



OFFICIAL REPORT
AITHISG OIFIGEIL

Meeting of the Parliament

Tuesday 25 February 2020

Session 5



The Scottish Parliament
Pàrlamaid na h-Alba

© Parliamentary copyright. Scottish Parliamentary Corporate Body

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

Tuesday 25 February 2020

CONTENTS

	Col.
TIME FOR REFLECTION	1
TOPICAL QUESTION TIME	3
Education Review (Remit)	3
PROPOSED SCOTTISH PARLIAMENT (ASSISTANCE FOR POLITICAL PARTIES) BILL	10
<i>Motion moved—[Bill Kidd].</i>	
Bill Kidd (Glasgow Anniesland) (SNP).....	10
David Stewart (Highlands and Islands) (Lab).....	12
The Minister for Parliamentary Business and Veterans (Graeme Dey)	14
Jamie Halcro Johnston (Highlands and Islands) (Con).....	15
Elaine Smith (Central Scotland) (Lab).....	16
Mark Ruskell (Mid Scotland and Fife) (Green).....	18
PERIOD PRODUCTS (FREE PROVISION) (SCOTLAND) BILL: STAGE 1	20
<i>Motion moved—[Monica Lennon].</i>	
Monica Lennon (Central Scotland) (Lab)	20
James Dornan (Glasgow Cathcart) (SNP)	23
The Cabinet Secretary for Communities and Local Government (Aileen Campbell).....	26
Graham Simpson (Central Scotland) (Con)	30
Pauline McNeill (Glasgow) (Lab).....	33
Andy Wightman (Lothian) (Green).....	35
Alex Cole-Hamilton (Edinburgh Western) (LD)	37
Angela Constance (Almond Valley) (SNP).....	39
Alexander Stewart (Mid Scotland and Fife) (Con).....	41
Neil Findlay (Lothian) (Lab)	44
Annabelle Ewing (Cowdenbeath) (SNP)	46
Annie Wells (Glasgow) (Con)	48
Gillian Martin (Aberdeenshire East) (SNP).....	49
Elaine Smith (Central Scotland) (Lab).....	52
Alison Johnstone (Lothian) (Green).....	53
Sarah Boyack (Lothian) (Lab).....	55
Miles Briggs (Lothian) (Con).....	58
Aileen Campbell.....	61
Monica Lennon	64
BUSINESS MOTION	69
<i>Motion moved—[Graeme Dey]—and agreed to.</i>	
PARLIAMENTARY BUREAU MOTIONS	70
<i>Motions moved—[Graeme Dey].</i>	
DECISION TIME	73
SECLUSION AND RESTRAINT IN SCHOOLS	79
<i>Motion debated—[Jackie Baillie].</i>	
Jackie Baillie (Dumbarton) (Lab)	79
Ruth Maguire (Cunninghame South) (SNP).....	81
Jeremy Balfour (Lothian) (Con)	83
Daniel Johnson (Edinburgh Southern) (Lab).....	84
Alison Johnstone (Lothian) (Green).....	86
The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney).....	88

Scottish Parliament

Tuesday 25 February 2020

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

Time for Reflection

The Presiding Officer (Ken Macintosh): Good afternoon. Our first item of business today is time for reflection. Our time for reflection leader is the Right Rev Colin Sinclair, who is Moderator of the General Assembly of the Church of Scotland.

The Right Rev Colin Sinclair (Moderator of the General Assembly of the Church of Scotland): Presiding Officer and members of the Scottish Parliament, what do you think of when you think “church”? The attitudes of many people, especially from outside, are shaped by television, and not all are flattering. Some dismiss followers of faith as religious anoraks: they might prefer singing hymns to trainspotting, but they are equally irrelevant to issues of everyday life.

However, over the past 50 years, the Church of Scotland has sought to be at the cutting edge, through its society, religion and technology project. Back in 1969—the year of the first moon landing—it was clear that change was here to stay and that technological change would reshape our world and the boundaries of human experience. Far from retreating, the church chose to address issues as they arose, while anticipating the future. The SRT project brought together people from the worlds of theology, ethics and technology in order to help us to appreciate the complexity of the issues, the key questions and the possible unintended consequences.

The SRT was at the first United Nations conference on the environment in 1972, long before climate change dominated the headlines. It has wrestled with the impact of North Sea oil discoveries, nuclear power and the quest for greener and more sustainable ways of life. From genetic engineering and Dolly the sheep to global warming, and from test-tube babies to end-of-life care, taking in human cloning on the way, it has sought to present a Christian voice. It has lived through the arrival of mobile phones, the internet, and social media.

If the Christian faith means anything, then there must be no no-go areas. The church must engage with the world at every level. Listening and learning with others, from every walk of life, and facilitating meeting of people with expertise from different disciplines, are central. The questions are endless in a world of stem cells, synthetic biology,

economics, environmental issues, drone delivery services and digital tracking technologies.

Behind the project is the call of God through Micah:

“He has shown you what is good. What does the Lord require of you? To act justly and to love mercy and to walk humbly with your God.”

We are called to use the talents and gifts that God has given us. Followers of faith care about the impact that our changing world makes, especially on those who are vulnerable and voiceless and on future generations. The SRT project in its 50th year helps us to work that out.

The Presiding Officer: Before we move on to topical questions, I invite members to join me in welcoming to the gallery the Hon John Ajaka, the President of the Legislative Council of New South Wales. *[Applause.]*

Topical Question Time

14:04

Education Review (Remit)

1. **Iain Gray (East Lothian) (Lab):** To ask the Scottish Government how the recently published analysis of SQA exam attainment will influence the remit of its review of secondary education. (S5T-02035)

The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney): I can confirm that agreement was reached this morning between the Organisation for Economic Co-operation and Development and the Scottish Government on the remit for an independent review of curriculum for excellence. I will publish that remit tomorrow and will ensure that a copy is placed in the Scottish Parliament information centre. The Government will bring forward a debate in Parliament to enable members to express their perspectives on issues that will be covered during the review.

In line with the view of Parliament, I expect that the review will cover the broad general education and the senior phase, and the articulation between the two. We will provide the OECD with a broad evidence base to inform its review, which will include data on attainment and information on emerging practice.

I expect that the review will also consider the recently published analysis of the 2019 exam diet. The vast majority of data that is included in that analysis was published in full at the time of the announcement of the Scottish Qualifications Authority results. The analysis outlines a series of measures that build on current approaches around understanding standards, enhancing learning and teaching and encouraging collaborative working in education.

It is important to note that curriculum design will be a key focus of the review. That will include the approach to assessment, qualifications and other achievements and how well they articulate with the curriculum, learning and teaching.

Iain Gray: That is welcome news, because analysis of the SQA results showed a drop in attainment in 32 out of 46 subjects, and by as much as 10 percentage points in a single year in some subjects. The review is supposed to consider the context of that fall in attainment. The context is a narrowing curriculum, an explosion in multilevel teaching, and the fit between the broad general education and the senior phase in schools.

However, the Deputy First Minister has at every stage had to be dragged towards getting to the remit for the review. Parliament insisted that the review take place at all. Parliament insisted that it cover the broad general education, and now Parliament has insisted on that analysis being published. It sounds as if it has also influenced the remit of the review. Would not it be far more straightforward if the Deputy First Minister faced up to the problems in education without having to be dragged there by Parliament?

John Swinney: I face up to the issues in education every day. That is why I said in my answer that the steps that are being taken in the review of the SQA results outline a series of measures that build on current approaches around understanding standards, enhancing learning and teaching, and encouraging collaborative working in education. All those are central to the agenda that the Government has constantly pursued to support improvement in our education system.

I welcome that Iain Gray indicated in his response to my answer that he supports examination of the issues that we are raising in the review. That is healthy. I want the review to proceed in a way that helps us to strengthen learning and teaching in the years to come.

It is also incumbent on me, as well as demanding improvements in education, to recognise both the strength that exists in our education system and the fact that our young people are performing well and achieving significantly in that system. I encourage members to echo my commendation of the achievements of young people and of teachers in Scottish education.

Iain Gray: In the spirit of Mr Swinney facing up daily to the problems in education, I note that when the figures that the analysis deals with were first known, he described the fall in the higher pass rate as an “annual variation”. The analysis makes it absolutely clear that higher pass rate did not drop just for a single year but that there is a trend of falling attainment. Will he face up to that and confirm to us that the OECD’s remit for the review recognises that trend of falling attainment and will consider the reasons behind it?

John Swinney: As Iain Gray knows—because he follows the arguments that I put forward on education—that I consider the 2018-19 exam results to be a strong set of results. I say that for two reasons. The first is that in national 5, the pass rate went up: in the previous year, it had gone down. In anyone’s book, that represents volatility in examination performance. Secondly, although the higher pass rate went down by 2 percentage points, the pass rate was still 75 per cent. Of course, I accept that that is lower than 77 per cent, which is essentially what it was for the

three years before that—there is no statistical difference between the performance in each of the three years before we get to 2018-19. So, in 2018-19, the national 5 pass rate went up and the higher pass rate went down. That is volatility.

Yes—we should explore those issues. That is why I commissioned work in the aftermath of the exam diet in August 2019, and that is why the Government constantly engages with our education system in order to secure improvements in our schools the length and breadth of the country.

Clare Adamson (Motherwell and Wishaw) (SNP): The cabinet secretary has mentioned the importance of standards in learning and teaching, and also of collegiate working. How can the regional improvement collaboratives support the improvement of learning and teaching standards in Scotland?

John Swinney: The regional improvement collaboratives are an important reform that I introduced to the education system in 2017 as a result of the acknowledgment of the need to strengthen collaborative working, which was one of the recommendations of the OECD review in 2015, to support the enhancement of the quality of learning and teaching, to provide a better platform for teachers to enhance their professional development and to ensure that, as a consequence, standards in Scottish education were improved.

I am pleased with the progress that regional improvement collaboratives are making. They are increasingly deeply involved in classroom activity, which provides classroom teachers with an opportunity to enhance their practice and to enhance learning and teaching. Those interventions will strengthen Scottish education, and I am pleased with the co-operation that we have had from local authorities as we take forward that agenda.

Jamie Greene (West Scotland) (Con): There are no questions from members on these benches about the quality of our teachers or the enthusiasm of our pupils, but genuine questions arise from the report that was published last week.

The cabinet secretary knows that the Education and Skills Committee has on several occasions found it difficult to elicit full transparency from the Scottish Qualifications Authority about who has been responsible for taking some of the key decisions relating to SQA qualifications and exams.

Over the weekend, following the release of the statistics in the report, I have spoken to a number of teachers, many of whom expressed concerns about the pass rates. A 10 percentage point drop in the rates in some subjects is not volatility.

Clearly, there are underlying issues that need to be addressed.

Does the cabinet secretary accept that teachers and parents have genuine concerns, and how is he going to ensure that there is full transparency and trust in the SQA and our qualifications structures?

John Swinney: First, I welcome Jamie Greene to his post on the Conservative benches, and I look forward to discussing with him issues that are relevant to the future of Scottish education.

It is crystal clear that the SQA is a body that acts independently of Government. The SQA is an independent examining body. It takes all its decisions about the performance of pupils independently, and ministers have no oversight of those operational decisions, nor should they have. I assure Mr Greene that that is absolutely the case.

With regard to strategic issues about the examination system, we listen to a wide body of opinion through the curriculum and assessment board, which has broad membership, including the professional associations, Education Scotland, the SQA and a variety of stakeholders who inform and engage on decisions. For example, the curriculum and assessment board recently held a discussion about whether it would be appropriate for an examination to be applied at the end of the national 4 qualification process. There was no unanimity on the board on that question, so the decision came to me, and I decided that there would be no examination. That is a policy decision. It is a world away from the SQA deciding who passes or fails or gets whatever mark in an individual qualification. I assure Mr Greene that I believe in the importance of that being carried out independently.

I listen very carefully to teachers' views, on an on-going basis—something about me that Mr Greene will come to find out is that I spend a lot of my time listening to individual teachers on my many visits to schools and in my informal and formal dialogue with teachers, and that I assure teachers of my constant attention to the issues that they raise with me.

Ross Greer (West Scotland) (Green): The report that was released late last Thursday went into varying detail about individual subjects. It offered no suggestions as to why the pass rate in higher history has declined by 10 percentage points, whereas it suggested that the small increase in science pass rates might be down to greater emphasis on the science, technology, engineering and mathematics strategy. Will the Deputy First Minister say whether subject-by-subject work to identify the specific problems in each area will be undertaken as part of the OECD

review? If not, who will lead that continuing work, which it is essential that we undertake on a subject-by-subject basis?

John Swinney: I suspect that Mr Greer is familiar with the fact that the SQA provides an annual subject-by-subject report on performance in individual examinations. Some of his questions about individual subjects will be answered by those subject reports, which are published some time after the conclusion of the examination diet.

Obviously, in the exercise that we are talking about, I was looking in more detail at whether there are issues that we must draw out. Of course, we have drawn out some of the issues, which are highlighted in the report that has been published. A series of actions is included in the body of the report, which are about strengthening the understanding of standards. I think that that will get to the heart of some of the issues that Mr Greer raised about individual subjects, because an important point—and we get feedback in this regard in relation to certain qualifications—is that there might not be an understanding of standards between the SQA, in terms of what it and examiners expect, and practitioners in schools, in terms of what they are actually doing. That is obviously an area for further inquiry, and that is part of the on-going responsibilities of the SQA.

Beatrice Wishart (Shetland Islands) (LD): Analysis shows that exam performance is declining, efforts to close the attainment gap are stalling and teachers need much more support. The number of additional support needs teachers is at a record low, despite pupil ASN identification increasing by 68 per cent. Will the cabinet secretary confirm that the OECD will consider classroom support and specialists, given their value in the context of attainment?

John Swinney: Before I answer that question, I must correct the point that Ms Wishart made about attainment falling. Attainment is not falling. Young people are acquiring more qualifications today. More young people secure one or more passes at Scottish credit and qualifications framework levels 4, 5 and 6 than was the case in 2009-10—and, in many circumstances, before that. I will quote the data that we published this morning—if the Presiding Officer will allow me the time to get to the appropriate chart; it is currently escaping me. What the chart shows is that, since 2009-10, there has been an increase at SCQF levels 4, 5 and 6. Those are the facts on performance and attainment. Yes, there will be annual volatility, but compared with 2009-10, attainment is up.

On the point about additional support for learning, Beatrice Wishart will be aware that I commissioned Angela Morgan to explore the issues on the Government's behalf. I saw Angela Morgan last week for an update on the work that

she is undertaking. She has carried out an extensive exercise in this respect and I expect to receive her report shortly. Of course, her report will be published and can be the subject of debate in the Parliament.

The Government has put in place £15 million of additional resources for additional support for learning. Of course, that is contingent on the Parliament supporting the budget on Thursday. I heartily encourage Beatrice Wishart to give positive consideration to supporting the budget, to enable that expenditure to be deployed in our local authorities to support the needs of children and young people in Scotland.

The Presiding Officer (Ken Macintosh): There might be a chance for you to find the relevant page, Deputy First Minister, as there are two more questions still to come.

John Mason (Glasgow Shettleston) (SNP): If we are going to review secondary education, will one of the factors to be looked at be positive destinations? As I understand it, in 2009-10, 87 per cent of our young people went on to positive destinations, but last year 95 per cent did so.

John Swinney: The data that came out this morning demonstrates that 95 per cent of young people went to positive destinations after leaving school. That shows significant improvement in the performance of the education system. There is also very encouraging data about young people leaving school to go on to higher and further education—enabling people to move on to further education opportunities is one of the articulation principles of curriculum for excellence.

The information on positive destinations is critical for monitoring and analysing the journeys of young people through the education system and for enabling them to acquire all the capacities and capabilities that we want them to have, so that they are able to navigate the modern world.

Jamie Halcro Johnston (Highlands and Islands) (Con): Given the widening of the remit of the review, can the cabinet secretary lay out the timescales for the review, as well as the earliest date at which any recommendations might be implemented?

John Swinney: As I have indicated to Parliament before, because we are expanding the remit of the review beyond that of the senior phase review that we wanted to carry out, we have agreed a timescale with the OECD that the recommendations or conclusions of that process will come back by February 2021.

If we are going to do the exercise, we have to give it enough time to be done properly. I want to maximise practitioner and pupil engagement in the exercise, so that we can hear the voices and

experience of the practitioners whom Mr Greene talked about, as well as those of pupils. It will be for ministers and Parliament to consider the implications of material that arises out of the review at that time.

The Presiding Officer: That concludes topical questions.

Proposed Scottish Parliament (Assistance for Political Parties) Bill

The Presiding Officer (Ken Macintosh): The next item of business is a Standards, Procedures and Public Appointments Committee debate on motion S5M-20752, in the name of Bill Kidd, on its proposal for a committee bill. All members who wish to participate in the debate should press their request-to-speak buttons. I call Bill Kidd to speak to and move the motion on behalf of the Standards, Procedures and Public Appointments Committee.

14:22

Bill Kidd (Glasgow Anniesland) (SNP): The Standards, Procedures and Public Appointments Committee was invited by the Scottish Parliamentary Corporate Body last year to instruct and introduce a committee bill that would transfer responsibility for setting the terms of the funding of non-Government political parties from the Scottish Government to the Scottish Parliamentary Corporate Body. The committee now presents the Parliament with a proposal for a committee bill, under rule 9.15 of the standing orders, which aims to achieve that administrative change.

The term “Short money” was coined—this is the serious bit, because it is history—at the House of Commons. It is named after Edward Short—later Lord Glenamara—who was the leader of the House of Commons and who first proposed the payments. The payments were introduced by the Harold Wilson Government in 1974 to enable Opposition parties to fulfil their parliamentary functions. That followed a pilot project that had been established by the Joseph Rowntree Social Service Trust, which was designed to assist the Opposition in carrying out its parliamentary duties and offset the advantage that Government ministers gained through receiving briefings from civil servants.

