for people in Scotland. I know that Alex Neil does not always agree with his party leader, but does he agree with that?

**Alex Neil:** That is nonsense. In the Good Friday agreement, there are two provisions. First, it says very clearly that, if there is majority support for a referendum on reunification, a referendum should take place. Secondly, it provides that, if a referendum takes place and the result is a vote against reunification, there can be another referendum within a seven-year period. The British Government has already defined in law that a generation between referenda is seven years. If that is good enough for Northern Ireland, why is it not good enough for Scotland? It is because the Tory party has always held its country in contempt. It fought against devolution when that was clearly the wish of a majority of Scottish people for a long time. It now needs to come to the table and say whether it is going to stand up to Boris Johnson. If the Scottish people vote and give a mandate for a referendum on independence next year, will the Tory party abide by that democratic decision or will it ditch democracy?

16:07

**Iain Gray (East Lothian) (Lab):** The Government motion before us is a bit of a classic of the rather disingenuous genre. It has taken a simple statement of fact about what the Smith commission said and used it as if it is some clever reveal—a rabbit pulled out of the hat—instead of something that we all know perfectly well that it said, and tries to ascribe a meaning to it that it patently does not have. The truth is that the

phrase that is quoted in the motion is simply the commission's response to a straw-man argument that was mounted by the SNP at the time.

The early days of the commission were spent listening to the tiresome angst of the SNP. If it signed up to a more powerful devolved settlement, that would be taken to mean that it had given up on its purpose of independence—as if empowering this Parliament was some kind of cunning conspiracy against the SNP.

It was Lord Smith himself who suggested the quoted formula to allow the commission to get on with the job of strengthening the Parliament. We all signed it, because it is only a statement of fact. What it is not, of course, is a suggestion that the Scottish Government can have as many independence referendums as it likes, as often as it likes, on whatever pretext occurs to it. To pretend that it is, is nonsense.

What we also discussed in the Smith commission, and all then signed, was the explicit, deliberate and crystal-clear continued reservation of powers over constitutional issues. That is a fact too, albeit a rather inconvenient one for the Government's argument, which it is entitled to carry on making.

We are repeatedly told that it is Brexit that changes everything. As much as anyone here, I regret what will happen on Friday. That is why I campaigned against Brexit in 2016, but where was the SNP then? I recall the First Minister only occasionally sallying out to attack and undermine the very remain campaign that she purported to be supporting. Famously, the SNP invested less of its resources in that campaign than it did in a single unwinnable by-election.

**Patrick Harvie:** My party is probably guilty of having campaigned less hard in the EU referendum than it might have done, but is the fact that the referendum was called just a matter of weeks after our national parliamentary election not just one more sign of the level of contempt that the UK Government continually heaps upon Scotland?

**Iain Gray:** Frankly, that is the most pathetic excuse I have ever heard. Mr Harvie says that he failed to campaign on the very issue that only five, 10 or 15 minutes or an hour ago he was arguing was the most important one that Scotland currently faces.

What about the campaign on the ground? I remind Mr Harvie that Scottish Labour managed to get out and campaign. In East Lothian, our activists campaigned on the ground, but where were those from the local SNP group? They were nowhere to be seen until the weekend after the referendum, when they suddenly appeared on the High Street with European Union flags—finally galvanised by their grievance, but after their goal

was gone. I will take no lessons from the SNP on being anti-Brexit.

That is why I want the Scottish Parliament and the Scottish Government now to focus on using all our powers not to double down on the constitutional crisis or spend another year on independence campaigning but to redouble our efforts to address the impact of Brexit that we have heard about today. We need to set aside the grievance and face the reality of the challenges that the people whom we represent face right now.

The truth is that, when it comes to building and deploying the real powers of the Scottish Parliament, the SNP's track record is woeful. Today we have heard much about the claim of right, but I remind Mr Russell that the SNP refused to sign it. Then there was mention of the constitutional convention—the SNP walked out of that—and of the Calman commission. In order to deliver the Calman recommendations, the Parliament had to seize power back from a minority SNP Government that came within a hair's breadth of voting against new powers for the Parliament. That led all the way to the Smith commission, which recommended wide-ranging powers over tax, welfare and spending, which the SNP signed up to one minute and denounced the next. The SNP has never been backwards about demanding more powers, but it has never been to the fore when Scotland's Parliament stands to be strengthened.

Where does all this endless revision of history—the reinterpretation of agreements, the recalibration of referendums, the redefinition of election results and mandates, and Mr Neil's complete rewriting of the motion that is now before us—get us? It gets us to a day on which we hear that health inequalities are worsening; that the map of Scotland's deprived areas is ever more sharply focused; that the attainment gap in our schools is as wide as ever; and that, every day, we are failing even to provide decent housing for our children.

It also gets us to a day on which the Government strains every sinew to deploy Parliament—with all its powers over tax, welfare, health, education and the law—not against want, neglect or poverty, or even against the consequences of Brexit, but against our own corporate body and our own Presiding Officer on the symbolic matter of which flag we should fly. That is against the wishes of most Scots, who do not want another independence referendum. Today has been another day of symbolic sound and fury—and not much else.

16:15

**Angela Constance (Almond Valley) (SNP):** It was Disraeli who said that

“finality is not the language of politics”,

and we would do well to remember that democracy is not a one-off event. Politics, like life, goes on, whether times are good or bad. The mandate for Scotland's right to choose has been repeatedly secured and it is galling to see a party that has not won an election in Scotland for 60 years behave as if it has a veto .

A rare and precious moment occurred in 2014—a once-in-a-lifetime opportunity to chart a different course and avoid being dragged out of Europe against our will. We might not know everything about the next chapter in the Brexit boorach, but we surely know enough. The consequences of leaving the EU, the single market and the customs union, to face the uncertainty of a free trade agreement and a race to the bottom on human rights, safeguards for workers and environmental protections, are akin to those of replacing your superfast broadband with your old dial-up connection—it is a step backwards.

The Scottish Government, John Major and Philip Alston—the United Nations special rapporteur on extreme poverty—have in common that they all recognise that it will be those with least who will suffer the most as a consequence of Brexit. There are real concerns about the supply of food, fuel and medicines.

The Smith commission did not deliver what was promised—far from it. Nonetheless, when I look to the aftermath of the 2014 referendum, the pragmatist in me recognises that, collectively, we took some steps forward.

Let us contrast that with the post-2016 events, when the UK Government remained resolute in its intransigence, unprepared to compromise with the highest remain-voting part of the UK, and Scotland alone faced an outcome that it did not vote for. What happened to those Conservatives who said that

“what goes for Northern Ireland must go for Scotland also”?

If Brexit has taught us anything, it is what not to do if you want to persuade, lead, and bring people together.

The emboldened UK Government has not only said no only to Scotland's right to choose. It has said no to all the devolved nations by imposing its withdrawal agreement and trampling over the devolution settlement.

The prorogation of the so-called mother of all Parliaments was a new low for parliamentary democracy across the UK, but the all-time low was the UK Government saying no to unaccompanied

child refugees, who are the most vulnerable group of children and young people in the world. The UK Government has also said no to 237,000 EU citizens in Scotland, who now face the indignity of applying for rights that they already have—to stay in their own home. Without EU migration over the next 25 years, our working-age population will fall by 3 per cent and the negative impact thereof is beyond measurement for both our economy and the wellbeing of our society.

Devolution over the past 20 years has taken Scotland forward, but we now risk being locked into decline. I wish that we could have a better debate about the indivisible relationship between where power lies and the bread-and-butter issues that matter most to us.

I never walked away from a debate about what more we can and should do with our existing powers and resources. I steered the Child Poverty (Scotland) Bill through Parliament despite it not having all the social security powers or any employment law. I want the right to food to be enshrined in Scots law despite the fact that the UK Government welfare policies drive up demand for food banks.

Fewer powers means fewer options and, although I want to see us continue to sweat our powers for more impact, we might not be able to do enough. We will not be able to tackle issues with one arm tied behind our back and some of our choices will be impossible to make. For every £1 that we spend on making amends for the actions of the Westminster Government and stopping it dragging people back and making them poorer, we have £1 less to spend on taking people forward and making them richer.

The debate about Scotland's future is inextricably linked to day-to-day life. That debate has not evaporated and cannot be ignored. To ignore it is not only unsustainable and undemocratic; it is the utter folly of those who fear that they are on the losing side of the argument and on the losing side of history.

16:20

**Jamie Greene (West Scotland) (Con):** Perhaps surprisingly, I will start by thanking the Scottish Government for bringing forward today's debate, because it wants to talk about Scotland's future; well, so do I. I want to use our precious parliamentary time—the modest nine or so hours for which this chamber sits per week—to rightfully debate matters of importance to the people we serve. Surely that is what is expected of us all. I would like to think that, regardless of members' politics or constitutional views, this chamber should be a place of free debate. It should be a place where Opposition members and—dare I say

it—even Government back benchers are free to hold ministers of the Government of the day to account, day in and day out, for their actions and their inaction.

Therefore, if the Scottish Government calls a debate about Scotland's future, I am all ears, but Scotland's future lies in how this Parliament, its parties and its Government use their time and their responsibility to deliver on devolution for the good of the people we represent—and we should represent all our constituents. We have spent 40 minutes having a debate about how to overturn the independent decision making of the Scottish Parliamentary Corporate Body, and now we are spending two and a half hours on the constitution. I say to the people in the gallery or those who are watching the debate at home that we can do so much better than that.

What does this debate tell people about the Scottish Government's priorities? *[Interruption.]* I can hear heckling, but I know that there are SNP members who have worked in our NHS, taught in our schools, fought for our country or dedicated their lives to public service. There are many such members for whom I have great respect, having got to know them over the past four years, but surely even they must be nervous about the imagery of this Parliament prioritising flags, the constitution and referenda over schools, hospitals and police stations.

The First Minister wants to talk about Scotland's future, so let us talk about Scotland's future. Scotland's future is as precious to me as it is to my mother, my neighbours, my friends—those of political persuasion and those of none—just as being Scottish is precious to me, despite what some might say.

The motion talks about forming a Government that is “best suited” to Scotland's needs, but the question is whether the Scottish Government's track record fulfils that ambition. Let us talk instead about the fact that violent crime rose by 18 per cent in Inverclyde last year. We are told that there is nothing to see there. Let us talk about the subject choice reduction in our schools, the teacher shortages in science, technology, engineering and mathematics or the fact that Scottish students are being squeezed out of university places. In raising those issues, we are accused of having a moanfest.

Let us talk about the new hospital on the east coast that is still not open and the one on the west coast that is open, but which is under investigation. Let us talk about the two new ferries that were promised to our island communities that are lying half built in the dock while our island communities suffer. Scotland's future does not lie in constitutional debate or buried deep in white papers on independence; it lies in improving

opportunities and outcomes for everybody in Scotland. Scotland's future lies in tackling general practitioner shortages and waiting times in our hospitals. It lies in delivering affordable, reliable public transport that meets the needs of all our communities and the environment, just as it lies in ensuring that there are enough teachers so that we can address the significant growth in multilevel teaching and give our children the education that they deserve.

Scotland's future lies in looking after our police officers, tackling violent crime, reducing drug deaths and making our streets safer. It lies in growing our economy—

**The Cabinet Secretary for Finance, Economy and Fair Work (Derek Mackay):** Will the member take an intervention?

**Jamie Greene:** I say to Mr Mackay that Scotland's future lies in growing our economy, so that my home town of Greenock is not ranked top of the deprivation table. Housing, health and education are all major factors in the depressing accolade that it has inherited. That is a sad indictment of Mr Mackay's Government, and it is what happens when a Government takes its eye off the ball.

**Ruth Maguire (Cunninghame South) (SNP):** Will the member give way?

**Jamie Greene:** The truth is that, when the going gets tough, the Government deflects, as we can hear. Today's debate is really about nothing more than sheer, unashamed deflection from debating the very powers with which devolution has empowered us.

The sad but inevitable truth at the heart of the debate is that I often wonder whether the SNP Government really cares whether devolution succeeds or fails, because, by its misguided logic, either outcome will give credence to the notion that independence is somehow the answer to all our woes.

When I say to the First Minister, "Get on with the day job," I say that not only to her but as a challenge to each and every one of us. This is not about sovereignty; it is about duty. Our duty is to ensure that excellence prevails in every health board, in every local authority and in every place of education. If we do not ensure that that happens, we will all be failing in our duty. Scotland's future is already in our hands. The sooner we realise that, the sooner we can all get back to the day job.

16:26

**Stuart McMillan (Greenock and Inverclyde) (SNP):** I will touch on two points that Jamie Greene made. First, the constitution matters. If it

did not, we would not be leaving the European Union on Friday evening. Secondly, on flags, I suggest that he goes online and looks at some of the images of London at the moment. The city is festooned with union flags, whereas we had a debate about one flag outside this building.

Today's debate has been very much as I suspected: pro-independence members gave a robust defence of independence and, on the pro-union side, we heard a robust defence of that position. However, one thing that is certain is that Scotland's status and its position in the EU will change come 11 pm on Friday evening. I am an English-born Scot, and I am also a European. My circumstances will change on Friday night. For me, that material change of circumstance necessitates that this Parliament take forward a referendum on independence.

In 2014, we were told to lead the UK, not to leave it. We were love bombed by many, and the political class from Westminster were sent up to tell us to stay. However, since then, the respect agenda has ended, and the Westminster elite have shut their ears to the concerns and suggestions of the UK's devolved Parliaments and Assemblies. The fact that the UK's three devolved law-making bodies voted against the UK Government's withdrawal agreement and refused to grant their consent tells a story. Added to that is the fact that England and Wales get their wish to leave the European Union, and Northern Ireland gets a better deal, but Scotland gets nothing.

Over many months, we have heard the Tories in particular, and the Lib Dems today, use the word "divisive". I would go further than them: clearly, in any multiparty democracy, there have to be divisions, because there are different political parties, different views and thoughts, and different policies. In this Parliament, we divide at 5 pm every night that the chamber sits. By its nature, political debate creates some element of division. Every five years at elections, the population divides and people vote for the parties that they wish to vote for. Therefore, the arguments about division that some of those on the pro-union side highlight are nonsense.

As Alex Neil said, the Tories did not want the Scottish Parliament to be created. The Lib Dems seem to want federalism, and Labour seems to want home rule. The Tories' position is very clear, but the other two positions are as clear as mud.

At last week's Culture, Tourism, Europe and External Affairs Committee meeting, we heard the unfortunate truth for the Tories.

Professor Anand Menon stated:

"On ratification, I absolutely agree with what Dr Fabian Zuleeg said about the European Parliament".

He went on to say that we should

“bear it in mind that, if we end up with”

a mixed trade agreement

“that needs approval by Parliaments across Europe, what is curious about this negotiation is that it is the only negotiation in history whose specific objective is to make trade more difficult.”—[*Official Report, Culture, Tourism, Europe and External Affairs Committee, 23 January 2020; c 6.*]

On Friday evening, pro-Europeans will be dragged out of the European Union against our will. If a trade deal can be done, it will make Scotland’s economy worse off. Here will be another material change of circumstance to our country and to the people who live here.

In 2013, the UK Government reiterated that the people of Scotland have a right to decide on our future. Every party signed up to the Smith commission’s proposals, the report on which stated:

“nothing in this report prevents Scotland becoming an independent country in the future should the people of Scotland so choose”.

Last week, the Survation poll indicated that, of those people who were asked, 61 per cent backed this Parliament deciding whether to hold an independence referendum.

**Mike Rumbles:** I understand what Stuart McMillan says about the opinion poll but, as I said to the First Minister, just one month ago, 55 per cent of voters—[*Interruption.*] Why do members object to that? It is a simple fact that 55 per cent of voters in Scotland voted for candidates who do not want another independence referendum. There is no real demand.

**Stuart McMillan:** Elections and referenda are two different forms of public engagement. I want independence for many reasons. Fundamentally, I want the lot of every single person in my constituency to improve. My constituency has never fully recovered from the systematic deindustrialisation strategy of the Tories from 1979.

The Scottish index of multiple deprivation data that was published yesterday makes sobering reading. It tells me that the austerity agenda from Westminster is not working and that, in order to grow and strengthen communities, things need to change. It also tells me that the full powers of independence would ensure that my constituency and others like it will improve.

Over Christmas, Scotland lost one of our greatest writers—Alasdair Gray. He famously wrote about working

“as if you live in the early days of a better nation.”

That is what independence will bring and it is why I will be voting for Scotland tonight at 5 o’clock. It is also why I want the lot of every single person in my constituency to be better.

**The Deputy Presiding Officer:** I call Alex Cole-Hamilton to close for the Liberal Democrats, for a firm six minutes, please.

16:32

**Alex Cole-Hamilton (Edinburgh Western) (LD):** It is a great privilege to close the debate for my party this afternoon.

The debate feels very different to other debates of this kind in this parliamentary session. Deputy Presiding Officer, I invite you to look around you. The public gallery is largely empty, and has been for most of the day. The press gallery is largely empty, with the honourable exception of Liam Kirkaldy, who is one of the finest comedy sketch writers in Scotland. He is not writing the front page splash of tomorrow’s papers. The gallery is symptomatic of public interest on the wane. I fear that Jackson Carlaw is right that, this afternoon, we have been playing only to the hard core of the yes movement—each of them dutifully tuned into Parliament TV and occasionally looking up from the crossword on the back of *The National*. Our country has judged this afternoon’s debate for the theatre that it is, and has turned away and moved on to other things. It is high time that Parliament joined them.

At the start of her speech, the First Minister suggested that Opposition politicians such as me would speak with faux outrage. I assure her that my outrage is real. It is outrage because we are spending another afternoon of Government time not debating the many crises in our public services that her Administration has presided over. It is outrage because, once again, the First Minister is misappropriating my vote to remain in the European Union as a catalyst for another divisive independence referendum. It is outrage because, once again, she is falsely trying to characterise the debate as an unambiguous choice between two unions.

Since the Brexit result of 2016, the First Minister has sought to capitalise on the grief response of many ardent remainers—I know what that grief feels like. She has sought to characterise independence as a bridge back to membership of the European Union.