The Scotland Act 1998 included provision for an equivalent scheme, so Short money has been part of the devolution arrangements from day 1. It is generally Opposition parties in the Scottish Parliament that receive payments under the terms of the current scheme, although there are coalition scenarios in which junior parties in Government can receive payments.

Under the current arrangements for funding political parties, payments are made according to a scheme that is set out in an order in council made under powers that are set out in the Scotland Act 1998. Those powers have been used only once. An order was made in 1999, and it has governed the arrangements since the creation of

the Parliament. It was prepared jointly by the United Kingdom Government and the then Scottish Executive, but the Scotland Act 2016 removed the UK Government's role, leaving the Scottish ministers solely responsible for submitting draft orders to Her Majesty.

Although the scheme has always been—and continues to be—administered and funded by the Scottish Parliamentary Corporate Body in the same way as members' salaries, allowances and pensions are, the corporate body does not have the ability to alter the formula that determines the level of the funding that is provided and who is eligible to receive it. The committee considers that the Scottish Government, as the party or parties of power, is not ideally placed to determine the funding of the other political parties that are represented in the Parliament. In contrast, the SPCB consists of members who are elected by the whole Parliament and acts in a politically neutral manner. As such, it is better placed to propose any alterations in respect of the funding of non-Government parties for agreement by the Parliament.

Under the committee's proposal, responsibility for setting the terms of the Short money arrangements would be transferred from the Scottish ministers to the Parliament. The provisions of the proposed bill would give the Parliament the power to make a resolution that set out a new scheme. In that way, any changes to the current scheme would be agreed by the whole Parliament.

I reassure members that the proposed bill is narrow in scope. Although it would transfer responsibility for setting the terms of any future funding scheme from the Scottish ministers to the Parliament, it would not change the existing scheme and formula. Those would remain in place until such time as the Parliament agreed to alter them by means of a formal resolution process that is provided for in the proposed bill. The proposed bill would not, in itself, affect the amount that is paid to parties.

It is envisaged that, in drawing up a new scheme, the SPCB would consult on it before submitting it for formal approval by the whole Parliament. In that way, any alteration to the amount of support that was available to eligible parties, or any change to the rules on eligibility, would be determined by all MSPs.

In drawing up plans to introduce the bill, the committee consulted MSPs, political parties, the Parliamentary Bureau, the Scottish Government and the Electoral Commission. Their responses, which have been published on the committee's web page, were supportive of the policy. Significantly, the Scottish Government has indicated that it is content that its responsibility in

the area be transferred to the Scottish Parliamentary Corporate Body.

To sum up: the proposed bill would move responsibility for setting the terms of funding for Opposition parties from the Scottish ministers to the Parliament, and the current order, which determines the current formula, would remain in place unless and until the whole Parliament agreed to a change.

I commend the committee's proposal to the Parliament.

I move,

That the Parliament agrees to the proposal for a Committee Bill, under Rule 9.15, contained in the Standards, Procedures and Public Appointments Committee's 2nd Report, 2020 (Session 5), *Scottish Parliament (Assistance for Political Parties) Bill* (SP Paper 669).

The Presiding Officer: I call David Stewart to speak on behalf of the Scottish Parliamentary Corporate Body.

14:28

David Stewart (Highlands and Islands) (Lab): I believe that the last time that the Parliament discussed what we commonly refer to as Short money was on 2 June 1999—indeed, that was one of the first debates that the newly established Parliament had. The debate was about modifications to schedules 4 and 5 to the Scotland Act 1998, but the discussion was dominated by the subject of Short money.

I hope that today's debate will be more straightforward than the original one in that, as we have just heard, the proposed bill seeks simply to transfer administrative oversight of the scheme to the corporate body. I also hope that members will agree that such a move makes sense, given that, for the past 20 years, the SPCB has been funding the scheme as part of its budget.

At this point, I had hoped to give a quick history lesson on the background to the scheme, but Bill Kidd has stolen my thunder. Nevertheless, I will proceed. As we know, Short money was introduced by Harold Wilson's Government in March 1975, following a commitment in the Queen's speech of 12 March 1974. Its purpose was to enable non-Government parties more effectively to fulfil their parliamentary functions by providing funding for staffing of the Opposition leaders' and chief whips' offices and for research assistance for shadow front-bench spokespersons.

As members will be aware from the previous speech, an order in council made under the Scotland Act 1998 sets out the financial assistance that the corporate body must pay to

non-Government parties—and, I highlight, to junior coalition parties, as we found when funding was available for the Liberal Democrats during the Labour-led Administration. The funding, which is commonly referred to as Short money, assists members to perform their parliamentary duties. In the Scottish Parliament, it is for individual parties to determine how the funding is used, provided that it is used for parliamentary purposes.

Responsibility for setting the terms of the order and, therefore, the amount of Short money currently lies with the Scottish ministers. The order in council that provided for the existing scheme has been in place since 1999. Previously, if any changes were to be made to the arrangements, such an order would have required approval by Westminster and Holyrood before being approved by Her Majesty. The Scotland Act 2016 changed that position, and approval by Westminster is no longer required; only the Scottish Parliament needs to approve a Short money order.

The corporate body considers that the arrangements that are provided for in the 2016 act are still not wholly satisfactory, because the power over funding arrangements was transferred to the Scottish ministers. Given that the funding is provided by the corporate body, we consider that that body is best placed to oversee the arrangements. That would be similar to the corporate body's responsibility for the administration of the members' salaries scheme and the reimbursement of members' expenses scheme.

It is important to note that it might not be considered appropriate, as a matter of principle, for the Scottish Government to have the power to determine funding for non-Government political parties. By contrast, the corporate body consists of representatives who are elected by all MSPs and who act in a politically neutral manner, so it might be thought that the corporate body is better placed to take decisions and promote actions in respect of the funding of non-Government parties. Therefore, the proposal is that, instead of the Scottish ministers having control, the corporate body should regulate the Short money provisions.

I am very grateful to the Standards, Procedures and Public Appointments Committee for the work that it has already undertaken on the matter, and I am pleased that it agrees that such a change to the existing arrangements should be made.

It is important to stress that the corporate body sees the proposed bill as providing for a very narrow change to the control of the regime and not to the regime itself. I hope that members agree that the corporate body has a proven track record in the administration of similar issues. The corporate body oversees the reimbursement of members' expenses scheme, and it is to the credit

of the allowances office and members that we have not faced some of the issues that have impacted other legislatures. Similarly, the corporate body operates the members' salary scheme, and, with Parliament's support, we have overseen measures to detach ourselves from other Parliaments' arrangements and to establish our own.

Over the past 20 years, the corporate body has provided the funding for the Short money scheme. The funding is based on a formula and is currently set at £8,700 per member of the qualifying party group. In relation to accountability, at the end of each year, all parties that are in receipt of funding are required to provide audit certificates, which are published annually on the Parliament's website, confirming that the amount that has been spent has been used for parliamentary purposes. I am pleased to say that that has been the case.

I know that members consider that changes should be made to the existing funding arrangements. However, the scope of the proposed bill is solely to make provision for oversight of the scheme to be determined by the corporate body in the future. I hope that members agree that what is proposed is sensible. The corporate body already funds the scheme and is politically neutral on such matters, which is important. I hope that members will support the proposed bill.

14:33

The Minister for Parliamentary Business and Veterans (Graeme Dey): I very much welcome the opportunity to take part in this debate, although—to the relief of members, I suspect—I propose to keep my contribution relatively short, not least because I doubt that there is much, if anything, on which we will disagree this afternoon.

As we have heard, the committee's report sets out the terms of a proposed committee bill to replace section 97 of the Scotland Act 1998 regarding the provision of financial assistance to non-Government party groups in the Parliament, which is commonly known as Short money.

The Government's position has always been that it is for the Parliament to take the lead on matters that are relevant to its own operation, and I am pleased to say that that position was reinforced by the statutory framework that was provided for in the Scotland Act 2016. The current Scottish ministerial responsibility for making orders in respect of Short money appears to be purely a consequence of the need to put in place a range of practical measures at the outset of devolution—more specifically, at a point prior to the Parliament being operational and in a position to take on such a role. On that basis, the Government supports the

principle of Parliament having direct responsibility for Short money and that policy move being delivered via a committee bill.

The proposal may be regarded as a welcome continuation of legislation promoted by the Parliament to govern its internal operation in a more permanent manner. Examples of that are the registration of members' interests and the arrangements for the administration of parliamentary pensions. As the convener has set out, the aim of the proposed bill is simply to transfer statutory responsibility for setting the arrangements for Short money from the Scottish ministers to the Scottish Parliamentary Corporate Body. I note that the bill that is being proposed by the committee is admirably brief. It sets out a clean and simple statutory framework, which is also to be commended.

Members will, no doubt, be aware that the corporate body already provides the funding from its budget. Therefore, it is arguably best placed to oversee any future arrangements. Indeed, such a move would place Short money on a similar footing to the administration of members' salaries and expenses schemes.

I note that the proposed bill does not seek to affect the amount that is paid to parties, make changes to the existing scheme or alter the formula that is applied for the disbursement of funds; rather, it provides that the amounts that are paid to parties in the future will be determined by a resolution of the Parliament as a whole. That seems an entirely sensible basis on which to proceed, as it would enable the Parliament to set its own timetable for any future review of Short money and to assess the merits of any specific reform proposal. As we have heard, the current order will remain in force until the first resolution is made under the new framework.

The committee recommends that the Parliament agree to the proposal that it introduce a committee bill, and the Government, in turn, supports the general principles of the proposed bill. I look forward to hearing other members' views.

14:36

Jamie Halcro Johnston (Highlands and Islands) (Con): My thanks go first to the SPPA Committee's clerking team for their continued work on the proposed bill.

The proposal is relatively straightforward, and I will not take up too much of the chamber's time on it. In essence, it moves payment of financial assistance—Short money—from being the responsibility of the Scottish ministers to being the responsibility of the Scottish Parliamentary Corporate Body. Recent events in the chamber notwithstanding, the corporate body is a non-

partisan body that acts in the wider interests of the Scottish Parliament as an institution. It is right and more fitting that the corporate body takes on that responsibility.

As the convener mentioned, Short money has a surprisingly brief history in British parliamentary politics, dating back to only the mid-1970s. Short money provides support for political parties to support their MSPs to fulfil their parliamentary duties. In that context, it has a significant role to play in our parliamentary democracy.

In reality, the funds are already paid from the corporate body's budget. Similarly, the corporate body already holds responsibility for other funding arrangements that relate to members, including the arrangements for salaries and expenses. That is uncontroversial, and I am sure that there would be a broad consensus that the approach is sensible.

Last June, the Scottish Government indicated its support for moving responsibility for financial assistance over to the SPCB. Although there may be differing views about the role of financial assistance for political parties, no other changes are proposed as part of the process. The proposed bill and its intent are straightforward—the passing of responsibility from one body to another—and will not change the underlying level or nature of payments made.

The committee has consulted on the process and the responses have been positive. It is, of course, important that the use of public funding continues to be transparent and properly administered. I have no reason whatsoever to doubt that the corporate body is up to that task.

The committee's proposed legislation is sensible and straightforward. It brings financial assistance into line with other forms of imbursement and sets right an administrative abnormality that has existed since 1999. I hope that the proposal will find the support of the chamber.

14:38

Elaine Smith (Central Scotland) (Lab): I, too, welcome the proposal for a committee bill to move responsibility for setting the terms for funding non-Government political parties represented in the Scottish Parliament from the Scottish ministers to the SPCB.

A framework for giving financial assistance to Opposition parties is a fundamental part of our democracy. Government parties enjoy the advantage and resources of the civil service, which assists them in formulating policies. Short money ensures that other parties can have the means to scrutinise the Government's actions and legislation.

As we heard from Bill Kidd, Short money is named after the Rt Hon Edward Short MP, lately of the House of Commons, who, in 1975, established a payment to Opposition parties in the House of Commons to help them pay for certain services necessary in carrying out their parliamentary duties. Today, Short money goes towards paying research staff and helping party leaders, chief whips and front benchers to do their jobs.

Fortunately, the name “Short money” does not indicate the amount of money that is to be given to the parties—although some might disagree. In other words, Short money helps to level the playing field between the main party of Government, which calls on its army of professional researchers and administrators from the civil service to assist it, and the Opposition parties, which must employ their own staff to assist them in holding the Government to account.

The bill that the committee proposes is simply about the transfer of responsibility for setting the terms of financial assistance from the Scottish ministers to the SPCB. As proposed, it will not seek to make changes to the existing scheme and the formula of disbursement of funds; neither will it affect the amount of money that is paid to parties. However, it will give Parliament the power to make any necessary or desirable changes that it decides to make.

Giving total control of the regime to the corporate body is timely and appropriate. As David Stewart mentioned, the bill brings the situation into line with the powers that the SPCB already has in relation to members’ salaries and expenses. That the SPCB should provide the money from its budget but the order-making power should be left solely with the Scottish ministers does not make sense. By replacing section 97 of the Scotland Act 1998, we would put not only the administration of Short money, but the power to change Short money, into the hands the Parliament, should the Parliament desire to make changes.

As the SPPA Committee stated,

“the Scottish Government ... is not ideally placed to determine the funding of the other political parties ... in the Parliament”—

no matter which party is in power.

There is often confusion regarding the separation of power and responsibility between the Parliament and the Scottish Government. The bill might help to make matters clearer in that regard—it could certainly add clarity.

Having consulted the Scottish Parliament’s Parliamentary Bureau, the Scottish Government and the Electoral Commission, which all responded favourably to the changes, I am satisfied that we can be confident that the bill will

be in the interests of better democracy and, possibly, of an even fairer settlement for the non-Government parties that sit in the Scottish Parliament. On behalf of the Scottish Labour Party, I am happy to support this committee bill.

The Presiding Officer: I call Mark Ruskell to close the debate for the committee.

14:42

Mark Ruskell (Mid Scotland and Fife) (Green): As the deputy convener of the SPPA Committee, I am happy to close the debate. This has been a busy time for the committee, with both the Scottish Elections (Franchise and Representation) Bill and the Scottish Elections (Reform) Bill on top of our more regular responsibilities, and now with what I gather is the first committee bill of the session, which the committee is proposing. I join other members in thanking the clerks for their support.

From this brief debate, it is clear that there is a strong consensus that responsibility for setting the terms of financial assistance to non-Government political parties should be transferred from the Scottish Government to the Scottish Parliamentary Corporate Body by means of the bill that is proposed today.

As the convener highlighted—as well as David Stewart, on behalf of the corporate body—the Short money contributions, as they are colloquially termed, were introduced in the House of Commons in 1974 with the aim of providing greater support to Opposition parties to fulfil their parliamentary functions. Since then, that financial assistance in the House of Commons, the House of Lords and the Scottish Parliament has been fundamental to Opposition parties fulfilling their parliamentary roles. It was useful to get a little smidgeon of history from Dave Stewart. The early debates in 1999 seemed to focus more on the level of Short money rather than the administrative function of how it was distributed, which is, of course, the purpose of today’s debate. As we go forward, we might have interesting debates about what the level of Short money might be.

I can almost declare an interest, in that, although I was not an MSP in the first session of the Scottish Parliament, I spent a period of time working for Robin Harper, the first Green MSP, assisting him to introduce the first Green member’s bill in the Parliament. At that time, with a single MSP in Parliament, it was hugely important to have a little bit of resource to support his parliamentary work. We had a toehold in Scottish politics—at the time, we did not have full-time members of staff, so we did not have a lot of capacity to support our first-ever parliamentarian. Over the years, I have seen the value of Short

money, particularly in my role as convener of the Green parliamentary group in the Scottish Parliament.

Elaine Smith reflected on how Short money helps level the playing field. It is about campaigns and the legislation that political parties bring forward, but it is also about our ability to scrutinise the Government, which has an army of civil servants ready to answer every question and legislate for every line in every bill.

I agree with other members who have spoken in the debate that it is appropriate that, following the Scotland Act 2016, the responsibility for submitting draft orders should be transferred from the Scottish Government to the SPCB. The SPCB is made up of representatives who are elected by the Parliament and it is therefore better placed as a neutral body to take decisions in relation to the provision of financial assistance to Opposition parties. The SPCB also has responsibility for setting members' salaries, and for their allowances and expenses, so it can be argued that taking on the proposed role in relation to financial assistance is a logical extension of its role.

The committee has worked to develop the proposal, following the Scottish Government's indication that it would be content to support the transfer of the provisions to the SPCB. The committee's report sets out the full background to the proposal and includes a draft bill. As the convener indicated, the bill is narrow in scope and would not, as currently drafted, affect the amount of financial assistance paid to parties.

I am happy that widespread support has been expressed for the proposal and I hope that it will progress through the various stages of the committee bill process to enactment.

Period Products (Free Provision) (Scotland) Bill: Stage 1

The Presiding Officer (Ken Macintosh): Our next item of business is a stage 1 debate on motion S5M-20756, in the name of Monica Lennon, on the Period Products (Free Provision) (Scotland) Bill. I call Monica Lennon to speak to and move the motion in her name.

14:47

Monica Lennon (Central Scotland) (Lab): This debate is possible only because we are standing tall on the shoulders of previous generations of feminists, trade unionists and equality campaigners. Because of them and today's activists, we have the chance to pass pioneering legislation on free universal access to period products. Too often, this Parliament is defined by division, disagreements and discord, but the bill shows what Parliament can do when we put aside our legitimate political differences and work together.