However, as with so many arguments that the Government deploys, the argument fails to withstand exposure to reality. The First Minister knows that membership of the single market that an independent Scotland would have to join would mean hard border checks at Carlisle. She knows that the Treaty on the Functioning of the European

Union requires that accession states have a structural deficit of no more than 3 per cent, but ours is 7 per cent. To put it simply, the EU might choose not to have us for years—[*Interruption.*]

**The Deputy Presiding Officer:** Excuse me, Mr Cole-Hamilton. There is too much chuntering going on. I cannot hear what is being said.

**Alex Cole-Hamilton:** The European Union might choose not to have us for years, and then it might have us only on the back of savage spending cuts and tax rises.

The SNP's commitment to the European Union is hollow, too, as is evidenced by the reality of the SNP's having spent far more on the Shetland by-election than it spent on the remain campaign in Scotland, as Willie Rennie said, and by its refusal to back a people's vote for two and a half years.

Moreover, a third of the SNP's supporters—supporters that the SNP will require if it is to deliver the independence that it craves—voted for Brexit. I say to the First Minister that remain voters will find her out.

I am a Liberal Democrat, so I know something about losing elections, but the Brexit result devastated me. It has made Britain smaller as a country and it has worried the many European Union citizens who live and work among us. I echo the words of Jenny Gilruth when I say to those people, "You are welcome here; this is your home and we want you to stay."

I am an internationalist to my fingertips, so the last thing that I could do would be to meet the loss of one union that I care about by jettisoning the other union that I care about. Brexit is not a catalyst for independence, but a warning against it.

Donald Cameron put his finger on it, in his excellent speech: we have learned absolutely nothing from the Government this afternoon. Indeed, as Richard Leonard rightly said, the debate was designed to appease the First Minister's "overagitated ... base". Every few months, there is the launch of, for example, a new fact-checking service that does not check any facts, or of the 10,000 dinner conversations that *The National* asks people to have—not at my house, they won't—but the First Minister knows that such things will not cut it any more.

**Gillian Martin:** Will the member take an intervention?

**Alex Cole-Hamilton:** I am afraid that I am running out of time.

The First Minister knows that she has to keep her base marching. She knows that unless there are meaningless debates such as this in Parliament, the eyes of her base will begin to drift

to the failures of the Government—and those failures are legion. Legally binding waiting time guarantees are being broken every single week, tens of thousands of times. People who are in pain are coming into members' surgeries clutching letters that say that they were to be treated in 12 weeks, when they have not been seen in 50 weeks.

Then there are the child mental health waiting times. Children in my constituency and other members' constituencies are waiting up to two years for first-line treatment.

**Gillian Martin:** Will the member take an intervention?

**The Deputy Presiding Officer:** The member is closing.

**Alex Cole-Hamilton:** Police officers are off work with stress, and when they are at work they are forced to inhabit stations that are structurally unsound. A children's hospital is lying empty and is costing £1.4 million per month. In primary schools, talented teachers are teaching overcrowded classes to tests that none of them agrees with. The list goes on and on.

We heard a lot about mandates today, but at no point have the parties that support independence attracted 50 per cent of the vote between them, when the pages of their manifestos have contained a proposal to have an independence referendum. Furthermore, neither of the parties that will vote for the motion tonight has met the test of public opinion that it set itself. We shall vote against the motion.

16:38

**Alex Rowley (Mid Scotland and Fife) (Lab):** In speaking in this debate, I want to make it clear that I very much recognise

"the sovereign right of the"

Scottish people

"to determine the form of government best suited to their needs".

That is the position of the Labour Party, which is why the amendment that we lodged would keep that phrase. I acknowledged that right during the 2014 referendum. I have done so in debates since then and I recognise it now.

I also do not disagree with the motion that the First Minister has lodged when it recognises that

"nothing in"

the Smith commission

"report prevents Scotland becoming an independent country in the future should the people of Scotland no choose".



That is just a matter of fact.

I also agree that

“there has been a material change in circumstances since 2014”.

However, there is no evidence whatever to suggest that the material change to the UK—that is, Brexit—has resulted in any material change in public opinion on independence or, indeed, in the desire for another independence referendum.

The 2014 vote was 45 per cent yes, 55 per cent no. Six years on, all the evidence suggests that there has been little movement either way—the country remains absolutely divided on the question. That said, poll after poll has demonstrated that there is no majority right now demanding another referendum. I suggest that people are more concerned about the impact of Brexit and what it will mean for Scotland and for the people of Scotland. I hear people asking, “What about the general election result? Isn’t that a mandate?”

I refer to Professor Sir John Curtice’s recent blog, in which he outlined two polls that were held during the general election campaign that specifically asked for views on whether people supported or opposed another referendum being held within the next year. Ipsos MORI found that 42 per cent supported the idea and 50 per cent were opposed to it. Panelbase found that 38 per cent supported the idea of another referendum in this year, and 51 per cent were opposed to it. That led Professor Curtice to say:

“On the basis of this evidence it is difficult to argue that there is a clear majority support for holding a referendum on the timescale proposed by the Scottish Government.”

**Alex Neil:** The argument that Alex Rowley puts forward is about the timing of the referendum. The motion says that the Scottish Parliament would determine the timing of the referendum; therefore, Scottish Labour would vote accordingly at that time. Does he agree with all the other principles that are laid out in the motion? What other principles in the motion does he disagree with?

**Alex Rowley:** My reading of the motion is that the Scottish Government has called for a referendum in 2020. Scottish Labour has been absolutely clear that we respect the right of the Scottish people to determine their own future, but what I have just set out demonstrates that, right now, there is no majority calling for an independence referendum. I can understand that, because people are genuinely and sincerely worried about the impact of Brexit: there is still a serious risk that we could crash out of the EU without a deal at the end of this year.

Scottish Labour is saying that we respect the right of the Scottish people to determine their own

future, but that the party also respects the fact that there is no majority demanding a second independence referendum, right now. Members therefore need to ask themselves who the First Minister is representing with the motion. I suggest that she is representing a minority of people in Scotland, at this time.

To decide that the best course of action during this period of great political, constitutional and economic upheaval is to hold another independence referendum is, in my view, simply ill-conceived. It is also disingenuous to the people of Scotland, because a clear picture of what they would be voting for cannot be presented to them, no matter what Michael Russell says. We would not know what we would be voting for until the dust from Brexit settles, and we will not know what impact it will have on Scotland, the UK or the rest of Europe. It is essential that the negative consequences of Brexit must be properly dealt with and mitigated before any clear proposals can come forward.

Speaking of mitigation, I have to say that those who are most disingenuous in Parliament are the members of the Tory party and the illiberal Liberal members opposite me. The hypocrisy of their amendments is that they identify education, health and other public services when it is absolutely clear that the main contributing factor to poor public services in this country over the past few years has been failed Tory austerity, which was introduced when the Tory-Liberal coalition came to power. Scotland is using £100 million to mitigate the bedroom tax—an abhorrent tax that was introduced by smiling Willie Rennie’s party and the Tory party. If that £100 million was not being used to mitigate welfare cuts, it would be ploughed into our schools and other services.

Labour supports the democratic right of the Scottish people to determine their own future, and we will continue to do so, but right now there is no demand for another referendum.

**The Deputy Presiding Officer:** You must conclude.

**Alex Rowley:** The progressive parties that want to tackle the big issues and that want Parliament to have the powers to do so should come together to work on an agenda for greater powers for the Parliament, in order to address Scotland’s issues.

**The Deputy Presiding Officer:** I call Adam Tomkins to close for the Conservatives. You have a strict six minutes, Mr Tomkins.

16:46

**Adam Tomkins (Glasgow) (Con):** Time is precious and limited, yet the problems facing the Scottish Government are mounting, and many of

them are problems of the Government's own making. This debate is entitled "Scotland's Future", and Scotland's future depends on addressing the problems that the Scottish Government faces, such as our underperforming economy, our struggling health service and the appalling mismanagement of our schools. However, the SNP does not want to talk about any of those issues. This week, we wanted a statement on what the SNP proposes to do about the disastrous and crumbling state of Scotland's police stations, but we were told that there was not time because the SNP wanted to hold a debate about flags.

Presiding Officer, this has been a dismal day for the Parliament over which you and your colleagues preside. We all know that the priorities of the Scottish people are that Scotland's politics should be resolutely focused on schools and hospitals and on skills, jobs and the economy, yet our time, precious and limited though it is, has been devoted to debates on flags and the SNP's pet obsession with independence.

I want to talk about Scotland's future. Let us talk about the future of Scotland's economy and about the SNP's long record of economic failure. In breach of clear manifesto promises, the SNP has raised income tax for more than 1 million Scots, making Scotland the highest-taxed part of the UK. That has not increased revenues at all because, at the same time, the SNP has failed to grow the tax base. The Scottish economy is growing at less than half the rate of the UK's economy. Scotland has slower business growth, a lower employment rate, foreign direct investment is down and business investment is down. On top of all that, we have the ruinous car park tax to look forward to. Scotland's future requires a Government that is determined to address those economic failures, whereas all that we have is a tired Government running from its record to force on us debates on flags and independence.