Women and girls are too often left behind in the political process. This is a chance to put them first and to do something that is truly groundbreaking on gender equality. The bill will ensure free universal access to period products for anyone who needs them, and it will place a duty on schools, colleges and universities to make free period products available in toilets. Menstruation is normal; free universal access to tampons, pads and reusable options should be normal, too. Period dignity for all is not radical or extreme, but is simply the right thing to do.

Evidence shows that one in five women across the United Kingdom will face a struggle to access period products at some point in her life. The public consultation on my bill attracted 96 per cent support for the proposal.

I am proud that I played a part in the introduction of free period products in the Parliament building. MSPs, staff and visitors to Holyrood benefit from that and do not have to worry about being caught short.

The public want period equality, too. Today, campaigners held a rally outside Parliament, asking MSPs to vote for the bill. Grass-roots campaigning has sparked a culture-changing movement. We see that with the trailblazing "On the ball" group, which has persuaded football clubs to put free period products in their toilets. The group is part of a growing coalition of more than 50 organisations that endorse the bill and the principle of universal free access to period products. To all those campaigners I say, "Thank you."

The bill will be subject to further scrutiny if it passes stage 1. I will be happy to work with colleagues from across the chamber on amendments to strengthen it.

Already, the bill has been shaped and influenced by women, girls, trans people and non-binary people from every corner of Scotland—not as passive observers, but as architects of the kind of Scotland in which we want to live. We should be proud that our citizens, especially our children and young people, are politically engaged and passionate about equality. I have worked with people from all parties and none, and I have learned from them all, especially during times of disagreement. I hope that those lessons have made me a better MSP.

I led Parliament's first-ever debate on periods, in 2016. I want to repeat tributes that I gave then, to Gillian Martin and Women for Independence, which includes campaigners Julie Hepburn and Victoria Heaney. Success has many mothers, and I am delighted that Victoria addressed the rally today and is in the gallery.

Gillian Martin shone a light on domestic abuse being one of the hidden drivers of period poverty. Her influence on the Government spearheaded a pilot scheme in Aberdeen. Angela Constance deserves credit for leading that work, when she was Cabinet Secretary for Communities, Social Security and Equalities. I went to Aberdeen to meet Dave Simmers and the phenomenal team at Community Food Initiatives North East, which ran the pilot.

In Aberdeen and elsewhere I have heard personal stories that have motivated me. A change in circumstances can quickly push anyone into period poverty. People sharing that they have had to rely on food banks for period products so that their children could have food to eat, or that they missed college because they could not afford both a travel ticket and a tampon, are not easy conversations.

I record my thanks to everyone who shared their experiences with me and with the Local Government and Communities Committee. I am grateful to the committee, and to the clerks, especially for outreach work with communities and young people. I was disappointed that the committee was split in its decision, with a majority of members exercising caution over some aspects of the bill and not recommending support at stage 1.

I am eternally grateful to the non-Government bills unit staff, who have been on this rollercoaster journey with me.

I thank my wonderful team, especially Kirsty-Louise Hunt, who has worked on the bill from the beginning, and who was not able to fully celebrate

her birthday yesterday because of preparations for today. I wish Kirsty-Louise a happy birthday.

Back in 2016, when I first raised access and affordability issues with ministers, my questions referred to “feminine hygiene products”. Journalist Daniel Sanderson, at *The Herald*, spotted the questions on the Parliament's website, and called me to ask where I was going with them. Ministers at that time had advised that no work was planned on access to period products, or on stigma, but had confirmed their awareness that food banks in Scotland often provided sanitary products. I told Dan that I believed that action was required, and that I had reached out to organisations including the Educational Institute of Scotland, Scottish Women's Aid, Engender and the Trussell Trust, which all agreed with me.

It is good to look back on that time and to see how far we have progressed together. Since 2016, my language has evolved away from “hygiene” or “sanitary” products. Overall, discussions are much more inclusive and focused on dignity.

Cross-party working has been key: 51 MSPs from all parties signed the final proposal for the members' bill. In particular, I want to thank Jackson Carlaw, the new leader of the Scottish Conservative Party. He has worked across and beyond party lines to fight for women who have been injured by mesh, and he approached my bill with the same desire to do what is right. I was grateful when he signed the members' bill proposal back in 2018, and for his firm support in recent weeks when it looked as though the Scottish Government might not back the bill, at this time.

However, the Scottish Government has taken big strides since 2016. I congratulate ministers for working with a range of partners to roll out free period products in education settings and in many community venues. Aileen Campbell, the Cabinet Secretary for Communities and Local Government, should feel very proud of the work that she and her team are committed to, and are leading on, and I look forward to continuing to work with her on our shared objectives.

We have strong foundations to build on. The First Minister has put on record that access to period products should be a right: I agree with the First Minister. The bill provides a legal framework that will give ministers a considerable degree of flexibility to design the scheme through regulations, and to work in consultation with partners. Of course, no one will be required to take free period products; however, if a person needs them, they will be cost free and reasonably easy to access.

We must get on and do this, because we have constituents who are worried today about where

their next pad or tampon is coming from. I firmly believe that Scotland can be proud of our actions so far, and of the fact that our intentions mark us out as a global leader on period equality. The world is willing us to go further, and to back the general principles of the Period Products (Free Provision) (Scotland) Bill tonight. I am proud to move the motion in my name.

I move,

That the Parliament agrees to the general principles of the Period Products (Free Provision) (Scotland) Bill.

14:55

James Dornan (Glasgow Cathcart) (SNP): I am pleased to speak on behalf of the Local Government and Communities Committee. Today's debate reflects the findings of the committee's scrutiny, which we began last September. We published our report on 5 February this year, and commended Monica Lennon's work and her collaboration with the cabinet secretary. That joint work has helped to highlight the issues of access and affordability in relation to period products, and the stigma that goes with them.

Following a call for views, the committee took oral evidence during three evidence sessions. We heard from a number of organisations, the Cabinet Secretary for Communities and Local Government, and Monica Lennon. We also went to Perth and to a Scottish Youth Parliament workshop in Dunfermline. On behalf of the committee, I thank all those who engaged with us for their interesting, constructive and often passionate contributions

The term "period poverty" is not specifically referred to in the bill, but has been used by the press and others to describe the inability to afford period products. The committee discovered that the problem is as much one of access as it is one of cost. We found that it can impact on people who have health conditions or a disability, young people who might not have their own money, and women who are in coercive relationships. On our visit to Perth, we heard that women who have been diagnosed as suffering from conditions including endometriosis can spend £50 per month on products, but are not entitled to them on prescription.

We learned, too, that there is still a lot of stigma and embarrassment around periods, particularly for girls in school and for women who work in male-dominated workplaces. Witnesses told us how important education and campaigns that raise awareness are in combating that. Many witnesses also promoted a move away from the term "period poverty", which they think creates more stigma; they prefer the term "period dignity".

The bill has at its core the principle of universality and will create—if it becomes law—a universal right of access to period products. The committee heard the view that the majority of people who are able to afford products will continue to buy their own. A focus of our scrutiny was therefore on whether a universal right of access is preferable to a more targeted approach. The bill requires ministers to set up a "period products scheme", but gives them a lot of flexibility in how they might choose to do that. We were keen to hear witnesses' views on what such a scheme should look like.

Section 3 of the bill provides a mechanism for a voucher or registration scheme to be introduced, which could be similar to the c:card scheme that distributes free condoms. We explored whether there is support for that and found that although we saw some support in written evidence, none of the witnesses whom we heard from thought that it was a good idea. They felt that it might create more stigma and be an additional barrier to access. On balance, the committee did not think that a voucher scheme should be adopted.

Section 4 of the bill provides that the scheme must give individuals the option to have products delivered. We explored witnesses' views on postal delivery—in particular, how it could be balanced with the lack of support for the voucher model that we heard. We heard arguments for and against the postal-delivery option. Arguments for it included that it would benefit hard-to-reach communities, including people in rural areas and disabled individuals. However, we were more persuaded by the arguments against it, which cited additional bureaucracy and costs, and noted that postal deliveries would require information sharing of some kind. We agreed that alternative solutions, such as working in partnership with local services, would be preferable.

We asked witnesses how effective they were finding the non-statutory measures that have been undertaken by the Scottish Government, which take a targeted approach to providing free period products in educational establishments, sports facilities and other local authority buildings. All the witnesses whom we heard from were extremely positive about those measures, and it is clear that they are having an impact in tackling the problems of access, affordability and stigma. We were impressed by the work that is being done by local authorities, third sector and grass-roots organisations, which continue to promote and implement the measures.

Many witnesses welcomed the range of products that some organisations have made available. Although that is welcome, we heard from the Convention of Scottish Local Authorities that each local authority takes its own approach,

which depends on local needs. As a result, witnesses told us that there can be a lack of consistency in how products are distributed and promoted in schools, which has had an impact on uptake in some areas. We understand that measures are in their early stages and that full evaluation is still to be done, but our scrutiny highlighted concerns in some areas about the poor quality of products, about lack of availability of products during holidays and about some people still missing out. We heard how important it is that the scheme is promoted so that individuals can find products easily.

Many witnesses suggested that providing reusable products could provide more long-term, cost-effective and sustainable options, while acknowledging the greater up-front costs. The financial memorandum that accompanies the bill acknowledges the financial implications in setting up and administering a universal scheme; the committee explored those costs in detail. The financial memorandum estimates that the annual costs for a universal scheme would not be more than the £9.7 million to which the Scottish Government has already committed, but we heard from the cabinet secretary that a more realistic estimate is £24.1 million. That figure was reached using a higher unit cost, based on data from local authorities that are implementing the current scheme. The majority of the committee felt that not enough clarity was available on why there is such a difference between the figures.

The committee acknowledges that affording and accessing products is still an issue for some people, so we will follow with interest how the Scottish Government will address the issues that we have raised in our report. The committee is unanimous in its support for the intentions of the bill. A majority, however, had concerns about the disparity between the costs that were presented in the member's financial memorandum and the costs for a universal scheme being rolled out that were estimated by the Scottish Government. The majority of the committee considered that more work to clarify the final costs is needed.

The majority of the committee was also concerned that the flexibility that Ms Lennon allowed in the bill for ministers to devise a scheme meant that there was a great deal of uncertainty about how Ms Lennon sees the bill being put into practice. It was clear that the majority of the committee thinks that considerably more work will be required before the bill is fit for purpose. It is also clear, given public pronouncements from parties across the chamber, that the bill will pass stage 1 today. However, having, as convener, sat through the evidence and heard Ms Lennon's questioning of witnesses and her answers to our questions at committee, and because of the lack of detail on finance and practical suggestions on

how the admirable purpose of the bill can be achieved, I have no doubt that the bill will need to be the subject of a considerable number of amendments to make it anything like workable.

The truth is that I was surprised to see a member's bill with such lack of detail and clarity coming before my committee. I have certainly never seen one like it before. After the bill has passed stage 1 this evening—as it will—I will look forward to the sizeable challenge at stage 2 of trying to make it workable legislation.

Neil Findlay (Lothian) (Lab): Will the member give way?

James Dornan: I am just about to close. I will take an intervention if I have the time.

The Deputy Presiding Officer (Linda Fabiani): I can give you the time.

Neil Findlay: How did James Dornan feel when Murdo Fraser's member's bill was included in its entirety, without having been through any consultation, in the legislation that included provisions on parking?

James Dornan: I am speaking as convener of the Local Government and Communities Committee. Given that we are talking about the Period Products (Free Provision) (Scotland) Bill, I should concentrate on it. That was a red herring.

I am proud of the report that the Local Government and Communities Committee has produced. It is honest, well produced and absent of all political bias. It is for that reason that tonight, I will abstain on the motion on the bill.

15:03

The Cabinet Secretary for Communities and Local Government (Aileen Campbell): I am immensely proud that Scotland is a world leader on providing access to period products. Thanks to this Government's actions, without waiting for legislation, we have invested about £15 million to make free period products available in our schools, colleges and universities; in community settings, such as libraries, community hubs and grass roots sports clubs; and in services that are most likely to be accessed by people on low incomes. We are reaching more than 530,000 women and girls through this groundbreaking work right across the country, so that roughly a third of those in Scotland who menstruate now have access to those products for free, thanks to our actions.

Free products are also increasingly being made available by public bodies—including this Parliament, which was one of the first to take action—and also by the private sector, with football clubs, pubs and construction companies

making products available for staff and visitors. That is set to increase, and the momentum should be welcomed as an outcome that we can all be very proud of. We are going to acknowledge that outcome through the introduction of period-friendly certification.

We are also working in partnership with FareShare to ensure even wider availability, specifically for those on low incomes. Our £1 million investment in the past two years has allowed FareShare to buy products to distribute through over 800 partners and it is also supporting community development workers in FareShare's four hubs to work with grass-roots organisations to break down barriers and address stigma and embarrassment.

Access to free period products through FareShare and its partners is through a variety of routes, including food banks, support groups, advice centres, family centres, hospices and care homes. I heard how valuable the service was when I visited one of FareShare's hubs last year. One beneficiary said that

"getting free products has been a godsend and a weight off financially when we are already struggling on benefits".

That comment highlights that many of the people we are supporting are in need because of austerity and the benefit cuts introduced by the Westminster Tory Government and that, once again, the Scottish Government is having to step in to support those families as poverty makes it difficult for them to meet their basic needs. This is one of many measures that we are taking to mitigate those cuts, including the investment of £110 million in the next financial year to protect people from those cuts.

We have also supported local authorities with the provision of products and they have been able to decide where to place products based on local knowledge and local need. One local authority identified locations in which to provide access to free products, including libraries, community centres, leisure centres and churches. Each partner received a box containing products, a poster with financial support information, and a digital code for restocking. In another authority, products have been placed in a range of places where there is high footfall and in locations that are likely to be accessed by those who may need the products most, including the jobcentre and places that host community fridges.

One of the concerns that I raised with the committee is about the need to ensure that the flexibility that we have given to local authorities is maintained so that the delivery of local provision is right for each community. That is one of three major concerns with the current legislation that I have continued to highlight. The other concerns

are around the cost and the actual design of a scheme to deliver on the proposed right to free products.

Many who support the principle of legislation are strongly opposed to the preliminary procedure for delivery that is proposed in the bill. Despite that, no alternative suggestion for a different delivery route for the national scheme that is mandated in the bill has been proposed. Extensive work carried out by Scottish Government officials over the past two years suggests that that is because it is almost impossible to devise one that is not overly bureaucratic or costly.

My third main area of concern is that the proposed costs have been significantly underestimated. As I outlined to the committee, the Scottish Government's best estimate of the cost of delivering a universal scheme, as proposed in the bill, is an annual cost of £24 million—over two and a half times the cost estimated in the bill's financial memorandum. As members know, if the Parliament agrees to the bill at stage 1 today, the Scottish ministers will be expected to introduce a financial resolution to allow the bill to move to stage 2. However, as Monica Lennon said when giving evidence to the committee, it is impossible to say definitely what uptake would be. We would have to introduce a financial resolution before we knew what the delivery of universal free access would look like and, by extension, how much it would really cost. I therefore welcome the committee's conclusion that more work to clarify the potential cost is needed and I will seek agreement across political parties on the detail to allow us to better estimate costs before lodging a motion for a financial resolution.

Monica Lennon: I thank the cabinet secretary for the tone of her speech so far. It is important that we continue to work together. North Ayrshire Council launched free provision in schools a year before the Government scheme rolled out nationally and, in oral evidence to the committee, the council official talked about the savings that had been made because they had become more efficient and there was less bureaucracy. That gave me hope that we can continue to learn and improve. Does the cabinet secretary acknowledge that?

The Deputy Presiding Officer: There is extra time available if you need it, cabinet secretary.

Aileen Campbell: Thank you very much, Presiding Officer.

I know about the fantastic work that is being done in North Ayrshire. I visited Ardrossan academy to see some of the good work that is being done there. It is being led by the headteacher who has created a culture that allows those who need support to get it and to be treated

with the dignity and respect that they deserve. That work is changing the culture, not just for the generation of pupils who are going through that school, but for generations to come, and is all the better for it.

In my evidence to the committee, I was clear that we believe that the financial memorandum underestimates the costs. What we stand to lose through the lack of flexibility could prove to be costly. We will have to work together to try to find a way through that, because there is no getting away from it that the costs that the Government is incurring now are more than the costs that are set out in the financial memorandum. That is just a fact. We will need to work through that and, if we want good legislation, a lot of hard work and endeavour will be required to make sure that the bill is fit for purpose.

It is clear that as a Parliament, across the political parties, we are collectively committed to ensuring that everyone who needs to access period products can do so. We should always remind ourselves of that. We have made huge progress in the past few years, and while we know that delivery of our policies is still in the relatively early stages, we are clearly seeing a change in culture. That has been recognised by the committee. We must ensure that the good practice that is already in place is not lost through the introduction of legislation, and that any scheme is workable and deliverable, does not have unintended consequences and offers value to the public purse.

I sincerely thank Monica Lennon and the wider stakeholders who have been so visible in this campaign for the work that has culminated in the introduction of the bill. I also thank the Local Government and Communities Committee for its careful consideration of the bill. The committee and the Scottish Government have made their concerns clear and I have made it clear that legislation could slow our progress and could prove to be costly. In the spirit of this debate and in pursuit of good legislation, Parliament will now need to pull out all the stops and work hard on the bill, collectively and collaboratively, so that it achieves everything that we across the chamber want it to, and to enable our country to emerge through this and continue to set an example that the world wants to follow.

I am proud of our work so far, although I want to make sure that we can protect it by working together across the chamber, so that we have a bill that all of the Parliament can be proud of and that we secure a legacy for generations to come.

15:12

Graham Simpson (Central Scotland) (Con): I associate myself with the words of Aileen Campbell. I agree with every word—well, most of what she said; not quite everything.

I congratulate Monica Lennon on her work on the bill, on her tireless tweeting and on managing to persuade all parties to go against the committee's recommendation that the bill should go no further. I have known Monica for what feels like a long time—probably for both of us. When we were both councillors in South Lanarkshire, she was as quiet as a mouse, but not now.

I have treated the bill as I treat any bill: with an open mind and a great deal of diligence about what is in front of us. What looked to be fairly straightforward has proved to be anything but. I have swayed between thinking that the bill had some legs, to thinking that it should go no further and was not required. I remain to be convinced about it, but my party leader, Jackson Carlaw, who was mentioned previously, was ambushed on Facebook, so here we are. I have been informed of the error of my ways. If only I had briefed him in advance.

It would be easy to say that because of what the Parliament is about to do, we might as well rip up the committee's report; that we might as well not have bothered to take any evidence or to do any work. However, the Parliament is entitled to disagree with a committee's conclusions and there has been great value to our work on this subject. I have certainly found the whole thing educational.

I represented the Local Government and Communities Committee at a meeting with the Scottish Youth Parliament in Dunfermline. I thank all those who attended that meeting for their keen interest in the bill. Three of us also met groups in Perth. That led to one of our recommendations, which I will come to.

The bill would become

“An Act of the Scottish Parliament to secure the provision throughout Scotland of free period products.”

Section 1 of the bill says:

“Everyone in Scotland who needs to use period products has the right under this Part to obtain them free of charge.”

Loads of questions arise from those opening lines alone. How? At what cost? Why everyone? Where? What products? What quality? After that, the bill really starts to unravel. My big concern was picked up in the committee's report. It described the bill as

“legislation that would impose a duty on, as yet unidentified, public bodies which would have a cost but would not compel the Scottish Government to fund it, should it choose not to.”

In other words, bodies such as councils would be saddled with spending that might or might not be covered by the Government. That could be bordering on irresponsible when councils are making cuts in core services.

The bill requires the Government to draw up a scheme to implement that universal provision, but it would apply only to the public sector. To be fair to the Government, it has pretty much done that already without the need for legislation, and it is surely only fair to see how that works. Monica Lennon was not happy with that, though.

The committee's other concern was that we have no idea at all about what any of it would cost. There is a huge disparity between what Monica Lennon said and the ludicrous figures that have been quoted by the Government.

Alex Rowley (Mid Scotland and Fife) (Lab): I know that, across the country, people have been writing to members of the Scottish Parliament—they have certainly contacted me—to say that they want what has been proposed to happen and that the situation is absolutely unacceptable. Somebody recently said to me that, if it was men who needed those sanitary products, they would have been free years ago. There is real support for the bill in the country. Do all MSPs not have a responsibility to try to work our way forward not just to approve the bill at stage 1 but to ensure that it becomes legislation and that Scotland leads the way across the world? [*Appause.*]

The Deputy Presiding Officer: Those in the public gallery should not show appreciation or otherwise in any of the proceedings of the Parliament, please.

Graham Simpson: Nobody in the Parliament disagrees with what Monica Lennon is trying to achieve. The question is whether the bill is the right approach. The committee asked legitimate questions; that is the committee's job, and that will be our job at stage 2. That is what we are here to do.

I did my own, unscientific, research into costs. I asked family members about their use of period products and checked the costs in supermarkets. It was clear to me that tampons and pads are not expensive. They are extremely affordable to most women, and somebody could quite easily get their monthly supply for under £5—although I fully accept that everyone is different and that people have varying needs. Monica Lennon accepted that most women can afford the products that they need. If that is the case, we would be entitled to ask why we need a universal scheme.

Monica Lennon: Will the member give way?

Graham Simpson: No. I am coming to an important bit of my speech.

When the three of us committee members visited Perth, I had my eyes opened. I asked what people were paying every month and a very impressive young lady who suffers from endometriosis told me that she pays £50 a month. It struck me that, if somebody suffers from a medical condition that makes them bleed a lot, there is an argument that they should be able to get the products that they need on prescription. The committee accepted that, and I am delighted that the Government is looking at how that might be implemented. That would supply period products to those in most need.

Through the committee, I also asked whether there was legislation on providing toilet paper. The Workplace (Health, Safety and Welfare) Regulations 1992 say that toilet paper should be provided in workplace toilets and that, in women's toilets, there should also be suitable means for the disposal of sanitary dressings. It seems to me that a simple tweak to that regulation could add in the requirement also to supply sanitary products in women's toilets. That would be in all workplace toilets. We have asked colleagues in Westminster to look at that and I encourage the Scottish ministers to take that up with Westminster as well, or investigate whether that change can be made from here.

Monica Lennon rose—

Graham Simpson: I will take an intervention if I can get the time back.

The Deputy Presiding Officer: I can give you the time back.

Monica Lennon: I thank Graham Simpson for his contributions and for his work on the committee. I wonder whether he agrees that we have to be careful that, in asking questions and setting criteria, we do not ask women to prove that they bleed enough or that they bleed in the right way in order to receive an entitlement to any product. Although I am glad that there is recognition of a range of medical conditions that can make periods more difficult, we need to make sure that we are not asking women, or anyone, those very personal questions about how much they bleed, how often and how long for. Women have told us that they are embarrassed by those questions, and that is why a universal approach is the most dignified way forward.

Graham Simpson: One thing that should come out of this debate is that people should not be embarrassed about talking about those issues. If women have a particular medical condition, which endometriosis is, surely that should be tackled medically. If they need products, those should be available on prescription. It is absurd that somebody should have to fork out £50 a month and not have that covered by prescription.

Monica Lennon *rose*—

Graham Simpson: No. I am almost finished.

As we head to stage 2, I say to Monica Lennon that the committee has a huge job to do. We must work with her. If we are going to make laws, they must be workable and necessary. I am afraid that at this stage the bill is neither. It will be for the committee to knock it into shape—if that is possible.

15:21

Pauline McNeill (Glasgow) (Lab): Scotland is on course to introduce the world's most comprehensive legislation on free period products. That is thanks to Monica Lennon and her supporters, members of this Parliament, the equality movement and all those who have stuck with the issue from the beginning.

I say to James Dornan that most of the bills that I have scrutinised have had loads of amendments, and I do not really see why this one would be any different.

James Dornan: Will the member take an intervention?

Pauline McNeill: Not yet.

The Tories are giving very mixed signals as to whether they support the general principles of the bill, and I was astonished at some of the arguments that Graham Simpson used—I have never known Jackson Carlaw to be ambushed by anyone or anything.

I want to talk about breaking the taboo of periods, not just dealing with their cost to women and girls. Mr Simpson says that women should not feel embarrassed, but women on all sides of the chamber will tell him that not being able to talk about their health has been an issue for generations of women. I will say something about that.

We might disagree, and I accept that the committee must scrutinise the bill closely, but I hope that the tone of the Tories' contribution to the debate will change. If it did not, that would be a tragedy. I whole-heartedly welcome the change of heart that the Government has made in supporting the bill—Aileen Campbell, who gave the reasons for that today, should be congratulated—albeit that we will discuss the bill's serious and legitimate implications as we go forward.

It is a shock to every young girl when she finds out that her body is going to change as she enters puberty and adulthood—even more so when she finds out that her period is going to arrive every month. That is life altering for most women. A new form of pain and discomfort arrives in the form of the blood and moods, and, although everyone is

different, there are many associated health issues. Whether women have endometriosis, get pregnant or are not pregnant, there are implications for women's health.

In many countries, young women are not told about their periods and are frightened when they have one for the first time. Sheh was 15 when she bled for the first time. She thought that she was sick and confided in her aunt, who told Sheh's mother. Her mother said, "You are a woman now." She lives in a small village near Delhi, in India, and she now works in a sanitary pad factory in that small village. A documentary has been made about the campaign in which students crowdfunded for a pad-making machine.

The taboo around periods still exists around the world. In the rest of India, periods are still a taboo topic and, in some countries, menstruating women are still considered to be impure and are barred from entering religious places. They are often also excluded from social events. In Nepal, nearly eight out of 10 girls in the Mid-Western region still sleep in dangerous outdoor menstruation huts during their periods, and, when women are on their periods, it is forbidden for them to take part in a range of everyday activities. We are talking about a global issue of equality. I should say that, after a string of high-profile deaths, the practice in Nepal was criminalised in 2018.

The need for the bill in Scotland is apparent. All the written submissions to the committee recognised that period poverty is an issue in Scotland. It is an issue of poverty.

Sandra White (Glasgow Kelvin) (SNP): I am not on the committee, but I have read the bill and I absolutely agree with what the member says about period poverty. However, does the member agree that a number of amendments need to be made to the bill? For example, I am concerned about the proposal for a voucher system and the fact that a person must provide sufficient proof of their identity, which is addressed in section 3. I see a lot of homeless people in the streets, and I would hope that they would be able to access the free products, too. Those issues are a bit of a worry for me. Can the member clarify the position on those issues? Might Monica Lennon lodge amendments on them?

Pauline McNeill: That was quite a long intervention.

I agree with the member that there are issues with the registration schemes. However, this is a stage 1 debate in which we are discussing the general principles of the bill. As is the case with every bill, every member is entitled to lodge amendments, and I would like there to be a fuller discussion of the point that the member raises.

For me, the case for universal provision is worthy of consideration. With tight local government budgets, we must be convinced of any need for a universal benefit, but I was particularly swayed by the witnesses who rejected the suggestion of any kind of registration scheme. They argued convincingly that any such scheme risked stigmatising those who are least able to afford period products. Unite the union pointed out that those who need free products are the ones who are almost guaranteed not to ask for them. They are embarrassed and depressed by their situation, and they are the ones who are least likely to register. That speaks to Sandra White's point.

What does the bill do? First, it places a duty on Scottish ministers to ensure that period products are available free of charge on a universal basis; secondly, it requires education providers to make period products available free of charge in toilets on site; thirdly, it enables the Scottish ministers to place a duty on other specified public bodies to provide free period products.

If ever there was a time to recognise that women and girls have not been encouraged to openly discuss the fact that they menstruate, it is now. It is time for the remaining taboo to end. Let Scotland be the world leader in breaking those taboos by talking about women's health issues, whether they be periods, the menopause or anything else. Let this Parliament at least agree today the general principles of the bill, which concern the universal free provision of period products, and then let us get down to the scrutiny of the bill, as we would with any bill at stage 2.

15:28

Andy Wightman (Lothian) (Green): I commend Monica Lennon for bringing forward the bill. She has been campaigning on this topic since her arrival in Parliament and has worked hard to get it to this stage. I also thank members of the Local Government and Communities Committee and the clerks for their scrutiny.

As a member of the Local Government and Communities Committee, I was struck by the widespread support for the principles of the bill on the part of witnesses. I also commend the Government, which has been undertaking work over the past few years. That work has been incredibly valuable, and I commend the cabinet secretary for her commitment on this topic.

I was part of the minority of the committee that did not recommend rejection of the general principles of the bill. The central argument of the majority was that legislation is not required because the executive branch of Government is delivering and because it is too early. On the face

of it, that is a reasonable argument, but the bill is fundamentally about the creation of a statutory right. When I asked the cabinet secretary whether she agreed that access to period products should be a right, she was unwilling to provide a straight answer, but she said that a lack of access can inhibit the realisation of other rights such as the rights to education and work.

The Scottish National Party's position is clear. In an SNP council meeting a year or two ago, the following resolution was passed:

"SNP council ... believes every woman should have access to sanitary products, as of right."

Reasonable people can disagree on whether that should be a right. However, it is not an argument against creating a right to say that the executive branch of Government is delivering, because the Government does not have the authority or the power to create rights—only Parliaments and laws can do that.

Members of the Scottish Parliament are here to represent constituents, not the Government, and large swathes of people are saying yes to a rights-based approach. The only way that that can be delivered is via legislation that we pass on behalf of the constituents who elect us.

Greens believe that access to period products should be a right enshrined in law. Do we believe that the bill as drafted is correct in every respect? No, we do not, although we disagree with the Government's argument that the bill lacks flexibility. Some aspects of what is proposed lack flexibility, but they can be dealt with, and fundamentally the bill gives the Scottish ministers substantial freedom to devise a scheme that is as flexible as they wish it to be. Nevertheless, it would be prudent to await full evaluation before implementing a scheme. The 12-month operational target in section 2(4) is probably too ambitious.

James Dornan: Will the member give way?

Andy Wightman: I am just about to close.

We need a statutory scheme that underpins the existing work, that provides a guarantee to the public that access to period products is, indeed, a right and that puts it beyond doubt that that is the will of the Parliament.

Today's vote is on the general principles of the bill, and Greens support the general principles of the bill. I have no doubt that difficult conversations lie ahead for Ms Lennon. We wish her well and remain committed to playing our part in seeing the bill get on to the statute book in a form on which we can all agree.

15:31

Alex Cole-Hamilton (Edinburgh Western) (LD): I do not sit on the lead committee considering the bill and was not involved in the evidence taking at stage 1, so my involvement up to now has been peripheral. However, I have watched in awe as Monica Lennon has dragged the bill by its bootstraps through the Parliament, and I commend her for that. She has been an inspiration to watch.

It says a lot that Monica Lennon's debate on period products in 2016 was the first such debate in 17 years of the Scottish Parliament's history. That tells us something about the stigma that surrounds the issue. Our laws are almost totally silent on this most natural aspect of everyday life for every woman whom we represent. Currently the only explicit mandated provision of sanitary products in Scotland, in law, is for female prisoners. The only other reference to periods in statute relates to the provision of disposal units for sanitary waste in bathrooms. The provision of sanitary products themselves is otherwise entirely absent from the law.

Gillian Martin (Aberdeenshire East) (SNP): The member is right to say that nothing is enshrined in the law. However, does he recognise that Scotland is leading the world in the provision of period products for those who need them?

Alex Cole-Hamilton: Nothing in my speech is incompatible with that proposition; I recognise it and I salute the Government for it.

As Monica Lennon said, the bill is not about hygiene; it is about human dignity. I am proud to have supported it from the outset, when I was a signatory to the bill proposal. The bill asserts that access to sanitary products is a basic human right—a necessity and not a luxury. It also carries a secondary policy aim that is most welcome, which is to end the silence and stigma that surround menstruation, removing gender barriers and creating a more equal society.

It is estimated that a woman in Scotland will, over her lifetime, spend approximately £5,000 on tampons, pads and other sanitary products. On any given day in Scotland, there are 1.3 million women in the age group in which menstruation is likely. This is not a peripheral issue and the statistics speak to the universality of what is proposed, which I will speak about.

Poverty in Scotland is growing—there was an increase of 2 per cent in 2017 alone. So, too, is period poverty. The manifestation of that reality is striking. It is estimated that nearly 13,000 girls missed a day of school in Scotland last year because they were not able to access or afford menstrual products. Research by Plan International shows that 17 per cent of girls have

struggled to afford period products and 12 per cent have been forced to improvise period products, due to affordability issues. The same research shows that 49 per cent of girls have missed school because of their period and 64 per cent have missed a physical education or sports lesson. Again, that speaks to the stigma around the issue.

Three quarters of people who were surveyed by the Scottish Council for Voluntary Organisations feel that it is necessary to hide sanitary products at work. The hope is that this legislation will help, as Engender put it, to normalise periods and the discussion around periods, and work to end workplace-based period stigma.

It should be normalised, because when we boil it down, sanitary products are a staple of female human existence. It is no coincidence that across Scotland, tampons and sanitary pads are seen as a necessary staple in food banks. Just yesterday I visited North Edinburgh Arts in the Muirhouse area of my constituency, which is one of the most deprived communities in Scotland. It is not a food bank, but it has a sharing shelf with DVDs, foodstuffs and a dedicated section for sanitary products. Such organisations realise that sanitary products are about more than hygiene—they are about dignity, social mobility, body confidence and mental health.

I welcome the Government's movement on the bill. It is now finally in step with the 96 per cent of people who, in responses to the consultation on the bill, expressed support for the proposal as a whole. Those people recognise that period poverty disrupts the everyday lives of women and children. In some instances, it prevents them from attending work or school, which affects their individual rights, including their right to education.

Those who lack frequent access to sanitary products through period poverty are more likely to use a product for longer than the recommended usage time. That puts them at a higher risk of experiencing toxic shock syndrome. Although that is a rare condition, it can be life threatening. Between 2007 and 2016, 67 women in Scotland were admitted to hospital with toxic shock. For me, that is the most harrowing reality related to this issue.

Notwithstanding such extreme examples, the bill will have a cost benefit for the national health service because it will reduce hospital admissions, other medical appointments and prescriptions. The arguments that we have heard in the debate about endometriosis are, I believe, unanswerable. If a person has a condition that makes them bleed uncontrollably, the NHS should step in.

Monica Lennon: On that point, one of our areas of work has shown that endometriosis is very difficult to get a diagnosis for; in fact, on

average, a diagnosis takes about seven and a half years. Does Alex Cole-Hamilton agree that, given that people can wait a long time to be believed or to get a name for their condition, a universal system in which women could opt in would be preferable to limiting benefits to people who have been diagnosed with that condition?

Alex Cole-Hamilton: I absolutely agree, and that point brings me nicely on to the universality of the bill. If we do not make provision universal, and if we rely on people getting a diagnosis for endometriosis or fitting a set of social criteria, we will simply replace one stigma with another. We need to recognise this as a basic human right; it is about basic access to dignity. As such, universality is an essential part of the bill.

I can see that my time is up, but I will say this: not being able to keep oneself clean and to keep one's clothes unsoiled adds a level of degradation to poverty that this Parliament has the power to remove. Period poverty can compound social isolation, economic inactivity and poor mental health. However, the bill is about so much more than removing a highly embarrassing and stigmatising barrier to work, employment or socialisation. It is about normalising discussions around menstruation in a public policy context. The bill, and the work that underpins it, are about fundamental human dignity, and we applaud Monica Lennon for it.