I want to talk about Scotland's future. Let us talk about the future of Scotland's schools and the long record of SNP failure on education. We have an attainment gap that is widening and not narrowing. Overall, attainment is declining and not improving. Pupils who are already struggling are suffering more than brighter pupils. SNP policy on closing the attainment gap is failing and having no material impact. Subject choice in Scottish schools has been squeezed, with multilevel teaching on the rise, leading to particular problems in science subjects. It is no wonder that, on Mr Swinney's watch, in the international PISA scores, science in Scotland stands at a record low and, likewise, maths is at a record low. On reading, about which Mr Swinney likes to brag so much, we are just about average.

Scotland's future depends on the success of Scottish schools and the Scottish education system, in general. That is devolved and the responsibility of SNP Scottish ministers, but—again—they do not want to talk about any of that. They want to hide behind a flag and bang the drum for independence.

Scotland's future needs a healthy population that is supported and nurtured by a world-class, fit-for-purpose, 21st century health service. How is the SNP doing on that front, apart from the serial health boards that are being taken into special measures and the hospitals that cannot even open their doors?

The 12-week treatment guarantee has never once been met. We have urgent cancer patients waiting more than two months for treatment. We have the highest number of drug deaths ever recorded and the worst levels in Europe. We have nearly 500 consultant vacancies, an increasing lack of nurses and midwives and high levels of mental health vacancies. The NHS in Scotland has been persistently underfunded and mismanaged by the SNP. That is the issue affecting Scotland's future that I would like the Scottish Government to focus on and the Scottish Parliament to debate.

I believe in the sovereign right of the Scottish people. I believe that it was exercised in September 2014, when more than 2 million of our fellow Scots voted to reject independence.

Rather like this afternoon's debate, the independence referendum was rancorous and divisive. However, I finish on a point of consensus, because there is something that the First Minister said with which I agree. In September 2013, she said:

"The SNP have always said that, in our view, these kind of referendums are once-in-a-generation events. This is probably a once-in-a-lifetime opportunity for people in Scotland."

It was not once in a generation; in her own words, it was once in a lifetime. In that referendum, the people of Scotland exercised their sovereignty to say no, and the people of Scotland meant it.

16:51

**The Cabinet Secretary for Government Business and Constitutional Relations (Michael Russell):** Let us start with a fact: the debate is taking place because, in two days' time, Scotland will be taken out of the EU against our will, and everybody here who has a passport that says that they are an EU citizen will lose that designation. That is something that we do not want to happen and that this Government has fought against.

However, we are fortunate in Scotland, because we have the opportunity to move on from that and back into membership of the EU. From polls, we know that most people in Scotland want to be in the EU. This is a debate about the potential for Scotland to move away from Brexit, which has been imposed on us, and to move towards the normality of being a small nation in Europe.

The debate has also been about the record of the Scottish Government, and so it should be. I think that Jackson Carlaw should be concerned about Government failure. He should be concerned about the failure of a Government that has been in power for a long time and has failed to deliver over that period. He should be concerned about that, but the trouble is that he is focused on the wrong Government.

There is another Government that we need to look at in regard to these matters. It is a Government that tries to exercise its control and exercises substantial budgetary control over what we do. All that we have to do is a Google search on the record of the UK Government. Let us look at some headlines from over the past few weeks and months. "Doomed Royal Liverpool hospital costs set to soar to staggering £1.1 billion" is about a hospital that is unfinished, like the Midland Metropolitan hospital in Birmingham. *[Interruption.]* I notice, as ever, that Labour—

**Neil Findlay** rose—

**The Presiding Officer (Ken Macintosh):** Order.

**Michael Russell:** Excuse me, Presiding Officer, but I am not taking any interventions from Mr Findlay, which is likely to improve the quality of the debate significantly.

There are more headlines, such as "One in eight secondary schools in England are 'failing'" and "Commuters are heading into their third week of train chaos as the new timetable is implemented".

When the Prime Minister wrote to the First Minister some weeks ago, he used the word "stagnation" about the Scottish economy. The *Financial Times* used the headline "Economic conditions remained 'stagnant' in the second quarter amid 'relentless Brexit uncertainty'", so the stagnation is in the UK economy.

If we touch on the health service, there was the headline "Fifth of patients miss NHS targets". Going back to education, we had "Examiners left 'horrified' by flaws in English GCSE marking". What about housing? We had "England needs to build four million new homes to deal with an escalating crisis". *[Interruption.]* Opposition members do not like what I am saying. I do not care whether they like it or not, because it is the truth.

**The Presiding Officer:** Order, please. I want us to hear the cabinet secretary.

**Michael Russell:** The crime rate in the rest of the UK is much worse than that in Scotland. Rural payments are worse. The UK food industry threatened to stop co-operating with the UK Government because of the catastrophic impact of Brexit. English councils are braced for the biggest Government cuts since 2010.

Mr Fraser was particularly excited about the police and police stations. At least there are police stations in Scotland. Six hundred police stations have closed in England since 2010—*[Interruption.]*

**The Presiding Officer:** Members are allowed to react, but could they please keep the noise down? We cannot hear the cabinet secretary.

**Michael Russell:** Mr Fraser was concerned about the overspend on ferries. Has he seen the defence overspend? It is £1.3 billion on the frigates—*[Interruption.]*

Conservative members do not like what I am saying, but the reality is that there is deflection going on in every area of UK Government business. It is a deflection from their failures, while they try to pretend that in some way those failures are somebody else's. They are deflecting from their own abysmal record, on which they were supported by the Liberal Democrats. It is pure deflection.

Let me touch on some of the things—*[Interruption.]*

**Mike Rumbles:** On a point of order, Presiding Officer. If the cabinet secretary is going to insult the Liberal Democrats, I would like to hear him do so.

**The Presiding Officer:** That is a very good point of order. It is the very point that I am considering; it is simply too noisy. I can hear that the cabinet secretary has slightly lost his voice. I urge all members to keep their comments to themselves. If they wish to speak, they should stand up and make an intervention.

**Michael Russell:** There is a list of things—I could and should read it out—that this Government has been doing, even in the past seven days. Let me touch on some of them. The export statistics, which Mr Mackay released this morning, show a £1.1 billion increase in international exports; the gross domestic product statistics show that Scotland's economy grew by 0.3 per cent during the third quarter; we have launched a wide-ranging research project to understand the needs of students; today, a major report was published on deer management; we have launched our payment programme to provide financial security for farmers; we have announced a new climate change group; we have published

the latest update of the Scottish index of multiple deprivation; and we have welcomed the Scottish Funding Council's budget round. We have been working in every area of national life and continue to do so.

Are we perfect? Not even the First Minister is perfect—I am sorry to say that. However, we are delivering as a Government and the people who are failing and who have a constitutional obsession are those who are sitting on the Conservative benches. They are the people who are taking us out of Europe.

Admittedly, the Conservatives' constitutional obsession is not as great as Willie Rennie's; his save Fife from freedom campaign is now an absolute obsession. However, it is the Tories who are taking us out of the EU and who are spending every single moment of legislative time and every single penny on Brexit; every political issue is about Brexit. That is the problem. The problem that we have in Scotland is a Tory Government that is taking us out of Europe.

How do we resolve that problem? We do so by voting for independence. Independence is not peripheral. A choice in Scotland is not peripheral. The choice is central and that is why this debate is important. If the chamber votes this evening in favour of a referendum, that must happen.

We have parties in this chamber that say all the time that what is voted for in this chamber must happen. If this chamber votes, by majority, for a referendum, it must happen. It is bizarre for any party in this chamber to argue the opposite. The Liberal Democrats, who are meant to be the champions of proportional representation, have said this afternoon that it does not matter how this chamber votes, because they will still not recognise the wish of the Scottish people. That is not liberal, and it is not democratic.

Just over a century ago, in Cork, in January 1885, Parnell said something that needs to be borne in mind. He said:

“no man has the right to fix the boundary to the march of a nation. No man has a right to say to his country, ‘Thus far shalt thou go and no further’.”

No man—certainly not Willie Rennie; not Richard Leonard, not Jackson Carlaw and absolutely not Boris Johnson. If this Parliament votes for a referendum, it will have it.

## Points of Order

17:01

**Elaine Smith (Central Scotland) (Lab):** On a point of order, Presiding Officer. There seems to be some indication that the First Minister will make an announcement on Friday on the way forward, depending on the vote this evening—I think that we can all guess how that is going to go. Would it not be more respectful to this Parliament for the First Minister to outline her position in Parliament rather than outwith it?

**The Presiding Officer (Ken Macintosh):** There is an expectation that the Government's business will be announced to the Parliament before it is announced to the general public. We do not know what the announcement will be on Friday, but we have had a debate today on that subject, the content of which, I believe, will be included in the announcement.

**Rhoda Grant (Highlands and Islands) (Lab):** On a point of order, Presiding Officer. Last Thursday, I took part in the debate on air traffic control centralisation at Highlands and Islands Airports Ltd. During the debate, I made the point that airports at Benbecula and Wick were being downgraded without consultation with the staff. Gail Ross intervened on me at that point and stated that there had been consultation with staff at Wick airport.

I have since been copied into an email from an air traffic controller in Wick that reads:

“I have watched today the Parliamentary debate on the Centralisation plans at HIAL, and to my astonishment during Rhoda Grant's speech Gail Ross interrupted her to state that staff at Wick HAD been involved in consultation about the proposed down grading at the unit.

Firstly as you are well aware no such consultation has taken place and I would expect someone from the ATMS team to correct the MSP Gail Ross to such facts before any further damage can be done to Wick.”

Perhaps Gail Ross would like to take the opportunity to amend the record, apologise for misrepresenting her constituents and join me in attempting to save these vital jobs.

**The Presiding Officer:** I thank Rhoda Grant for giving me advance notice that she intended to raise a point of order.

This is not a point for me to rule on from the chair. There is a procedure in place by which members may correct the *Official Report* concerning comments that they have made, if they wish to. The member has drawn Gail Ross's attention to the point, and it is up to Gail Ross to make a decision in that regard.

## Business Motions

17:03

**The Presiding Officer (Ken Macintosh):** The next item of business is consideration of business motion S5M-20644, 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 4 February 2020

1.30 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Topical Questions (if selected)

*followed by* Stage 3 Proceedings: Non-Domestic Rates (Scotland) Bill

*followed by* Committee Announcements

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

7.00 pm Decision Time

Wednesday 5 February 2020

1.30 pm Parliamentary Bureau Motions

1.30 pm Portfolio Questions: Finance, Economy and Fair Work; Environment, Climate Change and Land Reform

*followed by* Ministerial Statement: The New Transport Strategy for Scotland – Protecting our Climate and Improving Lives

*followed by* Scottish Conservative and Unionist Party Business

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Thursday 6 February 2020

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

*followed by* Members' Business

2.00 pm Parliamentary Bureau Motions

2.00 pm Portfolio Questions: Rural Economy

*followed by* Ministerial Statement: Scottish Budget for 2020-21

*followed by* Stage 1 Debate: Scottish Elections (Reform) Bill

*followed by* Financial Resolution: Scottish Elections (Reform) Bill

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

Tuesday 18 February 2020

2.00 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Topical Questions (if selected)

*followed by* Health and Sport Committee Debate: Social Prescribing: Physical Activity is an Investment, Not a Cost

*followed by* Committee Announcements

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Wednesday 19 February 2020

1.15 pm Parliamentary Bureau Motions

1.15 pm Members' Business

2.00 pm Portfolio Questions: Transport, Infrastructure and Connectivity; Justice and the Law Officers

*followed by* Scottish Government Business

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Thursday 20 February 2020

11.40 am Parliamentary Bureau Motions

11.40 am General Questions

12.00 pm First Minister's Questions

*followed by* Members' Business

2.30 pm Parliamentary Bureau Motions

2.30 pm Portfolio Questions: Government Business and Constitutional Relations

*followed by* Stage 3 Proceedings: Scottish Elections (Franchise and Representation) Bill

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

(b) that, for the purposes of Portfolio Questions in the week beginning 3 February 2020, in rule 13.7.3, after the word "except" the words "to the extent to which the Presiding Officer considers that the questions are on the same or similar subject matter or" are inserted.—[Graeme Dey]

*Motion agreed to.*

**The Presiding Officer:** The next item is consideration of business motions S5M-20636 and S5M-20637, on the stage 1 timetables for two bills; and business motions S5M-20638 and S5M-20639, on the stage 2 timetables for two bills.

*Motions moved,*

That the Parliament agrees that consideration of the Defamation and Malicious Publication (Scotland) Bill at stage 1 be completed by 22 May 2020.

That the Parliament agrees that consideration of the Forensic Medical Services (Victims of Sexual Offences) (Scotland) Bill at stage 1 be completed by 29 May 2020.

That the Parliament agrees that consideration of the Scottish Biometrics Commissioner Bill at stage 2 be completed by 21 February 2020.

That the Parliament agrees that consideration of the Disclosure (Scotland) Bill at stage 2 be completed by 20 March 2020.—[*Graeme Dey*]

*Motions agreed to.*

## Decision Time

17:04

**The Presiding Officer (Ken Macintosh):** The first question is, that amendment S5M-20625.2, in the name of Liz Smith, which seeks to amend motion S5M-20625, in the name of Fiona Hyslop, on recognising Scotland in Europe, be agreed to. Are we agreed?

**Members:** No.

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

**For**

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Bowman, Bill (North East Scotland) (Con)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Corry, Maurice (West Scotland) (Con)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 Findlay, Neil (Lothian) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Golden, Maurice (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harris, Alison (Central Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kelly, James (Glasgow) (Lab)  
 Kerr, Liam (North East Scotland) (Con)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Mason, Tom (North East Scotland) (Con)  
 McArthur, Liam (Orkney Islands) (LD)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Rennie, Willie (North East Fife) (LD)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Rumbles, Mike (North East Scotland) (LD)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)  
 Tomkins, Adam (Glasgow) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)

**Against**

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (Green)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (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)  
 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)  
 Johnstone, Alison (Lothian) (Green)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**Abstentions**

Wightman, Andy (Lothian) (Green)

**The Presiding Officer:** The result of the division is: For 54, Against 63, Abstentions 1.

*Amendment disagreed to.*

**The Presiding Officer:** The next question is, that amendment S5M-20625.1, in the name of Claire Baker, which seeks to amend motion S5M-20625, in the name of Fiona Hyslop, on recognising Scotland in Europe, be agreed to. Are we agreed?

**Members:** No.

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

**For**

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Bowman, Bill (North East Scotland) (Con)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Corry, Maurice (West Scotland) (Con)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 Findlay, Neil (Lothian) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Golden, Maurice (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harris, Alison (Central Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kelly, James (Glasgow) (Lab)  
 Kerr, Liam (North East Scotland) (Con)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Mason, Tom (North East Scotland) (Con)  
 McArthur, Liam (Orkney Islands) (LD)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Rennie, Willie (North East Fife) (LD)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Rumbles, Mike (North East Scotland) (LD)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)  
 Tomkins, Adam (Glasgow) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)

**Against**

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (Green)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (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)  
 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)  
 Johnstone, Alison (Lothian) (Green)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**Abstentions**

Wightman, Andy (Lothian) (Green)

**The Presiding Officer:** The result of the division is: For 54, Against 63, Abstentions 1.

*Amendment disagreed to.*

**The Presiding Officer:** The next question is, that motion S5M-20625, in the name of Fiona Hyslop, on recognising Scotland in Europe, 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, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (Green)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (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)  
 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)  
 Johnstone, Alison (Lothian) (Green)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)



Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

#### Against

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Bowman, Bill (North East Scotland) (Con)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Corry, Maurice (West Scotland) (Con)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 Findlay, Neil (Lothian) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Golden, Maurice (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harris, Alison (Central Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kelly, James (Glasgow) (Lab)  
 Kerr, Liam (North East Scotland) (Con)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Mason, Tom (North East Scotland) (Con)  
 McArthur, Liam (Orkney Islands) (LD)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Rennie, Willie (North East Fife) (LD)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Rumbles, Mike (North East Scotland) (LD)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)  
 Tomkins, Adam (Glasgow) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)

#### Abstentions

Wightman, Andy (Lothian) (Green)

**The Presiding Officer:** The result of the division is: For 63, Against 54, Abstentions 1.

#### *Motion agreed to,*

That the Parliament notes that the European flag has been flown at Holyrood since 2004 as a symbol of membership of the family of European nations; recognises that Scotland and the UK will continue to be represented within the Council of Europe, and that the UK's exit from the European Union will not change this; notes that the European flag was originally the flag of the Council of Europe and affirms Scotland's commitment to the aims of the Council of Europe to build peace and prosperity together, while respecting common values of democracy, human rights, the rule of law and diversity; recognises the importance of continuing to fly the European flag as a sign of support and solidarity with those EU nationals who have made Scotland their home, and directs the Scottish Parliamentary Corporate Body to ensure that the European flag continues to fly daily at the Parliament building.

**The Presiding Officer:** The Parliament has resolved to direct the Scottish Parliamentary Corporate Body to continue to fly the European flag daily from Holyrood, and I can confirm that the SPCB will amend its flag-flying policy with immediate effect.

As we move to the next vote, I remind members that, if the amendment in the name of Jackson Carlaw is agreed to, the amendments in the names of Richard Leonard and Willie Rennie will fall.

The next question is, that amendment S5M-20615.1, in the name of Jackson Carlaw, which seeks to amend motion S5M-20615, in the name of Nicola Sturgeon, on Scotland's future, be agreed to. Are we agreed?

**Members:** No.

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

#### For

Ballantyne, Michelle (South Scotland) (Con)  
 Bowman, Bill (North East Scotland) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Corry, Maurice (West Scotland) (Con)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Golden, Maurice (West Scotland) (Con)  
 Greene, Jamie (West Scotland) (Con)  
 Harris, Alison (Central Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Mason, Tom (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Tomkins, Adam (Glasgow) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)

**Against**

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (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)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Findlay, Neil (Lothian) (Lab)  
 Finnie, John (Highlands and Islands) (Green)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 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)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 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)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Rennie, Willie (North East Fife) (LD)

Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Rumbles, Mike (North East Scotland) (LD)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Sarwar, Anas (Glasgow) (Lab)  
 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)  
 Sturgeon, Nicola (Glasgow Southside) (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)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the division is: For 27, Against 91, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The next question is, that amendment S5M-20615.3, in the name of Richard Leonard, which seeks to amend motion S5M-20615, in the name of Nicola Sturgeon, on Scotland's future, be agreed to. Are we agreed?