The Deputy Presiding Officer: We move to the open debate. I remind all members and their respective groups that, if a member is taking part in a debate, they should be here for all the opening and all the closing speeches.

15:38

Angela Constance (Almond Valley) (SNP): Given that the move to provide access to free period products is grounded in tackling poverty and gender inequality, I will be very proud to support the general principles of the bill tonight. I look forward to hearing more from both the cabinet secretary and Ms Lennon about how we can all work together to iron out the issue of deliverability.

These days it is fashionable to label the consequences of poverty. We have food poverty, fuel poverty, funeral poverty and, at the heart of today's debate, period poverty. However, at the end of the day, the grinding struggles and indignity of living with low or no income, of navigating one's way through a punitive benefits system or of paying over the odds for rent and heat is just plain, old-fashioned poverty.

If we are to end poverty—irrespective of how it might be labelled—folk need to have enough money to live on, and they also need not to be ripped off over their essential living costs.

I want to put the period poverty debate in the broader context of ending poverty in this country, given that everyone in the Parliament unanimously supported legislative targets to do so. It is not easy for any Government to end poverty—indeed, as yet, no United Kingdom Government has met that challenge. With devolution, there can be different choices, albeit that, sometimes, those are limited and come with strings attached.

Consequently, we need to be forensically clear about which actions and investments will lift people out of poverty by dealing with its causes and, in contrast, which ones will address only its consequences. To meet our targets to end child poverty, the overall thrust of our endeavours and investments must be to lift families and young people out of poverty. The overall thrust of the bill, as it is currently drafted, is to address the consequences and not the causes of poverty, because it will not reduce the growing numbers of people who live in it. Nonetheless, supporting the bill is the right thing to do, because, quite simply, it aims to make life more bearable, protect dignity and reduce inequality.

However, if we are to progress with the bill—which I hope we will do—we will need to do so with our eyes wide open and acknowledge the challenges that, together, we will need to face. For example, the bill's financial memorandum attributes a cost of nearly £10 million per annum to the scheme, but the Scottish Government estimates it to be £24 million. The reality is that we do not really know, because there are still so many questions to answer about the final scheme.

However, more fundamental questions concern where the money should come from and who should pay. What I am about to say might alienate half of the Government, but I will say it nevertheless. I do not want to see our Cabinet Secretary for Communities and Local Government being forced to make a choice between addressing period poverty or feeding hungry weans, or our Cabinet Secretary for Social Security and Older People having to take money from hard-pressed families or disabled people, or our Minister for Local Government, Housing and Planning having less to invest in warm, affordable homes. Therefore we all need to help ministers to protect the budget lines that tackle poverty, which might mean our accepting reductions elsewhere.

It is to the Government's credit that it did not sit back and wait for legislation on this subject to be introduced; instead, since 2017 it has invested £15 million in a wide range of world-leading activity that is now reaching half a million people.

I concede that I have an attachment to the issue from my time in the Government, when I took the ball from public health and kicked it on to the park as a gender equality and poverty issue. I have to

say that, in large part, I did so because of lobbying by Gillian Martin and Monica Lennon. From my experience at that time, I also know that issues of deliverability are genuine. Measures that we might imagine to be comparatively simple—such as voucher schemes—are hideously complex and costly to implement.

If we focus collectively on principles and pragmatism, we can get the bill into shape for stages 2 and 3. In saying that, I mean absolutely no disrespect to Monica Lennon. It is not always easy to put rights into practice and deliver them in the real world. However, we have learned much from the successful Aberdeen pilot and the initial scheme's implementation in schools, colleges, universities and community settings. Giving local authorities, voluntary organisations and other partners the flexibility to deliver the best local solutions will be key to meeting our national priorities.

The best argument for the bill is that it could lock in and build on the progress made thus far. Although it will be a magnificent moment—or, as Ms Lennon put it, a “pioneering” one—when Scotland becomes the first country in the world to pass such legislation, I want us to keep close to our hearts the women who most need such support, including those with medical conditions such as endometriosis.

There is a strong argument for our national health service, as well as local government, being part of any statutory framework—if it is good for the goose, it is good for the gander.

We need to keep close to our hearts the 320,000 women of menstruating age who live in poverty after they have paid housing costs, because we are reaching only 11 per cent of such women now. The barometer of our success should, at its core, be how we support those women with the consequences of poverty.

15:45

Alexander Stewart (Mid Scotland and Fife)
(Con): I am delighted to take part in today's stage 1 debate, and I am pleased to congratulate Monica Lennon on her endeavours with the bill.

It is absolutely right that no one should find it difficult to access sanitary products due to poverty. The real questions are whether the bill is the right way to address inequality and whether a universal scheme that is underpinned by legislation is the right approach.

Over recent months, the Local Government and Communities Committee, on which I sit, has taken evidence from many individuals, and I commend them for that evidence. I am grateful for the support that we received during our deliberations.

We will support the general principles of the bill at stage 1, but we have some real concerns about the practicalities of its provisions and the specific type of scheme that is proposed. We will seek to address those concerns—I have no doubt that they will be addressed—through discussion and debate at stages 2 and 3. Although my party and the Scottish Government have now decided to support the general principles of the bill at stage 1, despite having some reservations and there being previous opposition, there remain some concerns about the deliverability of the scheme. The period products scheme that is set out in the bill is ill defined.

The bill would give the Scottish ministers significant control over which scheme was implemented and over its delivery. Although ministers sometimes need to be afforded an element of flexibility for practical reasons, given that the scheme is integral to the aims of the bill, it is important that we are clear about how any scheme would work in practice. As it stands, the bill leaves too much to be dealt with later, but I am sure that those issues will be dealt with during stages 2 and 3.

Many women can afford to purchase their sanitary products. Although the majority will continue to do so after the introduction of the scheme, there could be a cost associated with providing products to those who can afford them. We do not want that to happen, because the bill is meant to help and assist. As one contributor to the committee's report said:

“those who most need the free products are the ones who are almost guaranteed not to ask for them.”—[*Official Report, Local Government and Communities Committee*, 18 December 2019; c 18.]

It is therefore clear that there are some problems with a universal scheme that require to be ironed out. We need to go beyond simply providing free products for everyone. We also need to ensure that the support that is provided addresses the associated stigma and tackles the root causes of poverty relating to sanitary products.

There is a lack of understanding about which public bodies will be required to supply period products, and it would be unwise to pass a bill that has such a wide scope. Will it be only schools that are required to provide period products for free, or will the requirement apply to all council-owned buildings, to leisure and arts facilities that are run at arm's length from councils, to general practices or to hospitals? We need clarity on those issues.

We have no guarantee that there will be a funding uplift from the Scottish Government. In that vein, there seems to be genuine confusion about the cost of implementing the scheme. The financial memorandum that accompanies the bill

mentions a unit price of 9p, despite the fact that that would allow only certain products to be provided. Individuals have said that they want a range of products to be provided, and the financial memorandum, which suggests a cost of £9.7 million, does not cover that. As we have heard from the cabinet secretary and others, £24 million might be required.

Monica Lennon: The 9p unit cost of pads and tampons was drawn from the earlier Aberdeen pilot scheme, which has been referenced. The member will recall that Hey Girls, which is a key partner, also gave a similar figure at committee.

I accept that people have genuine questions, and I hope that, when we get to stage 2, we can have more discussions on those points.

Alexander Stewart: I think that the whole process needs to be clear, because of the difference in cost per unit, which Monica Lennon is right to identify. That issue could be looked at and the matter ironed out as we progress.

Without that clarity, there is a real concern about what the scheme would cost and who would end up paying for it—or not, as the case may be. COSLA came before the Local Government and Communities Committee and made that point in its submission on the bill. It is very mindful about where the financial burdens would lie—they would fall on public bodies and local authorities—and wants to ensure that the proposals are fully funded directly by the Scottish Government. If that does not happen, councils will simply have to make cuts in other service delivery areas to compensate. We do not want that to be the case.

It is important to note that the Scottish Government has made significant progress on the issue. We need to recognise that and commend it.

Although some councils have introduced their own free sanitary product schemes, all will soon be required to make sanitary products available in schools. Additional funding has already been made available to support some free sanitary products at colleges and universities.

As Graham Simpson said, the Scottish Government, with clinicians, is looking at how people with conditions such as endometriosis could use prescriptions to access period products. That is very much the right way to go.

Monica Lennon should be congratulated on her work and in particular on raising awareness about the negative effects that inadequate access to sanitary products can have on individuals' mental and physical health, as has been indicated to us by women and girls.

Period poverty is inexcusable. The bill and the issue more generally require careful consideration,

which is why we support the general principles of the bill at stage 1.

15:52

Neil Findlay (Lothian) (Lab): I am delighted to speak in the debate and to continue to offer my support to Monica Lennon's bill. I have supported it from day 1, as have a number of colleagues across the chamber.

This is a very important bill. It is about health and wellbeing, women and girls, men and boys, equality, education, dignity, decency, and the type of society that I want to live in and that I want us all to live in.

Since coming into the Parliament, I have been astonished by how we deal with issues to do with our personal health, reproductive health and women's health. When I got involved with the mesh campaigners, we could get not get anyone, including journalists, to listen to what the women were saying. Back in the early days of the campaign, I remember calling a press conference that two journalists turned up to. When I asked a senior journalist why they did not come, they said, "Well, we just don't want to talk about women's bits." Actually, they did not use those words—I am too polite to say how they described it. That was in 2012.

One thing that the bill has done is break down the barrier of our inability to discuss such serious issues about our health and wellbeing in the media or in public without embarrassment, reticence and discomfort. It has allowed people to talk about the issues without embarrassment or stigma, which is a very good thing.

It was absolutely fantastic to see male industrial workers from Unite the union—members of my own union; I see some of them in the gallery—out there campaigning on period poverty. Long may that continue. They have been joined by a wide range of organisations, including football clubs and supporters groups, Engender, the Scottish Youth Parliament, the Children and Young People's Commissioner Scotland and NUS Scotland, building a very broad, very effective coalition in support of the bill.

Progressing a member's bill is a big task. A number of us have done it, so we know how hugely time consuming it is. I recall that, way back, my then researcher Tommy Kane and I had a conversation with Monica Lennon, in which we encouraged her to take the matter forward as a member's bill. As we move forward today, I am pleased that we had that conversation. Her parliamentary team—Kirsty-Louise Hunt, Alyson Laird, Lynsey Hamilton and Correne Fulton—must be given great credit. We all know that parliamentary teams do tremendous work behind

the scenes, but getting a member's bill to this stage is a very big task, and they have played a blinder.

I am pleased that political realities kicked in last week and that the Tories and the Scottish National Party have come on board. When I heard arguments about cross-border tampon raids, I knew that the case against the bill had evaporated—I am pleased that it has.

Aileen Campbell: Will the member give way?

Neil Findlay: Yes.

Aileen Campbell: I want to put to bed the spin about the so-called “tampon raids”. Will the member acknowledge that Monica Lennon's bill, which we had a duty to respond to, raised the issue of preventing abuse? Section 4(7) states that further provision made by the Scottish Government

“may include measures to ensure that a person may not obtain quantities of period products that are greater than reasonably commensurate with the person's use of them.”

We responded to section 4(7) and said that such measures would be disproportionate to the cost of the products.

Neil Findlay: I will take that point for the record. When that came out in the past week, we knew that opposition to the bill had evaporated.

I believe that universal provision, funded by progressive taxation, is the best way to provide public services. No one who saw “I, Daniel Blake” could fail to be moved by Katie's plight, when she was forced to steal sanitary towels from her local shop because of her poverty. If we claim to be a civilised society, we should not have people resorting to such levels of indignity. Maybe when we pass the bill, we can move on to eradicating food and fuel poverty and, ultimately, homelessness. We would then really become a civilised society.

Arguments have been made today that the bill is just so complicated, that we will never be able to do this—that we will have to work so hard to do it. We have a universal health service, universal education and universal benefits, we provide universal baby boxes and free prescriptions, and we can put men and women on the moon—yet people are suggesting that, somehow, this is just all too difficult. It is not all too difficult. We can easily—

James Dornan: Will the member give way?

Neil Findlay: No, thank you. Let us not bring Mr Dornan back into the equation.

It is nonsense to suggest that this is all too difficult. I will happily work with anyone in the chamber; I always make that offer. We can take

the bill forward and introduce a progressive scheme that deals with the indignity of period poverty and makes the Parliament shine.

15:58

Annabelle Ewing (Cowdenbeath) (SNP): I am pleased to speak in this stage 1 debate. As a member of the Local Government and Communities Committee, which is excellently chaired by its convener, James Dornan, I have had an opportunity to reflect in detail on the important subject of period dignity and access to period products. It is important to place the debate in the proper context of the world-leading action—which we have heard about—that our SNP Government has already taken to address the issue.

We have seen the roll-out of free period products in our hospitals, schools, colleges, universities, and community settings including libraries and local sports clubs. Notwithstanding inaccurate media reports to the contrary, that is the Government's position. There is, of course, no means testing for access to the products. Considerable sums of money have been expended in support of roll-out: as the cabinet secretary said, £15 million has been spent since 2017.

I think that we all recognise that the non-legislative route has, to date, facilitated speedy delivery and—which is important—flexibility to respond with delivery that reflects how things are working on the ground and what could be done better. The non-legislative route has allowed roll-out to take place apace, and has ensured that more than half a million women across the country have access to free period products. That is a tremendous achievement by the Scottish Government, and is very well done.

The Scottish Government should also be commended for working hard to address, at the same time, the important issue of the stigma that attaches to periods, which has been mentioned by members. I welcome the current “Let's call periods, periods” campaign in that regard, which is doing a power of work to break down that stigma.

That is where matters currently stand. Thanks to the efforts of our cabinet secretary and SNP Scottish Government, Scotland is a world leader in promoting period dignity and access to period products.

How does the bill fit into the comprehensive network of action that has been taken? That is what the majority of the committee members had concerns about. First, there is concern that this so-called framework bill is, in fact, a bill without a framework. Secondly, a number of the key premises that underlie the bill—for example, the

voucher-scheme delivery mechanism that Monica Lennon currently proposes—do not appear to have much support. Sandra White raised some obvious concerns about proceeding down that route.

Thirdly, of particular importance is the total lack of clarity about costs, with Monica Lennon having suggested, as we have heard, annual costs of around £9.7 million, whereas the Scottish Government has suggested that costs are likely to be in the region of £24.1 million per annum. Hence, notwithstanding that every member of the committee supports the intention of the bill, the majority of committee members feel that more work is needed to clarify the final costs before legislation should be contemplated.

Curiously and rather worryingly, on the key issue of costs, in these times of great Tory austerity, Monica Lennon suggested at committee that the moneys to pay for what is proposed could simply be shaved off something else. I asked Monica Lennon at committee what was the something else that was to suffer, but I did not get an answer. Her current approach does not appear to reflect her admission at committee—this is what she said verbatim—that actually

“most women and girls ... can afford”—[*Official Report, Local Government and Communities Committee*, 15 January 2020; c 4-5.]

period products. However, that approach does not appear to be the one that she is currently pursuing.

Since publication of the committee’s report on 5 February 2020, many comments have been made. I have listened to the voices of young women who have expressed strongly the feeling that, at the end of the day, the signal that is sent is of paramount importance, and that the signal can be delivered only by way of legislation. I, for one—as the Deputy Presiding Officer might recall—well understand the importance of legislation as a signal.

On that basis, I will support the general principles of the bill at stage 1. However, I note that not to reflect on the significant concerns that have been raised about the bill in its current form would serve no one. Those concerns must be allayed in the work that is to come. I am up for that work and hope that Monica Lennon and, indeed, other members of Parliament are, too.

The Deputy Presiding Officer (Christine Grahame): I remind members that there is some time in hand, if they want to extend their speeches a little. I call Annie Wells, to be followed by Gillian Martin.

Ms Wells, please. Oh—there you are.

16:03

Annie Wells (Glasgow) (Con): I know I am wee, but come on.

I am pleased to have the opportunity to talk about how we ensure that everyone has access to sanitary products. First, as other members have done, I record my thanks to Monica Lennon for introducing the bill. She deserves credit for all her fantastic work in getting the bill to this point.

The evidence is that we need to do more to make sure that no one is denied access to sanitary products through poverty. Across the UK, one in 10 girls cannot afford to buy menstrual products. Plan International UK’s survey on period poverty found that one in seven girls has struggled to afford sanitary wear, and that one in five girls has changed to a less suitable sanitary product due to cost. Girlguiding Scotland’s “Girls in Scotland 2018” survey report stated that 13 per cent of girls aged 13 to 25 knew a girl of their age who had experienced period poverty. So, we know that there is work to be done.

I and a number of Scottish Conservatives have supported the aims of the bill from its early stages. It has support among our councillors in Glasgow, Edinburgh and across Scotland. They have signed a letter calling on all MSPs to back the bill. They note that the bill will be an important step towards normalising menstruation and helping to end the stigma around periods.

In particular, I pay tribute to Lauren Bennie, who is one of our activists in the Glasgow Conservatives. She has consistently pushed the issue within our party and has fought to make sure that we support the bill. Lauren has organised support and has worked hard to bring the Scottish Conservatives to this point. I am delighted that we have in our party people like Lauren who are so willing and enthusiastic to stand up for what they think is right.

However, we have concerns about the practicalities and the type of scheme that is proposed in the bill. The Local Government and Communities Committee did not support the general principles of the bill for several compelling reasons. Its report stated that although committee members are unanimous in their support for the intentions that underpin the bill, they are not persuaded that legislation is required. Their concerns also focussed on the lack of clarity around the true costs of a universal scheme, and what that scheme would look like.