**Members:** No.

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

**For**

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kelly, James (Glasgow) (Lab)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 McNeill, Pauline (Glasgow) (Lab)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Sarwar, Anas (Glasgow) (Lab)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)

**Against**

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bowman, Bill (North East Scotland) (Con)

Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Corry, Maurice (West Scotland) (Con)  
 Cunningham, Roseanna (Perthshire South and Kinrossshire) (SNP)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (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)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harris, Alison (Central Scotland) (Con)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Johnstone, Alison (Lothian) (Green)  
 Kerr, Liam (North East Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Mason, Tom (North East Scotland) (Con)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Rumbles, Mike (North East Scotland) (LD)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)

Russell, Michael (Argyll and Bute) (SNP)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Tomkins, Adam (Glasgow) (Con)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wells, Annie (Glasgow) (Con)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wightman, Andy (Lothian) (Green)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the division is: For 22, Against 96, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The next question is, that amendment S5M-20615.2, in the name of Willie Rennie, which seeks to amend motion S5M-20615, in the name of Nicola Sturgeon, on Scotland's future, be agreed to. Are we agreed?

**Members:** No.

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

**For**

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Bowman, Bill (North East Scotland) (Con)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Corry, Maurice (West Scotland) (Con)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 Findlay, Neil (Lothian) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Golden, Maurice (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harris, Alison (Central Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kelly, James (Glasgow) (Lab)  
 Kerr, Liam (North East Scotland) (Con)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)

Mason, Tom (North East Scotland) (Con)  
 McArthur, Liam (Orkney Islands) (LD)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Rennie, Willie (North East Fife) (LD)  
 Rumbles, Mike (North East Scotland) (LD)  
 Sarwar, Anas (Glasgow) (Lab)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)  
 Tomkins, Adam (Glasgow) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)

#### Against

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (Green)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (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)  
 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)  
 Johnstone, Alison (Lothian) (Green)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robison, Shona (Dundee City East) (SNP)

Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 White, Sandra (Glasgow Kelvin) (SNP)  
 Wightman, Andy (Lothian) (Green)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the division is: For 52, Against 65, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The next question is, that motion S5M-20615, in the name of Nicola Sturgeon, on Scotland's future, 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, Dr Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Finnie, John (Highlands and Islands) (Green)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (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)  
 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)  
 Johnstone, Alison (Lothian) (Green)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Derek (Renfrewshire North and West) (SNP)

Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (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

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Ballantyne, Michelle (South Scotland) (Con)  
 Beamish, Claudia (South Scotland) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Bowman, Bill (North East Scotland) (Con)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Peter (North East Scotland) (Con)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Corry, Maurice (West Scotland) (Con)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 Findlay, Neil (Lothian) (Lab)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Golden, Maurice (West Scotland) (Con)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harris, Alison (Central Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kelly, James (Glasgow) (Lab)  
 Kerr, Liam (North East Scotland) (Con)  
 Lamont, Johann (Glasgow) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 Marra, Jenny (North East Scotland) (Lab)  
 Mason, Tom (North East Scotland) (Con)  
 McArthur, Liam (Orkney Islands) (LD)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Rennie, Willie (North East Fife) (LD)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)

Rumbles, Mike (North East Scotland) (LD)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)  
 Tomkins, Adam (Glasgow) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)

**The Presiding Officer:** The result of the division is: For 64, Against 54, Abstentions 0.

#### *Motion agreed to,*

That the Parliament recognises the sovereign right of the people of Scotland to determine the form of government best suited to their needs; agrees with the cross-party Smith Commission report published after the 2014 referendum and backed by the UK Government that “nothing in this report prevents Scotland becoming an independent country in the future should the people of Scotland so choose”; recognises that there has been a material change in circumstances since 2014 and that a referendum should be held so that the people of Scotland can decide whether they wish it to become an independent country, and calls on the UK Government to reach an agreement with the Scottish Government on such a referendum taking place on a date and in a manner determined by the Scottish Parliament, which the Scottish Government proposes should take place in 2020.

## Right to Full Care to Die at Home

**The Deputy Presiding Officer (Linda Fabiani):** The final item of business is a members' business debate on motion S5M-19252, in the name of David Stewart, on the right to full care to die at home. The debate will be concluded without any question being put.

### *Motion debated,*

That the Parliament understands that 70% of the population in Scotland wish to die at home; notes that many Highlands and Islands-based GPs are trained in palliative care that can support those who wish to die at home; believes however that not all areas of the region have charities or carers who provide "hospital at home care", especially overnight, and notes the calls for there to be an automatic right for people to have full care at home day or night for their last few days of life, so that they can have their wish fulfilled by being able to die at home with suitable palliative care.

17:15

**David Stewart (Highlands and Islands) (Lab):** I thank parliamentary colleagues from across the political divide for signing my motion and for supporting this evening's important debate. I am also grateful for the live streaming of the debate by BBC "Holyrood Live".

Last weekend, I read a moving review of a book by a palliative care doctor describing her work. The author, Rachel Clarke, said that, a century ago, we

"departed the world as we entered it, among our families, close up and personal, wreathed not in hospital sheets but in the intimacy of our own home."

Being able to die at home is, in my view, a basic human right that accords with the European convention on human rights. A recent opinion poll of Scots by Marie Curie highlighted that 61 per cent would prefer to die at home. Research also by Marie Curie, with the University of Edinburgh and King's College London, concluded that, if current trends of where people die continue, by 2040 two thirds of all Scots could die at home, in a care home or in a hospice. Currently, less than half do.

However, that is very unlikely to happen without substantial investment in community-based care, including care home capacity. Without that investment, hospital deaths could rise to around 57 per cent of all deaths by 2040.

I have been working closely with a Shetland general practitioner, Susan Bowie, who recently raised with me her concern about the gap in hospital-at-home care for patients. I have received similar reports from other concerned front-line practitioners from across my Highlands and Islands region.

Shetland currently has no charities or carers providing hospital-at-home care. Other areas are in the same position, especially rural and remote areas, according to GPs who have made contact with me. One explained that

"people no longer expect to die at home, and choose the community hospital because they are afraid of the lack of support at home. We do occasionally achieve a well-supported death at home, but usually because of extraordinary family commitment."

Another GP wrote:

"Patients are unable to die at home, even when they wish to do so, because of the lack of availability of care; it seems the resource for supporting this has been designed out of the system."

Dr Bowie told me that, previously, when someone wanted to die at home, she was able to organise voluntary help for families who were caring for their relatives, because children often find it difficult to take care of their parents' personal needs. A list of trained people would be available to help occasionally, if required, and to give relatives a break. However, that service in Shetland was closed years ago. Social care could not fill the gap, so there is very little care available in the evenings, at night or at weekends.

Dr Bowie said:

"We want to be in our most secure of places, our own bed, attended on by loved ones. Unless Health Boards and social care are forced to do this by legislation, they may choose not to provide this kind of service, and so home care services for the dying in Scotland are patchy at best."

Around 10,000 people die in the Highlands and Islands each year; of those, around 7,700 have palliative care needs. In the statistics about people who die in a community setting, it has to be remembered that "at home" is not necessarily the person's own home; it could be a care home or a hospice.

However, there are challenges around capturing such information. No national and systematic data is recorded on a person's preferred place of care at the end of life, and the measure is

"Percentage of last six months of life spent at home or in a community setting".

It has become apparent to me that there is no set-down definition of what constitutes community care, but it appears to describe everywhere that is not a national health service hospital.

The issue has long interested me. It has fundamental public health implications for Scotland. Parliament has rightly been praised for its legacy policies including free personal care, the smoking ban and minimum unit pricing for alcohol. A right to die at home could join that illustrious group of legacy policies that parliamentarians and constituents of the future could look back on with pride.

In the previous session of the Westminster Parliament, Lord Warner sponsored a private member's bill on a right to die at home, so I believe that there is a movement towards this approach across England and Wales. In a recent debate on a motion in the name of Miles Briggs, I was grateful to the Minister for Public Health, Sport and Wellbeing, Joe FitzPatrick, for saying that the Government would consider enshrining in law the right to die in a community setting.

We need to shift the balance to ensure that more carers and nurses are trained and available to support people who wish to die at home, and to ensure that those carers are better paid for the valuable job that they do.

Currently, parents have the right to have their child born at home. The national health service provides midwives for that, but people do not have the right to carers to enable them to die at home. I see a policy gap there.

Dr Susan Bowie told me:

"I almost dread someone asking to die at home at the minute, because we struggle to find the compassionate round-the-clock care they need for the last few days of their lives. Even if folk have caring relatives who are willing to help, relatives can become exhausted and need a break, and it can end up that the dying person ends up in a hospice, care home or even a hospital because we can't access enough care to allow this.

It would be a huge relief to me, and many other GPs across Scotland, that when someone says they want to die at home we know for sure we can get the compassionate care to back up the palliative care we could provide."

The right to die at home is, as the Sue Ryder charity has said, about embedding human rights into end-of-life care. It is realistic medicine in practice. It is about a person's right to express a preference and change their mind if circumstances change.

The Scottish Government's strategy on palliative care will be complete next year so, surely, now is our chance to put end-of-life care at the top of the agenda.

As President John F Kennedy said,

"Change is the law of life. And those who look only to the past and present are certain to miss the future."

17:21

**Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP):** I thank David Stewart for securing this debate. It is not an easy issue to discuss, but it is an important one. I welcome the focus that I hope the debate can bring to some issues, not least those that terminally ill people in the Highlands and Islands face.

As other members will, no doubt, point out, dying is a taboo today in a way that it was not for

earlier generations. Scottish literature is full of accounts of unabashedly matter-of-fact family arguments in front of, or including, elderly relatives about the catering arrangements that their family thinks are adequate for that person's funeral. Conversations as pragmatic as that would—perhaps not completely without reason—be considered fairly shocking today. However, in Parliament, there is occasionally a good reason to break the modern taboo about dying, because unless we do, as a society, we risk ignoring an issue that is crucial for everyone—including members.

As I suspect we will learn from other speakers, seventy per cent of people would choose to die at home, but it is not always possible for everyone to be cared for at home in their last days. I have not quoted that statistic to detract in any way from the outstanding work that hospices, doctors, nurses, homes for the elderly, charities and many others do to care for people. An example of that work is the enormous commitment that is shown by the Bethesda hospice and other organisations in my constituency. However, the reality is that, given the choice, most people would not choose to spend their last days on a hospital ward for lack of any alternative, although I am sorry to say that that does still happen sometimes. In fact, only 25 per cent of people who died in 2017-18 did so at home.

Some challenges are the same for people everywhere in the country, but some are very definitely different in the Highlands and, in particular, on the islands, where terminally ill people and their relatives face journeys on a totally different magnitude to anywhere else in the country just to meet hospital appointments. In the Highlands and Islands, finding a care package at home is often a difficult task, not because of any lack of willingness from dedicated care workers, but because of the extreme difficulties in recruiting them. Some care workers face 50-mile round trips—and more—in a day.

Although this debate will not, in itself, resolve any of those challenges, it can at least identify them.

Following the completion, in 2021, of the current strategic framework for action on palliative care, I hope that we will start thinking ahead, to the continual improvement that we can make to services beyond that. Part of that challenge—to which I do not claim to have the answer—will certainly be finding new ways to meet the urgent recruitment challenge that now affects many sectors in the Highlands and Islands. Another will be ensuring that everyone who needs palliative care is identified and has a right to express a preference for where they would like to be cared

for and to die. Of course, that should include the right to change their mind.

I conclude by recognising again the great work that is already happening to make those aims a reality, but also the distance still to be travelled to ensure that everyone is treated in the way that they would hope to be treated.

17:25

**Beatrice Wishart (Shetland Islands) (LD):** I, too, thank David Stewart for bringing this important debate to the chamber. I also thank Dr Susan Bowie, who is one of my constituents, for her work on raising awareness of the realities of palliative care on the islands. She has highlighted the inconsistency in our having the right to be born at home but no right to die there.

Death comes to us all and, as with childbirth, everyone's experience of it is different: it is personal and intimate. I believe that if a person wishes to die at home, they should be able to do so. I know of people who have lived all their lives on a small island but who, in their last few days, were flown out to hospital to die. They received good hospital care, but were deprived of the presence and loving support of their extended family, friends and neighbours.

I am sure that everyone in the chamber will have a personal story to tell about their experience of the care of loved ones in their last few days, and it is often such personal experiences that shape our thinking. My father felt guilty because he did not fulfil his mother's wish that she should die at home. Instead, some 40 years ago, she died in hospital. When his turn came, my father died at home. Our being able to care for him at home was possible only because one of his close friends was a retired nurse who supported the family through the practicalities of his dying, along with a locum GP who administered pain relief. My father remained in good spirits up to the end, and his was a good death.

That is what the debate is about, is it not? It is about ensuring that everyone has a good death that is free of pain, fear and suffering, and which helps family and friends to understand and come to terms with the loss of their loved one. The creation of a right to full care at home at the end of life should be fully explored, so I would welcome further debate on the issue.

In the meantime, there are things that we can do now to make improvements to end-of-life care. Lack of data is a real issue. Children's Hospices Across Scotland estimates that two thirds of the babies, children and young people who die from life-shortening conditions in Scotland each year are unknown to it. I mention that not only to show that families are missing out on care at such a

heartbreaking time, but as a reminder that palliative care is not just for the elderly. If we do not have the data, we cannot plan properly for demand and resources.

We are playing catch-up when it comes to end-of-life care. Ideally, we would all get to choose how, when, where and with whom we die. Obviously, though, life does not always afford us that choice. For those of us who have the capacity to choose what death will look like, the choice should never be made for us by constraints on the availability of palliative care.

17:29

**Rhoda Grant (Highlands and Islands) (Lab):** I, too, thank David Stewart for bringing this important debate to the chamber, and I pay tribute to Dr Susan Bowie for raising the issue on behalf of her patients and the wider community.

End-of-life care is not so much about dying at home; it is more about living there. When days are few, they are very precious. There is a greater need to live them to the full and to savour and appreciate the things around us, all of which are much better done at home than in an institution.

There is also a greater need to spend time with family and friends, although terminal illness can make that tiring. How much better is it, therefore, to be at home, where family and friends can have somewhere to wait until their loved one has the energy to spend time with them? That becomes difficult in a hospital, where one sits by a bed, gets in the way and has nothing to do but sit.

The Marie Curie briefing for the debate suggests a number of reasons why people do not die at home. People with cancer are more likely to get that opportunity, and that is down to organisations such as Marie Curie and Macmillan Cancer Support that are associated with cancer and are more likely to be contacted for help and advice by people with cancer. Other terminal conditions, including heart failure, chronic obstructive pulmonary disease and dementia are not so well supported. We need to talk about the end of life in order that we can have the end-of-life care that we wish to have, and people with terminal cancer are more likely to get that support.

I recently attended a conference in the Western Isles about dementia, at which one of the speakers made a huge impression on me. He was living with dementia and wanted to continue to live at home as the condition progressed, and was actively making plans to do that. He was learning about what that progression would mean for him and what he could do to ensure that he could live as independently as possible, by using technology to guide him as his memory failed. People with cancer do, and are helped to do, that type of



planning. However, for conditions including dementia, we do not speak about what the end of life will be like, about what is likely to happen, and about how we can plan for it.

The Marie Curie briefing also mentioned “Carer breakdown” as being one of the reasons why people are not able to die at home, and talked about how desperately sad that situation is for people who are affected. To have a loved one die at home and to be able to help in their care really helps with grief. However, a carer cannot continue indefinitely if the whole burden of care is thrust on them, without support. They might not sleep for fear that their loved one will need something, so exhaustion sets in. No one can keep doing that.

The Carers (Scotland) Act 2016 promised carers that they would get support and that they would not be forced to give up work, but those promises are being broken. I have a constituent whose partner has been forced to give up work to care for him. Even in that situation, it appears that he will not get the support that would allow him to spend his final months at home. He needs to be—and desperately wants to be—at home so that he can live those months to the full, but he is being failed.

The Marie Curie briefing says that the situation is worse in remote and rural communities, due to the lack of available support. I believe that to be true, but I also believe that general practitioners such as Susan Bowie and the health and care staff in those communities often give above and beyond to support people to live and die at home.

When my father was in his final days, his desire was to be at home. That could not have happened without the support of the health and care professionals who made themselves available 24/7. They should not have had to do that, and they should have had better back up, but I will be forever grateful that they did it.

We cannot leave such things to chance: we need to put in place plans that allow people to be supported at home and to end their lives where they have lived them.

17:33

**Brian Whittle (South Scotland) (Con):** I thank David Stewart for bringing the debate to the chamber and for giving us the opportunity to discuss this important and difficult topic. Following Miles Briggs’s debate on end-of-life care, we now have the opportunity to revisit the issue and to put it in context.

Rhoda Grant’s speech about her father, who died at home, made me think about my grandmother. I have already mentioned in Parliament that my grandmother died in the

Ayrshire Hospice, whose staff looked after her fantastically well. I then thought about my grandfather, who was living on his own. He was a wonderful gardener—a market gardener—and loved being in his incredible garden in Symington, which looked out over the fields.

I was quite lucky, because at that time I was still taking part in sport, so I had time to drop in and check on him every day. I usually dropped in around lunch time to make sure that he was eating properly and whatnot; I would always try to find him in the garden. He contracted accelerated dementia, which Rhoda Grant mentioned. My father, who was self-employed at the time, and I managed to spend a bit of time with him every day. Eventually, he had to leave his home and go into a hospice, or a care home, where he ultimately died.

We are talking about the right of a person to die in an environment where they feel at home. I am sure that, if it had been possible for my grandfather, he would have much preferred to die looking out over the garden that he had tended for decades. I am sure that that would have been his choice but, at the time, the support was not available in the community to help us.

As was said the most recent time we debated the issue, the direction of travel is towards community care, which involves taking services into the community. As the Marie Curie report on the subject highlights, there will be a significant increase in the number of people who will die outside a hospital setting, and we need to consider how we can create a system that will adequately enable that to happen. According to the projections, two thirds of people will die outside a hospital setting. When I read the Marie Curie report, I was struck by the substantial evidence base on terminally ill people who receive support at home, which shows that the existence of community palliative care teams increases the chance of people having the opportunity to die at home and that hospital admissions become more likely when there is insufficient nursing provision available and not enough family carers to deliver that care at home.