Concerning the voucher scheme, the committee noted that such a scheme could create stigma and an additional barrier to access, and it does not support that as a method of accessing products. As we have also heard, Unite the union said that

“those who most need the free products are the ones who are almost guaranteed not to ask for them. They are so embarrassed and depressed about their situation that they are the least likely to register.”—[*Official Report, Local Government and Communities Committee*, 18 December 2019; c 18.]

There are also concerns about section 6—about passing legislation that would impose on additional, as yet unidentified, public bodies a duty to provide products, and the cost of doing so. The Scottish Government would be expected to meet the cost, but the exact figures have proved to be difficult to establish. The written submission from the Scottish Government said that the financial memorandum’s stated cost of £9.7 million for delivering the scheme was significantly underestimated. Its own calculations showed, as we have heard, that estimated product and delivery costs, on the same uptake levels, would be about £24 million. That is a significant difference. The majority of committee members are concerned about that disparity on costs, and about the fact that there is little clarity, at this stage, on what the scheme would ultimately cost if the legislation were to be passed.

While COSLA supports the overall aims of the bill, it, too, has concerns about the cost. In a written submission, it stated:

“the full cost of delivering the intent of the Bill maybe significantly higher than outlined in the financial memorandum.”

It is also worth acknowledging the work that has already been done by the Scottish Government. Its scheme has ensured that millions of free sanitary products are available in schools, colleges and universities across Scotland. It is very positive that every local authority is taking part, and that extension of the scheme beyond term time and into the school holidays is being sought.

At UK level, we are seeing similar progress. This year, the UK Government announced a new scheme to give pupils easy access to period products at schools and colleges. The scheme is about making sure that young people do not miss out on lessons because of periods. However, it is also about breaking down stigma, which I think is just as important.

I am pleased, therefore, that there is consensus across Parliament at this stage, and I look forward to trying to improve the bill so that we can send a message that no one in Scotland should go through period poverty.

16:09

Gillian Martin (Aberdeenshire East) (SNP): What a long way we have come. We have a substantial squad of period dignity warriors; some of them are in the public gallery, some of them are

in the Parliament, and lots of them are out in civic society. Collectively, there is no one person who should be congratulated for doing all the work in the area; it is an endeavour that has crossed parties and society. A lot of people should be giving themselves a pat on the back, not least Monica Lennon, who has pursued the bill.

Annabelle Ewing talked about sending a “strong signal”, and the very fact that we are talking about period dignity in our national Parliament sends a strong signal that goes a long way towards breaking the stigma and taboo around periods, which is just one of the issues that women and girls have to deal with in their everyday lives.

I am really proud of the work that we have already done to address the lack of access to period products in this country. I am hugely proud of it, and it has all happened very quickly in the past three years. When I entered this Parliament, one of the first things that I did was arrange to meet Government ministers to explore how we could expand on our manifesto commitment to provide period products in all education settings in order to address the gaps in our society where women have limited access to these products, which are fundamental to our health, self-esteem, hygiene and dignity.

As was mentioned earlier—Andy Wightman alluded to it—my colleague Julie Hepburn and I worked to put in place policy and delivery mechanisms around the policy motion that we tabled at SNP national council on a targeted measure that would mean that anyone who had periods could access products. As we took the arguments to Government, we had huge help and support from colleagues in Women for Independence, Scottish Women’s Aid and beyond. I believe that some of the colleagues who helped me with that work are in the public gallery today.

We based our idea on a scheme similar to that for access to condoms, but with an s:card rather than a c:card. We took that to Government to start the discussion, and I pay tribute to my colleague Angela Constance, who, in her speech, was characteristically modest about the work that she did. She, along with her officials, worked hard to explore the policy ideas and mechanisms that Julie and I brought to her. As we had those discussions, we very quickly found that the s:card would be administratively onerous and expensive. However, the Government did not shut the door on us but worked with us to find better ways of achieving our overall goal of ending period poverty. I thank Aileen Campbell for the substantial work that she has done to deliver on that early work, taking the CFINE pilot—which Ms Constance oversaw—and rolling it out across the country with great success.

I firmly believe that, as a result of those mechanisms, virtually no woman or girl need go without period products. We are already world leaders in this area. I see the delivery of that policy in my constituency, where women and girls can go into a wide range of community spaces—not just schools—and find the products that they need at no cost. I also think that privately run public spaces have followed on voluntarily as a result of our talking about the issue and opening up the conversation around periods, which we should all be very proud of.

Moving on to the bill, I have to be honest and say that—as Monica Lennon knows—I remain unconvinced that legislation will achieve the goal of ending period poverty, and I worry about the lack of delivery mechanisms in the bill. If I thought that legislation would work, I might have pursued it myself. I was really interested to see what Monica Lennon would come up with in answer to some of the delivery problems that I encountered. I am slightly concerned about the costs, which others have mentioned, and the lack of delivery mechanisms in the bill. I am also slightly worried that our looking at those issues could slow down the very effective measures that have already been put in place by the Scottish Government. I hope that that will not be the case.

Nevertheless, I believe in the general policy intent and in the general principle that everyone who menstruates, regardless of their circumstances, should have access to these essential items. As some members have mentioned, it is not just about poverty; domestic abuse could also be a barrier for people. It is for those reasons that I will support the bill at stage 1, but with a view to lodging a number of amendments to it at stage 2, which I hope will tackle some of the significant and substantial concerns that the committee has. I look forward to seeing what changes Monica Lennon makes to her bill in the light of our discussion of the issues in this debate and the committee's report.

As someone who has taken a member's bill successfully through the Parliament in their first year, I am under no illusion about how hard it is to draft legislation that will stand up to scrutiny and, more important, that will provide a sound platform on which to deliver its goals. It is very easy to come up with a good idea; it is much harder to put it into law in a way that delivers. Ms Lennon has pushed on with legislation, and I took another path that has led to half a million women now having access who previously did not. The Government has delivered on that commitment.

There is merit in putting something in legislation to prevent future Governments from policy change or budget commitments that would reverse good work. However, as members across the chamber

know, laws, too, can be changed—we saw that recently when the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 was reversed. Nevertheless, I understand the messaging on the call from girls and women for period dignity to be enshrined in law as a fundamental right. It is a good signal to society that we are serious about tackling the issue.

Ms Lennon has a lot of work to do at stage 2 to make the bill achieve those aims, but, if there are still women out there who will benefit from the bill's proposals and we can fill in all the gaps, it is incumbent on all of us to try to find a way of making that happen. I will not only give my support at stage 1; I will try my best to be part of what will be a team of people to make this work.

16:16

Elaine Smith (Central Scotland) (Lab): I thank the Presiding Officer for fitting me in for a short contribution to the debate on the Period Products (Free Provision) (Scotland) Bill, which Monica Lennon introduced on 23 April 2019. It is undoubtedly bold, landmark legislation, which has reminded me of when the Scottish Parliament, in 2004, passed my member's bill on breastfeeding, which became the Breastfeeding (Scotland) Act 2005. It was the first member's bill in this new building, and questions about cost were also asked at that time, most notably by the Conservatives. As with the free provision of period products, the legal protection of breastfeeding in public places was important to women's lives, as voluntary codes had simply not worked. That was why we needed legislation then and it is why we need legislation now on this issue.

In 2004, I said:

"Devolution gave us the opportunity to mould a different kind of politics in Scotland. The success of this bill indicates that this parliament with its critical mass of female members, is capable of operation without the traditional adversarial approach of older parliaments such as Westminster."

With all parties, if not all members, set to support the bill today, I feel that those words are still relevant.

My bill was originally deemed by the Presiding Officer at the time, David Steel, to involve a reserved matter, but Mike Dailly and I rewrote it to make it deal with a devolved issue, and the Presiding Officer agreed its competence. Originally, tackling period poverty was decreed by some to be a reserved matter, but Monica Lennon has persisted in introducing a bill that is competent and should be supported.

It is vital that the bill will place a duty on ministers to ensure that period products are made available free of charge on a universal basis.

Problems with access to period products have a detrimental effect on the health and wellbeing of women—I am talking not just about women with endometriosis but about women with thyroid problems and women at the menopause. Furthermore, some women have very light periods for three days, just because that is how they are, whereas others have heavy periods for a whole week. How are we going to police such differences in prescribing period products?

Plan International UK has referred to a survey in 2017 that found that one in 10 of 1,000 young women had struggled to afford period products. I think that most—if not all—of us agree that that is wrong, but some people have struggled with the concept of universal provision. Universal provision is important because there are too many ways in which women can be missed by targeted provision. They might not be poor enough, they might not have access to their own money or they might work in a male-dominated environment in which no one thinks about access to period products. Whatever the reason, we need universal free provision.

When I visited Malawi on behalf of the Scottish Parliament, I bought period products and pants to take with me, as well as the usual pens, pencils and notebooks, because I had been advised that that was a reason for girls to miss school. It was shocking to find that it was also a reason for girls in modern-day Scotland to miss school. I applaud the fact that there are now free period products in their schools.

Monica Lennon has worked hard to make the case for tackling period poverty and providing dignity and practical help, and she is to be commended for that. I hope that the Scottish Government is committed to making the bill work. I trust that the bill will be improved at stage 2, using all the expertise of the civil service and its knowledge, and that the bill will not be wrecked at stage 2.

I thank Monica Lennon for all her hard work, passion and commitment in getting the bill to stage 1. I hope that, at the end of this process, the legislation gets on to the statute book.

16:20

Alison Johnstone (Lothian) (Green): I congratulate Monica Lennon and her team on getting her important bill to this stage; its principles are admirable and it has my support and that of the Scottish Green Party.

The right to sanitation has been recognised as a human right by the United Nations since 2010 and that right obliges Governments to ensure that their citizens can enjoy clean, available, acceptable and accessible sanitation. If someone does not have

access to period products, they cannot have dignified and sanitary menstruation, so access to period products is absolutely key to that right.

Alex Cole-Hamilton and Elaine Smith mentioned Plan International UK, which said that 10 per cent of girls in the UK—in this wealthy country—have been unable to afford period products. For some reason, period products are regarded by some as a luxury—a luxury for which women should be charged. Why is it that, in 2020, toilet paper is seen as a necessity, but period products are not?

Elaine Smith: Does the member agree that period poverty can often mean that some girls have to use toilet paper as a period product, which is shocking in itself?

Alison Johnstone: Absolutely—it is shocking and it is wholly unacceptable. This is so often characterised as a women's issue, but it is not; it is a social justice issue, an equalities issue, and a rights issue. It is estimated that a woman will, over her lifetime, spend approximately £5,000 on period products. Being financially penalised for a natural bodily function is neither equitable nor just. Being unable to afford or access period products denies women access to education, work, sport and so much more.

The Scottish Government's efforts to provide period products are hugely welcome, but many individuals—who have contacted all the members in the chamber, I am sure—and organisations such as Engender want this targeted approach to be broadened to meet the needs of all who require access. The experiences of older women, trans and non-binary people, disabled women, women for whom English is not their first language and refugee women, for example, must also be taken into account.

Embedding the principle of access in legislation would mark real progress. It would send the message to women and girls that their health and wellbeing are important and will be protected by this Parliament. On the Bloody Good Period website, an asylum-seeking woman living in London gets right to the heart of the matter. She says:

“It is something that women have to go through every month. It is discrimination, everyone should have access.”

The work done by that website revealed that 75 per cent of the asylum-seeking women it spoke to struggled to obtain period products, often for an extended time.

The bill presents an opportunity to improve the lives of women and girls in a meaningful way. Too many women and girls are being denied a basic human right. The fact that we are discussing this issue in the chamber and the fact that we have been discussing it in Parliament and in meetings

and debates for some months will do much to take forward this agenda. I really hope that we bring about a cultural change, and I think that it is fair to say that there are organisations out there that are getting on board.

We need to get to the stage where, no matter where we go, access to these products is something that we take for granted, so that whether we are in a hotel, a restaurant, or a sports club changing room, these products are just there when we need them, because when they are not there, it really hampers our ability to go about our daily life in any sort of meaningful way.

The committee report states that Unite, Engender, Plan International UK and the Scottish Youth Parliament

“agreed that a universal scheme that provides for everyone by right was the best way to meet any gaps in provision.”

Unite said:

“we need one scheme that works, that takes account of the various regional and geographical issues across Scotland and that runs without a hugely administrative or overly complex process.”—[*Official Report, Local Government and Communities Committee*, 18 December 2019; c 22.]

I am absolutely certain that this Parliament has the ability to deliver such a scheme. It is often said that politics is the art of the possible. This Parliament can commit to work together to deliver a right to period dignity in Scotland.

16:25

Sarah Boyack (Lothian) (Lab): I congratulate Monica Lennon and recognise the tremendous amount of work that she has done, not only in bringing this bill to the Parliament, but in helping to open up the discussion about periods and the reality of menstruation in Scotland. The fact that we are openly debating periods in the Parliament and not speaking in hushed tones while we do so is testament to the cultural progress that we have made in removing the absurd shame and secrecy around women’s reproductive health, which has prevailed for far too long, as Alison Johnstone just eloquently said.

There have been a series of eloquent and passionate speeches, which is absolutely appropriate, because this is about how we make progress from today onwards.

I welcome the investment put in place by the Scottish Government to date to support the provision of free products in our education facilities. I am very glad to see that the cabinet secretary has now signed up to helping us to agree to the general principles of the bill at stage 1, so that we can work together to put the current

provisions into law and discuss how we build on them.

I pay testament to the fact that, in the run-up to the Scottish Parliament being established, we had a women 50:50 campaign to make sure that women made it into this place. We have had support from men, but the debate has been led by women. We have had women leading in this Parliament. Elaine Smith talked about the breastfeeding legislation, and there has been work on violence against women and access to childcare. We have made sure that these are mainstream issues that deserve funding and are acted on by the Government and supported across the parties. That is what we have seen today. We should all celebrate the effective and tireless campaigning that we have had in the past few weeks, because it has brought us to this point. I hope that the bill will get to stage 2, so that we can make it fit for purpose. As Angela Constance said, we should lock in the progress that we have made thus far.

That is exactly why, alongside Andy Wightman, I committed to supporting the bill as a member of the Local Government and Communities Committee. I have been fortunate to be able to follow the progress of the bill through stage 1. I join others in thanking our committee clerks and the range of organisations that not only gave us written evidence but met the committee to discuss the issue and to give us a reality check on what women’s lives are like now and why the bill is needed. I commend in particular the trade union activists and the Scottish Youth Parliament, who have done so much to bring this issue to the centre of our political debate.

Our committee report states:

“We heard that disabled people, those not currently in education or work, individuals living in rural areas, homeless people, refugees, trans and non-binary individuals and those suffering from mental health issues or in coercive relationships may be most at risk of missing out.”

There is more work to do. When we get to stage 2, we need to make sure that we get a bill that will take us forward. It will not do everything from day 1, but I hope that it will bag the progress that has been made to date and look at where we go next.

I will focus on funding, the voucher issue and the design of the bill. We need analysis of the impact of current schemes, especially in relation to costings. The committee received evidence that different costings were available. We need to learn from the experiences of North Ayrshire, Aberdeen and Hey Girls in making products available to those who need them and to make sure that, where there have been cost reductions, they can be built in.

I was really struck by the sheer cost, which has been mentioned by several members today, including Graeme Simpson. There is an amount that we think is the cost, but then we hear the range of experiences. The fact that we have to have period products in food banks really brings home that this is something that we need to act on.

We need to look at procurement and the types of products. The benefits of more environmentally friendly products have been well articulated. Although those products are more expensive to buy in the short term, they are good for the environment and more cost-effective in the long run. There are funding issues that we need to look at.

I want to pick up on the voucher issue, which one or two members have mentioned. I have certainly discussed that issue with Monica Lennon as we have debated what should stay in the bill and what should go. It is worth reflecting on the fact that the bill does not require there to be a voucher scheme—that is an option that ministers could, but might not, use. They could consider it. It is also not the case that people would be required to provide identification to access products.

We need to consider the details of the bill. I turn to one of the reasons why I was keen to support it. Although there is work to do to get the bill right, it is critical that its design enables the Scottish Government to look at the details of the regulations that come after the primary legislation. Like other members, I have been advised not to put too much detail in a bill because things will be done by regulations, and civil servants and key stakeholders will discuss them afterwards.

Sandra White: I, too, have tried to put bills through the Parliament, and that is very difficult—I take that on board. Sarah Boyack raised the issue of the voucher scheme. The bill mentions a voucher scheme and identification; it says that a person must provide sufficient proof of the person's identity. We need to look at that issue at stage 2. I realise that Sarah Boyack recognises that, but that has to be mentioned.

Sarah Boyack: Absolutely. If members look at the details of the bill, they will see that the words “Ministers may” are used. How things will be designed is a key issue.

It is critical to listen to the evidence that we have received. Although I support the bill going through stage 1 and reaching stage 2, that does not mean that I agree with every element of it. After today, there is a need for us to get together and discuss the evidence. Getting it right is a tough job for the committee, but I am convinced that we can do it.

We need to challenge one of the things about the design of the bill that has been criticised.

Details are left to regulations, and we have a precedent for that. The Transport (Scotland) Act 2005 did that. It gave certain categories of people a right to access free transport, but the details were left to regulations. The role of ministers and civil servants is absolutely crucial, because there is expertise that we all need to listen to. However, not everything goes in the bill.

Over the next few weeks, the critical issue for us will be agreeing what will stay in the bill. Whatever form the bill takes, it is up to us to ensure that it includes the key principle that no one's dignity is compromised by a service that does not help those who desperately need help and have missed out for far too long. Let us hold on to all the passion that there has been in the chamber today and hold on to the reality check.