We are talking about developing a system that does not yet exist. The care home sector already plays a huge role in the care of people who are in their twilight years, but it is under extreme pressure, as we are all aware. The closure of care homes in our areas is putting the system under greater strain.

There needs to be a fundamental change in how we fund care homes, because the way in which they are used has changed over the years. Decades ago, they were often called granny farms. These days, the people who enter care homes do so later in life and have much more

complex health needs. We need to recognise the skill set that care home workers now require to have, which Dave Stewart mentioned. It is much more of a medical intervention that is provided than was ever the case in the past.

I have met several operators of care homes that are struggling to stay open. We must look at how they operate and how they are funded and make sure that they have a bit of room for manoeuvre.

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

**Brian Whittle:** Given that enabling people to die at home is the direction of travel that we all want to move in, we will have to look at the care home environment much more closely.

17:38

**Monica Lennon (Central Scotland) (Lab):** I congratulate David Stewart on securing this important debate on a topic that I know he feels very strongly about. I support the motion, and I welcome the interest from members across the chamber. It has been moving to hear members pay tribute to Dr Susan Bowie for her dedication to her patients. We are blessed to have so many GPs, nurses and other healthcare professionals in our communities. In particular, I want to thank all the Marie Curie nurses and volunteers for their invaluable work in supporting people who are living with a terminal illness, as well as their families.

Everyone should have the right to express a choice about where they receive care and where they die. Many members have talked about the importance of home as a happy and familiar place, where friends, family and neighbours can gather. Therefore, it is unsurprising to learn that, when they were asked about their end-of-life choices, more than six out of 10 people in Scotland said that they would prefer to die at home. The same YouGov survey indicated that fewer than 10 per cent of people would wish to die in a hospital.

David Stewart made the important case for vital investment, without which we will not be able to meet people's wishes and, 20 years from now, more people will be dying in hospital. Marie Curie has backed up that view and has given extensive supporting evidence to make the case for substantial investment in community-based care, including in care home capacity.

I think that we all agree that there is a principled case for a rights-based approach with dignified and person-centred care at its core, but there is also an economic dimension. It is encouraging that the Scottish Government is considering enshrining the right to die at home in Scots law. We know about the pressures on our health service, and

supporting people in the community with palliative care services has been proven to create efficiency savings, because that reduces reliance on acute settings. Marie Curie has highlighted that its service users are much less likely to use all forms of hospital care, including accident and emergency departments, so investment makes sense on so many levels.

Marie Curie knows what it is talking about, having cared for more than 7,500 people in Scotland with a terminal illness last year alone. In my Central Scotland region, that amounted to 568 people, and Marie Curie supported more than 90 per cent of those people to die in their place of choice. There are seven Marie Curie nurses in NHS Forth Valley, and 48 in NHS Lanarkshire. However, with more investment, we can have more specialist nurses, so that more people are able to have their wishes respected.

As someone from Central Scotland, I have found it interesting to hear so many members talk about the unique challenges in the Highlands and Islands. I am sure that the minister will want to pick up on a lot of those points.

In Lanarkshire, where I live, there have been some recent damning Care Inspectorate reports that highlight that some of our care services are in crisis. For example, home care services in Hamilton have been deemed unsafe for service users and care staff. We have some serious challenges to address, and continued cuts to funding will only put councils closer and closer to breaking point.

There are many reasons to be grateful for the vital services that Marie Curie provides, but it needs to fundraise £15 million a year, which is not easy, so we have to get our priorities right.

I am grateful to David Stewart for lodging the motion. I was not able to be in the chamber for Miles Briggs's members' business debate, but it is clear that there is a growing consensus in Parliament. The minister has already given a commitment to look at legislation, and I hope that we can continue to work together and build on that consensus.

17:43

**The Minister for Public Health, Sport and Wellbeing (Joe FitzPatrick):** On behalf of the Scottish Government, I thank David Stewart for lodging his motion, and colleagues across the chamber for their thoughtful contributions.

I particularly thank members who have shared their personal experiences. That is not something that I tend to do, and I will not do it today, but I know how difficult that is for folk. Rhoda Grant's speech caused me to remember close family

members I have lost and the circumstances around that. As I said, I am not in a position to talk about that, but I thank members who have had the courage to share their experiences.

I thank Monica Lennon for talking about the fantastic work that Marie Curie does on behalf of us all, working in partnership with the Scottish Government. It is an amazing organisation, and I do not know what we would do without it, so I add my thanks to Marie Curie.

Members might recall that I spoke in Miles Briggs's members' business debate just a few weeks ago. It was clear from that debate, and it is clear from the speeches today, that we all want the same thing: people to get palliative and end-of-life care that, as far as possible, respects their wishes and reflects their individual circumstances.

As we have heard, a recent YouGov survey that was commissioned by Marie Curie found that 61 per cent of people in Scotland said that they would prefer to die at home. However, according to the most recently available statistics from the Information Services Division, only 25 per cent of people go on to die at home or in a homely setting, so it is important that we take the time to understand why people are not getting the care that they want and how we can meet their care needs more effectively. Alasdair Allan made that point.

In the motion and in his speech, David Stewart talked about giving people the

"automatic right ... to ... full care at home day or night for their last few days of life".

The Scottish Government has long been clear that ensuring that everyone in Scotland can live with human dignity is an essential part of our approach to public policy in Scotland. That includes providing care and support that is dignified and compassionate throughout our lives and when we die.

The provision of effective and compassionate palliative care forms part of our wider commitment to a healthcare system that seeks to ensure that everyone in Scotland enjoys their human right to the highest attainable standard of physical and mental health, and which respects, protects and fulfils human rights in general. Rhoda Grant turned the argument on its head and talked about a right to live at home.

The health and social care standards, which came into effect on 1 April 2018, were designed using a human rights-based approach and they act as a universal standard for how all health and social care should be delivered. They seek to ensure that individuals are treated with respect and dignity and that the human rights to which we are all entitled are upheld.

Because of its human rights approach, Scotland's palliative care provision is internationally renowned. We should all support a human rights-based approach to people's care, including end-of-life care, in which dignity, compassion and respect are central and, as far as possible, their care wishes are respected.

However, it is only by better understanding their specific needs that we can plan palliative care services to meet the needs of the individuals in our communities. A number of members, including Alasdair Allan, Dave Stewart and Rhoda Grant, mentioned that that is not always the case. Individual authorities are, however, working with local communities and building on the expertise of clinicians and third sector organisations to commission services that are designed to meet the palliative and end-of-life care needs of their local communities.

We know that challenges are associated with delivering that type of high-quality palliative care at home and that the challenges are often more acute for rural communities, as David Stewart and Alasdair Allan reflected earlier. However, with challenges, there are also opportunities. Dave Stewart and Beatrice Wishart raised the specific example of concerns over the availability of out-of-hours palliative care services at home in Shetland.

At the end of last year, the Shetland integration joint board informed the Scottish Government that it had produced a local palliative care strategy and accompanying action plan to improve the availability of care across Shetland. That was signed off last week. I assume that it has not yet been published or, if it has, it is hot off the press. It makes this debate and those points really important. It shows that the IJB in Shetland has been listening to the debate. The strategy that it produced was not drafted in isolation but by frank reflection that there needed to be more options for people when considering what palliative care is right for them, and by listening carefully to the views of clinicians such as Dr Susan Bowie, MSPs, the third sector and, most importantly, the local communities, as to what they want from the services. That is a blueprint for how to shape services; other IJBs might want to look at it. Although there is much work to be done, I look forward to seeing how that plan in Shetland is implemented and progressed in the future.

It is important for us to ensure that, nationally, the conditions are right so that local work such as that can be taken forward. Monica Lennon talked about the amount of spend. Our ambition to help to ensure that people get the palliative care that is right for them in a community setting is reflected in our budget in the current year, which provides investment of more than £700 million to support social care services and speed up the pace of

integration. Discussions on the budget are ongoing and it would be inappropriate to pre-empt their outcome. However, I can say that we are on track to deliver our commitment that more than 50 per cent of front-line NHS spending will be shifted to community health services by the end of this parliamentary session.

What does that mean for people in practice? Rhoda Grant talked about the amount of time that people manage to spend at home before death. Over the past nine years, the proportion of the last six months of their life that people have spent at home or in a community setting has gradually increased, from 85.3 per cent in 2010-11 to 88.1 per cent in 2018-19. Although it is clear that not everyone is dying at home, people are managing to spend more of that time in a homely setting. That is a good indication of the direction of travel.

David Stewart and Beatrice Wishart talked about the need for data in the area. They are absolutely right: data is vital, because it gives local communities the tools that they need to determine what services to commission to meet people's needs. Without data, developing care plans remains difficult. That is why the Government has tasked ISD with clarifying the data requirements to support integration authorities in the planning and commissioning of local palliative and end-of-life care services, which is important.

Additionally, our palliative and end-of-life care data group is working with ISD to investigate a number of areas in which data collection can be improved and to explore ways to capture more information about the quality of care that people receive. That will help us and IJBs to develop appropriate services; it will also inform debates such as this one in future.

I am optimistic that, through some of the work that I have outlined, more and more people will get the end-of-life care that is right for them, in the setting that they choose.

*Meeting closed at 17:52.*

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

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