Even though we have seen some excellent progress, we are not there yet. We can build on delivery in the country by communities and key organisations. Over the next few weeks, let us pull out all the stops collectively and collaboratively and work together across the Parliament so that we have a bill that we can all “be proud of”—to quote Aileen Campbell's opening remarks. I agreed with her 100 per cent; that is rare, and that will be in the *Official Report*. There are times when we in the Parliament can agree on the principles of bills. Let us pass the bill at stage 1, work constructively, look at the evidence and ensure that, when we come back to the chamber at stage 3, we can all agree to the bill because we have amended and strengthened it and put the principles into it. That is the job that we need to do over the next few weeks.

16:33

Miles Briggs (Lothian) (Con): Overall, this has been a useful debate. As other members have, I pay tribute to Monica Lennon for all her hard work and passion in campaigning on period poverty since she was elected. I also pay tribute to other members across the chamber who have done that. I welcome to the public gallery and the chamber those who have helped to support Monica Lennon's campaign and have campaigned for action for some time. It is also important to recognise what all committee members have done to try to take forward constructive work on the bill.

I know from my time trying to move forward Frank's law and the campaign to end age discrimination in free personal care that building alliances across the chamber is often not easy and that it is often a major challenge for MSPs to get the Government's attention, get it to listen and to come on side. I pay tribute to Monica Lennon for what she has achieved.

The debate has highlighted issues about non-government MSPs introducing bills to the Parliament. Our non-government bills unit does a fantastic job, but it can provide only limited support to MSPs, who have to do all the consultation—I know; I did that—and use our limited resource to pull together the consultation responses. The debate has highlighted that.

Sarah Boyack gave an excellent speech. It is important that we do not forget that we are at stage 1. This is how our system develops legislation and gets it right and I hope that the debate presents an opportunity. I am pleased to have seen and heard a constructive, cross-party approach emerge from the debate. I hope that we can take that forward at stages 2 and 3, as the bill progresses.

I will use my time to pay tribute to a number of organisations that are leading the work on the issue in my Lothian region. Gillian Martin outlined the progress that has been made. It is also important to put on record the work of some of the supermarkets and private companies that have made things happen on the ground.

The Oxfgangs community centre in the south-west of the capital has already taken the positive step of making free period products available to centre users. It has had that in place for some years. I pay tribute to the centre management's forward thinking in helping to fund and deliver access to period products.

James Dornan highlighted the committee evidence. I know from a number of conversations that I have had with young girls that asking parents or guardians for money for, or access to, period products can often be hugely embarrassing and difficult. That is an important issue to consider as we work on the bill. How do people find out about accessing products that they may still be embarrassed about, even though the products are free and available?

Monica Lennon outlined how the bill will make sure that the voluntary schemes and provision that we have seen develop in recent years now lead to wider provision in communities across Scotland. That is at the heart of the bill that we must see improved as we go forward to stages 2 and 3.

During the debate, members raised a number of health issues related to the bill and it is important to look at some of the very specific health aspects that were highlighted. Alex Cole-Hamilton mentioned toxic shock syndrome and Graham Simpson mentioned endometriosis. Elaine Smith outlined her work on breastfeeding. The Parliament must have more opportunity to debate women's health. I have spent a number of years discussing heart health for women. It is still the case in Scotland that a high number of women die

from sudden cardiac arrest. The death rate in that area is increasing and must improve outcomes.

The menopause, including access to services and treatment, has become something that many members and people outside this chamber are discussing. Mandy Rhodes is one of the journalists who has led that discussion. This week, I met a constituent to discuss access to collagen replacement injections and she said how difficult the waiting times make access to a treatment that can make a huge difference to her menopause. I hope that the debate on the bill will give us opportunities to debate more women's health issues in future.

Graham Simpson outlined a number of issues and the further significant work that will be needed on the bill. I welcome Aileen Campbell's constructive comments on the bill. We must acknowledge the concerns highlighted in the committee's report when it described the bill as

"legislation that would impose a duty on, as yet unidentified, public bodies."

That is important. There should be a wider consultation with the NHS about how this can be taken forward. The work that it is already undertaking in some health boards is also important.

It is important that stages 2 and 3 present a constructive opportunity for clarity and to take forward the regulations, guidance and frameworks that will be needed, and to identify any new public bodies—beyond schools, councils, public toilets and council facilities—to which the bill allocates responsibilities so that the resulting spending commitments that the Parliament will be placing on those bodies are also identified.

The committee report points to the important issue of sustainable finance, and I think that that is probably what all of us have highlighted throughout the debate. I hope that, as the bill progresses, the issue will be addressed. It certainly needs to be dealt with in the financial memorandum for stages 2 and 3. The final emphasis on who will pick up the bill for the service is vital.

I was pleased to support Monica Lennon when she first brought her outline proposals for the bill to the Parliament. It is important for MSPs to hear those arguments and add value to them. I am more than happy to support the bill at stage 1. More than one in five women face period poverty at some point in their lives but no one in Scotland, in this day and age, should have to.

I believe that the bill—once we have worked together to make it workable—has the potential to end period poverty and deliver period dignity. I

hope that we in the Parliament can work together to deliver just that.

16:40

Aileen Campbell: I thank all members who have spoken in the debate, largely suspending party politics and, instead, seeking to build on the cross-party consensus around ensuring that everyone who needs to access period products can do so. That ability to rise above party politics will be essential as we work to get the bill into shape and, in the words of Angela Constance—although I might be paraphrasing—ensure that we are guided by the needs of the women we all seek to help.

I am unashamed of the pride that I feel about the groundbreaking action that we have taken in the past two years. We are setting an example to the world, and countries within and beyond the UK have sought our advice and learning in considering their own action. More than 400,000 pupils and students are able to access free products in their place of learning; 60,000 people use services provided by FareShare and its vast range of partners; and around 70,000 individuals can benefit from the availability of free products in their local communities. I think that the impact of that is summed up well by a school pupil from Dundee who said:

“Girls ... know where to get the things they need. Now they don’t miss classes ... and they are more confident because it is not something they have to worry about.”

Many members across the chamber have made important and effective speeches about why action, whether through legislation or not, is essential in terms of tackling period poverty and period dignity. Pauline McNeill captured far more than the dry facts and figures around the bill when she reminded us of the often traumatic experience that young girls go through when their period starts—body changes, pain, mood shifts and the realisation that that will go on for most of their adult lives. It is a massive thing for a young person to cope with. The fact that that can be compounded by a sense of embarrassment or shame or by a lack of access to products is why we must do more to support our young people.

Gillian Martin powerfully outlined the speed of the shift in culture across Scotland in the past two years. I pay tribute to her for her commitment and for the role that she has played in that culture shift.

Angela Constance also deserves recognition for her work on the pilot and for reminding us that period poverty is fundamentally about a lack of income, and we must not forget to tackle that as well.

The members of the committee—Annabelle Ewing, Kenneth Gibson, Graham Simpson, Sarah

Boyack, Andy Wightman and Alexander Stewart, led by James Dornan—also deserve a huge amount of recognition for their work with regard to ensuring that we have good legislation. Their expertise and commitment will be required to help to shape the bill as it progresses through stage 2. I sincerely look forward to seeing a lot more of them in the months to come, throughout that process.

I am pleased that the committee has commended the world-leading progress that has been made by the Scottish Government in enabling access to free products. It also agrees with our partnership approach, promoting local responses to meet local need—an agility that is essential and must be protected, and which could be undermined by the bill as it is drafted. We will all need to work hard to address that.

I share the committee’s view that there are aspects of the bill that require improvement, such as those around the issue of whose needs may not be being met, and that that can be addressed through gathering evidence of uptake, costs and best practice—that is, of course, always going to happen when a programme such as this is being rolled out for the first time ever.

That is why we will continue to work with local authorities and FareShare to ensure that gaps in current provision that are identified through our planned review are addressed, to maximise availability to groups who find it harder to access current provision. I remain ambitious about Scotland continuing to lead the way internationally on making access to free products widely available, for all who need them.

The debate has made it clear that we will need to compromise and work together if we are to find a way to agree legislation that will meet everyone’s aims, ensuring that no one struggles to access period products, whatever the reason, and maintaining our world-leading, locally flexible approach, in a cost-effective way.

As I have indicated, we recognise that there is more to do in our drive for period justice. We are not resting on our laurels. Forby today’s debate on the bill, we have plans in place for further work to build on our existing policies, while we work to agree on suitable legislation.

The first action in that regard is a locator app, which is due to go live in April and will enable people easily to see where products are available nearby and whether products are available for emergency single use or bulk supply. That means that, wherever someone is in the country, they should be able to find somewhere nearby where free products are available. Last week, I attended a development session for the app. I was impressed by its potential to further embed our world-leading position in this policy area.

We are also planning work, in partnership with the education arm of Hey Girls CIC, to develop training, online learning resources and period-friendly certification for organisations, including private sector organisations.

There was discussion in the committee about people who need a more-than-average amount of period products. A recommendation was made on the issue. In response to that recommendation, and in response to points that Alex Cole-Hamilton, Elaine Smith and Angela Constance made, I can say that we commit to consider what additional access to free products can be provided for women who have particular health needs that lead to excessive bleeding.

Finally, we recognise the success of our initial action to make period products available, free, to people in education. According to the survey that Young Scot published last month, more than 80 per cent of pupils and students who had accessed free products in their place of learning said that they could access their preferred product and that the availability of products had a positive impact. We accept the desire to protect that progress, which is why we commit to bring forward regulations that will place a duty on local authorities to make period products available in schools by the start of the next academic year. That will lock the approach into law, as Monica Lennon and stakeholders have requested.

We continue to believe that the bill poses significant risks, which include the potential cost, the lack of clarity on delivery and the potential loss of flexibility. We cannot suspend reality and ignore those risks—however much some people would like us to—lest we undo the good work that we have done to date, which members of all parties in this Parliament have recognised.

Having said all that, no one in Government disagrees that there is a need to ensure that period dignity exists in our country. That is why the Scottish Government is delivering right now, and it is why we have agreed to build on our work by supporting the bill's principles at stage 1, as a symbol of good faith and in recognition of the broad consensus on the bill's general principles.

I hope that the consensus that we have heard—mostly—in the debate remains as we work together to fix the bill and emerge as the world leader that we all want Scotland to be on the issue. The debate should set the tone for the rest of the work that has to come. A lot of work will have to be put into making the bill fit for purpose so that it can deliver on the aspirations that I think that members share. Judging by today's speeches, we are all up for that. When the debate concludes, we will have to roll up our sleeves and work together to make something of which Scotland can be proud.

16:48

Monica Lennon: I enjoyed the debate more than I expected to. I thank all members who were in the chamber today and all members who spoke in the debate. Their speeches were very thoughtful.

I hope that the people who watched the debate from the public gallery and at home also enjoyed the debate and feel encouraged and represented. I hope that they feel that we have listened to them and taken their views on board.

I am pleased that everyone agrees that, in 2020, it is unacceptable for periods still to be a taboo subject.

Annabelle Ewing highlighted the initiative #TalkPeriods, which the Scottish Government has rolled out. It is an important campaign that is trying to address stigma, and I encourage everyone to get on Twitter and other social media, use the hashtag #TalkPeriods and take part in the conversation.

I am genuinely grateful for everyone's contribution today, but I am grateful to the cabinet secretary in particular. It is very significant that the Scottish Government has already invested £15 million in the provision of free period products. We have seen progress made in other parts of the UK, but I believe that Scotland is leading the way.

I agree with the cabinet secretary that we should support local flexibility. That is key. What will work in South Lanarkshire might not work well in the Highlands and Islands, so any scheme that comes forward has to respect localism. I believe that we can work constructively to meet our shared objectives.

I also put on record my thanks to the Local Government and Communities Committee and to the members of that committee who have spoken in the debate. James Dornan referenced the welcome shift in narrative from period poverty to period dignity for all, which is an important step forward. Many campaigners who have sent us briefings and, in particular, Unite the union, which has its own period dignity campaign—I even have the T-shirt—make that point very well.

Andy Wightman hit the nail on the head when he said that the bill is fundamentally about the creation of a statutory right that can be delivered only through legislation. That is what we are being asked to support. I also agree with him that we need to properly evaluate the schemes that have been rolled out. He made a fair point about the timing of commencement as it is set out, I believe, in section 2(4) of the bill—Andy is nodding and keeping me right—and I am happy to look at his suggestion that we give the Government a bit more time before further roll-out and to address it

in an amendment. These are the kinds of discussions that we need to have, and I am sure that we can address that matter at stage 2.

Alex Cole-Hamilton talked about the issue as being also one of human dignity and said that we have to end the silence and the stigma around menstruation. He also talked about the cost benefit to the NHS of getting this right. Toxic shock syndrome is rare, but it is a real issue. A couple of years ago, while I was working on the campaign, I read about a student at a university in Glasgow who was studying in the library and, because she was concerned about how much money she had, had a tampon in her body for far too long and ended up in intensive care for five days. There was a human cost to that, because she almost died, but the cost to the NHS was around £5,000 a day. Alex Cole-Hamilton also talked about the mental health benefits of ending issues with body confidence and isolation. That is the value in doing this: there is a cost to not taking the bill forward.

Angela Constance's speech was excellent. I absolutely agree with her that we have to address poverty and its root cause—full stop. In her passing the baton to Aileen Campbell, we have seen fantastic progress. As a feminist, I find it amazing to see other feminists in Government doing the right thing for women and girls across the country. Neil Findlay also made the point about addressing poverty at its root.

The debate leading up to the bill has largely focused on whether a targeted approach that focuses on low incomes is better than a universal approach. I make no apology for the fact that universal free provision of period products is ambitious—it is at the heart of the bill for a very good reason. The policy intent of the bill is clear: access to period products should be a right and they should be available to all who need them. With the bill, we can eradicate period poverty and, in doing so, normalise menstruation and smash stigma.

I want the good work that has been rolled out already to continue. The Government's current approach has been an important step, but, in committee, all of us recognised that some gaps still exist and that some groups are being missed out. None of us want a situation in which we are discussing who is more deserving of period products than others, or discussions about how much people are bleeding. None of us want to go down that route. Access to period products is a necessity, therefore I believe that free access should be an option that is open to all.

If the bill proceeds to stage 2, I will, of course, work with all members and listen further to their concerns and ideas.

Graham Simpson: Monica Lennon refers to the recommendation in the committee's report that women who have specific medical needs should have access to period products on prescription. If we do not provide that, how does she think that women who need a lot of products should be able to access them?

Monica Lennon: The committee has highlighted some important issues, but I have also looked at BMA Scotland's briefing and have listened to Dr Alison Scott, a clinical gynaecologist who advises the Government on the women's health plan. Their argument is that a quarter of women experience heavy bleeding—if that is the right term—and that their making GP appointments to get a prescription for that might not be the best use of GPs' time. Of course, if women are concerned about their periods or cycles, we want them to be able to have conversations with their GPs if that is the appropriate route for them. Again, I would welcome further discussion of that subject at stage 2.

In her intervention on Pauline McNeill's speech, Sandra White mentioned the voucher scheme. I can clarify that the only reference to that scheme in the bill is about putting a limit on the information that could be collected if the ministers wanted to go down that route. I pay tribute to campaigners such as Gillian Martin and Julie Hepburn, who had pursued that policy approach initially. However, I think that we have all realised that we have moved on and that a voucher scheme might not be the best approach. A similar scheme is in place for access to condoms, but, if we were to take a different approach for access to period products, I would absolutely support that. Again, I would be willing to discuss appropriate amendments on that subject with the cabinet secretary.

I thank Annabelle Ewing for her contribution, which she made through her tough, forensic approach to questioning at committee. It is right that we put ourselves through such questioning, because the legislation that we make must be fit for purpose. Ms Ewing's legal background certainly shone through at the committee stage. I also thank her for continuing to listen to campaigners—especially the women and girls who told her that they would benefit from the legislation.

I recognise that we need to have further discussion on and consideration of costs. I sincerely advise members that, in drafting my proposals, I had looked at all the information on public record about the cost of rolling out in education settings the pilot scheme that has been conducted in Aberdeen. However, I will work closely with the Government to ensure that

nothing has been missed out in the figures and that we identify savings where we can.

I do not know about other members, but I get lots of emails from people who are very keen that we help to promote access to reusable period products. I know that Michelle Ballantyne and others—especially the Scottish Greens—have made that point well. Right now, it costs up to £25 to buy a menstrual cup, depending on the brand, which is quite expensive for a young person to afford. I know that the Government work does this just now, but if the bill proceeds, we can look at making savings for our scheme and doing our bit for the environment, too. *[Interruption.]*

The Deputy Presiding Officer: Just a minute, Ms Lennon. I ask members to keep the mumbling down completely. I cannot hear any more, and it is important that I do.

Monica Lennon: Thank you, Presiding Officer.

I also want to pick up on the Scottish Government's recent—and welcome—announcement that it plans to work more closely with employers to ensure that they, too, are doing their bit. That does not fall within the scope of the bill, but I say to the cabinet secretary that I hope that the Government will work closely on that with the trade unions. Representatives of the Scottish Trades Union Congress spoke at the rally that took place outside the Parliament today, and I know that Unite the union is doing lots of good work in that area. On that point, I should refer members to my entry in the register of members' interests in that I am a member of both Unite and the GMB.

I also thank the Parliament's cross-party group on construction—probably not the first place that we would think of in which to discuss the subject of periods—for its work. Again, I stress that the issue crosses portfolios and I hope that we can all work on it.

I hope that members will indulge me for a moment by allowing me to talk about the good work that is going on in my local region. In 2016, just after our members' business debate on period poverty, South Lanarkshire College, which is based in East Kilbride, approached me and said that it would just get on with providing free products. It would not wait for legislation or national guidance—it would just do it. Such early pioneers have made possible all the progress that we have seen. I also thank Lanarkshire Carers Centre, whose representatives were at today's rally, and Women's Aid South Lanarkshire for doing their bit early on.

Further, I thank my colleague Joe Cullinane, in North Ayrshire, for his leadership. Early initiatives such as the one in that area have paved the way for the Government-backed initiatives that have

been rolled out so successfully. It is important to acknowledge that we have strong foundations to build on, which is why I believe that the bill will be a success.

I am incredibly proud of the work that all of us have put into the bill and the wider campaign. The Scottish Government has shown great commitment, which I know will continue. Agreeing to the general principles of the bill will be a milestone moment for normalising menstruation in Scotland and will send out a signal to people in the country about how seriously the Parliament takes gender equality. We have more work to do but, together, we can put Scotland on the map as a true world leader in period dignity and equality. I look forward to continuing that work with MSPs across the chamber, and I thank them for their support.

Business Motion

17:00

The Presiding Officer (Ken Macintosh): The next item is consideration of business motion SM5-20995, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, which sets out revisions to this week's business.

Motion moved,

That the Parliament agrees to the following revisions to the programme of business for:

(a) Wednesday 26 February 2020—

delete

2.00 pm Portfolio Questions:
Culture, Tourism and External Affairs;
Education and Skills

and insert

2.00 pm Ministerial Statement: Modernising and
Empowering Scotland's Inshore
Fisheries

followed by Portfolio Questions:
Culture, Tourism and External Affairs;
Education and Skills

delete

5.00 pm Decision Time

and insert

5.30 pm Decision Time

(b) Thursday 27 February 2020—

delete

2.30 pm Parliamentary Bureau Motions

2.30 pm Portfolio Questions:
Health and Sport

and insert

2.00 pm Parliamentary Bureau Motions

2.00 pm Ministerial Statement: Analysis of the
2019 Exam Diet

followed by Portfolio Questions:
Health and Sport—[*Graeme Dey*]

Motion agreed to.

Parliamentary Bureau Motions

17:00

The Presiding Officer (Ken Macintosh): The next item is consideration of three Parliamentary Bureau motions. I ask Graeme Dey, on behalf of the bureau, to move motion S5M-21001, which is on committee membership, motion S5M-21002, which is on substitution on committees, and motion S5M-21003, which is on committee remits.

Motions moved,

That the Parliament agrees that—

Gordon Lindhurst be appointed to replace Alexander Stewart as a member of the Culture, Tourism and External Affairs Committee;

Oliver Mundell be appointed to replace Donald Cameron as a member of the Culture, Tourism and External Affairs Committee;

Gil Paterson be appointed to replace Tom Arthur as a member of the Delegated Powers and Law Reform Committee;

Bill Bowman be appointed to replace Graham Simpson as a member of the Delegated Powers and Law Reform Committee;

Gordon Lindhurst be appointed to replace Jeremy Balfour as a member of the Delegated Powers and Law Reform Committee;

Alison Harris be appointed to replace Jamie Halcro Johnston as a member of the Economy, Energy and Fair Work Committee;

Michelle Ballantyne be appointed to replace Gordon Lindhurst as a member of the Economy, Energy and Fair Work Committee;

Alex Neil be appointed to replace Jenny Gilruth as a member of the Education and Skills Committee;

Alison Harris be appointed to replace Jamie Halcro Johnston as a member of the Education and Skills Committee;

Jamie Greene be appointed to replace Liz Smith as a member of the Education and Skills Committee;

Annie Wells be appointed to replace Rachael Hamilton as a member of the Environment, Climate Change and Land Reform Committee;

Alison Harris be appointed to replace Annie Wells as a member of the Equalities and Human Rights Committee;

Maurice Golden be appointed to replace Oliver Mundell as a member of the Equalities and Human Rights Committee;

George Adam be appointed to replace Gordon MacDonald as a member of the Finance Committee;

Donald Cameron be appointed to replace Adam Tomkins as a member of the Finance Committee;

Alasdair Allan be appointed to replace Jenny Gilruth as a member of the Justice Committee;

Jeremy Balfour be appointed to replace Alexander Stewart as a member of the Local Government and Communities Committee;

Tom Mason be appointed to replace Brian Whittle as a member of the Public Petitions Committee;

Rachael Hamilton be appointed to replace Jamie Greene as a member of the Rural Economy and Connectivity Committee;

Tom Arthur be appointed to replace Alasdair Allan as a member of the Social Security Committee;

Graham Simpson be appointed to replace Michelle Ballantyne as a member of the Social Security Committee;

Alexander Stewart be appointed to replace Tom Mason as a member of the Standards, Procedures and Public Appointments Committee.

That the Parliament agrees that—

Rachael Hamilton be appointed to replace Dean Lockhart as the Scottish Conservative and Unionist Party substitute on the Culture, Tourism, Europe and External Affairs Committee;

Oliver Mundell be appointed to replace Bill Bowman as the Scottish Conservative and Unionist Party substitute on the Delegated Powers and Law Reform Committee;

Maurice Golden be appointed to replace Tom Mason as the Scottish Conservative and Unionist Party substitute on the Economy, Energy and Fair Work Committee;

Liz Smith be appointed to replace Oliver Mundell as the Scottish Conservative and Unionist Party substitute on the Education and Skills Committee;

John Scott be appointed to replace Maurice Golden as the Scottish Conservative and Unionist Party substitute on the Environment, Climate Change and Land Reform Committee;

Miles Briggs be appointed to replace Jamie Greene as the Scottish Conservative and Unionist Party substitute on the Equalities and Human Rights Committee;

Gillian Martin be appointed to replace George Adam as the Scottish National Party substitute on the Finance Committee;

Adam Tomkins be appointed to replace Jamie Halcro Johnston as the Scottish Conservative and Unionist Party substitute on the Finance Committee;

Rhoda Grant be appointed to replace Sarah Boyack as the Scottish Labour Party substitute on the Finance and Constitution Committee;

Alexander Stewart be appointed to replace Tom Mason as the Scottish Conservative and Unionist Party substitute on the Local Government and Communities Committee;

Pauline McNeill be appointed to replace Anas Sarwar as the Scottish Labour Party substitute on the Local Government and Communities Committee;

Adam Tomkins be appointed to replace Finlay Carson as the Scottish Conservative and Unionist Party substitute on the Public Audit and Post-legislative Scrutiny Committee;

Dean Lockhart be appointed to replace Finlay Carson as the Scottish Conservative and Unionist Party substitute on the Rural Economy and Connectivity Committee;

James Dornan be appointed to replace Jenny Gilruth as the Scottish National Party substitute on the Social Security Committee;

Brian Whittle be appointed to replace Gordon Lindhurst as the Scottish Conservative and Unionist Party substitute on the Social Security Committee;

Liam Kerr be appointed to replace Edward Mountain as the Scottish Conservative and Unionist Party substitute on the Standards, Procedures and Public Appointments Committee.

That the Parliament agrees to the following revisions to the remits of committees:

Name of Committee: Culture, Tourism, Europe and External Affairs Committee

Remit: To the remit set out in Rule 6.8 shall be added—Culture and tourism matters falling within the responsibility of the Cabinet Secretary for Culture, Tourism and External Affairs.

New remit: To the remit set out in Rule 6.8 shall be added—culture matters falling within the responsibility of the Cabinet Secretary for Economy, Fair Work and Culture; tourism matters falling within the responsibility of the Cabinet Secretary for the Rural Economy and Tourism, and migration matters falling within the responsibility of the Minister for Public Finance and Migration.

Name of Committee: Economy, Energy and Fair Work Committee

Remit: To consider and report on economy and fair work matters falling within the responsibilities of the Cabinet Secretary for Finance, Economy and Fair Work; matters relating to the digital economy within the responsibilities of the Minister for Public Finance and Digital Economy, and matters relating to energy falling within the responsibilities of the Minister for Energy, Connectivity and the Islands.

New remit: To consider and report on economy and fair work matters falling within the responsibilities of the Cabinet Secretary for Economy, Fair Work and Culture; matters relating to the digital economy within the responsibilities of the Cabinet Secretary for Finance, and matters relating to energy falling within the responsibilities of the Minister for Energy, Connectivity and the Islands.

Name of Committee: Finance and Constitution Committee

Remit: To the remit set out in Rule 6.6 shall be added—Constitutional matters falling within the responsibility of the Cabinet Secretary for Government Business and Constitutional Relations

New remit: To the remit set out in Rule 6.6 shall be added—Constitutional matters falling within the responsibility of the Cabinet Secretary for the Constitution, Europe and External Affairs.

Name of Committee: Rural Economy and Connectivity Committee

Remit: To consider and report on matters falling within the responsibility of the Cabinet Secretary for the Rural Economy and the matters falling within the responsibility of the Cabinet Secretary for Transport, Infrastructure and Connectivity.

New remit: To consider and report on matters relating to the rural economy within the responsibility of the Cabinet Secretary for the Rural Economy and Tourism and matters falling within the responsibility of the Cabinet Secretary for Transport, Infrastructure and Connectivity.—[*Graeme Dey*]

Decision Time

17:01

The Presiding Officer (Ken Macintosh): The first question is, that motion S5M-20752, in the name of Bill Kidd, on a proposal for a committee bill, be agreed to.

Motion agreed to,

That the Parliament agrees to the proposal for a Committee Bill, under Rule 9.15, contained in the Standards, Procedures and Public Appointments Committee's 2nd Report, 2020 (Session 5), *Scottish Parliament (Assistance for Political Parties) Bill* (SP Paper 669).

The Presiding Officer: The second question is, that motion S5M-20756, in the name of Monica Lennon, on the Period Products (Free Provision) (Scotland) Bill, 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)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Boyack, Sarah (Lothian) (Lab)
 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)
 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 Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)

Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Johnstone, Alison (Lothian) (Green)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (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)
 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)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)

Wightman, Andy (Lothian) (Green)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Abstentions

Dornan, James (Glasgow Cathcart) (SNP)

The Presiding Officer: The result of the division is: For 112, Against 0, Abstentions 1.

Motion agreed to,

That the Parliament agrees to the general principles of the Period Products (Free Provision) (Scotland) Bill.

The Presiding Officer: I propose to put a single question on the three Parliamentary Bureau motions.

The question is, that motions S5M-21001, S5M-21002 and S5M-21003, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, be agreed to.

Motions agreed to,

That the Parliament agrees that—

Gordon Lindhurst be appointed to replace Alexander Stewart as a member of the Culture, Tourism and External Affairs Committee;

Oliver Mundell be appointed to replace Donald Cameron as a member of the Culture, Tourism and External Affairs Committee;

Gil Paterson be appointed to replace Tom Arthur as a member of the Delegated Powers and Law Reform Committee;

Bill Bowman be appointed to replace Graham Simpson as a member of the Delegated Powers and Law Reform Committee;

Gordon Lindhurst be appointed to replace Jeremy Balfour as a member of the Delegated Powers and Law Reform Committee;

Alison Harris be appointed to replace Jamie Halcro Johnston as a member of the Economy, Energy and Fair Work Committee;

Michelle Ballantyne be appointed to replace Gordon Lindhurst as a member of the Economy, Energy and Fair Work Committee;

Alex Neil be appointed to replace Jenny Gilruth as a member of the Education and Skills Committee;

Alison Harris be appointed to replace Jamie Halcro Johnston as a member of the Education and Skills Committee;

Jamie Greene be appointed to replace Liz Smith as a member of the Education and Skills Committee;

Annie Wells be appointed to replace Rachael Hamilton as a member of the Environment, Climate Change and Land Reform Committee;

Alison Harris be appointed to replace Annie Wells as a member of the Equalities and Human Rights Committee;

Maurice Golden be appointed to replace Oliver Mundell as a member of the Equalities and Human Rights Committee;

George Adam be appointed to replace Gordon MacDonald as a member of the Finance Committee;

Donald Cameron be appointed to replace Adam Tomkins as a member of the Finance Committee;

Alasdair Allan be appointed to replace Jenny Gilruth as a member of the Justice Committee;

Jeremy Balfour be appointed to replace Alexander Stewart as a member of the Local Government and Communities Committee;

Tom Mason be appointed to replace Brian Whittle as a member of the Public Petitions Committee;

Rachael Hamilton be appointed to replace Jamie Greene as a member of the Rural Economy and Connectivity Committee;

Tom Arthur be appointed to replace Alasdair Allan as a member of the Social Security Committee;

Graham Simpson be appointed to replace Michelle Ballantyne as a member of the Social Security Committee;

Alexander Stewart be appointed to replace Tom Mason as a member of the Standards, Procedures and Public Appointments Committee.

That the Parliament agrees that—

Rachael Hamilton be appointed to replace Dean Lockhart as the Scottish Conservative and Unionist Party substitute on the Culture, Tourism, Europe and External Affairs Committee;

Oliver Mundell be appointed to replace Bill Bowman as the Scottish Conservative and Unionist Party substitute on the Delegated Powers and Law Reform Committee;

Maurice Golden be appointed to replace Tom Mason as the Scottish Conservative and Unionist Party substitute on the Economy, Energy and Fair Work Committee;

Liz Smith be appointed to replace Oliver Mundell as the Scottish Conservative and Unionist Party substitute on the Education and Skills Committee;

John Scott be appointed to replace Maurice Golden as the Scottish Conservative and Unionist Party substitute on the Environment, Climate Change and Land Reform Committee;

Miles Briggs be appointed to replace Jamie Greene as the Scottish Conservative and Unionist Party substitute on the Equalities and Human Rights Committee;

Gillian Martin be appointed to replace George Adam as the Scottish National Party substitute on the Finance Committee;

Adam Tomkins be appointed to replace Jamie Halcro Johnston as the Scottish Conservative and Unionist Party substitute on the Finance Committee;

Rhoda Grant be appointed to replace Sarah Boyack as the Scottish Labour Party substitute on the Finance and Constitution Committee;

Alexander Stewart be appointed to replace Tom Mason as the Scottish Conservative and Unionist Party substitute on the Local Government and Communities Committee;

Pauline McNeill be appointed to replace Anas Sarwar as the Scottish Labour Party substitute on the Local Government and Communities Committee;

Adam Tomkins be appointed to replace Finlay Carson as the Scottish Conservative and Unionist Party substitute on the Public Audit and Post-legislative Scrutiny Committee;

Dean Lockhart be appointed to replace Finlay Carson as

the Scottish Conservative and Unionist Party substitute on the Rural Economy and Connectivity Committee;

James Dornan be appointed to replace Jenny Gilruth as the Scottish National Party substitute on the Social Security Committee;

Brian Whittle be appointed to replace Gordon Lindhurst as the Scottish Conservative and Unionist Party substitute on the Social Security Committee;

Liam Kerr be appointed to replace Edward Mountain as the Scottish Conservative and Unionist Party substitute on the Standards, Procedures and Public Appointments Committee.

That the Parliament agrees to the following revisions to the remits of committees:

Name of Committee: Culture, Tourism, Europe and External Affairs Committee

Remit: To the remit set out in Rule 6.8 shall be added—Culture and tourism matters falling within the responsibility of the Cabinet Secretary for Culture, Tourism and External Affairs.

New remit: To the remit set out in Rule 6.8 shall be added—culture matters falling within the responsibility of the Cabinet Secretary for Economy, Fair Work and Culture; tourism matters falling within the responsibility of the Cabinet Secretary for the Rural Economy and Tourism, and migration matters falling within the responsibility of the Minister for Public Finance and Migration.

Name of Committee: Economy, Energy and Fair Work Committee

Remit: To consider and report on economy and fair work matters falling within the responsibilities of the Cabinet Secretary for Finance, Economy and Fair Work; matters relating to the digital economy within the responsibilities of the Minister for Public Finance and Digital Economy, and matters relating to energy falling within the responsibilities of the Minister for Energy, Connectivity and the Islands.

New remit: To consider and report on economy and fair work matters falling within the responsibilities of the Cabinet Secretary for Economy, Fair Work and Culture; matters relating to the digital economy within the responsibilities of the Cabinet Secretary for Finance, and matters relating to energy falling within the responsibilities of the Minister for Energy, Connectivity and the Islands.

Name of Committee: Finance and Constitution Committee

Remit: To the remit set out in Rule 6.6 shall be added—Constitutional matters falling within the responsibility of the Cabinet Secretary for Government Business and Constitutional Relations

New remit: To the remit set out in Rule 6.6 shall be added—Constitutional matters falling within the responsibility of the Cabinet Secretary for the Constitution, Europe and External Affairs.

Name of Committee: Rural Economy and Connectivity Committee

Remit: To consider and report on matters falling within the responsibility of the Cabinet Secretary for the Rural Economy and the matters falling within the responsibility of the Cabinet Secretary for Transport, Infrastructure and Connectivity.

New remit: To consider and report on matters relating to the rural economy within the responsibility of the Cabinet Secretary for the Rural Economy and Tourism and matters

falling within the responsibility of the Cabinet Secretary for Transport, Infrastructure and Connectivity.

Seclusion and Restraint in Schools

The Deputy Presiding Officer (Linda Fabiani):

The final item of business is a members' business debate on S5M-19700, in the name of Jackie Baillie, on Enable Scotland's "in safe hands?" campaign. The debate will be concluded without any question being put.

Motion moved,

That the Parliament welcomes the ENABLE Scotland campaign, In Safe Hands?, which seeks to end the inappropriate use of seclusion and restraint in schools against children and young people who have a learning disability and promote the rights of some of the country's most vulnerable pupils; recognises that the December 2018 report by the Children and Young People's Commissioner Scotland, *No Safe Place*, identified 2,674 incidents of restraint and seclusion relating to 386 children in the school year 2017-18; notes the calls for the implementation in Dumbarton and across Scotland of the campaign's call for the Scottish Government to issue strong, dedicated guidance on the use of restraint and seclusion in schools, to roll out Positive Support in all schools with a minimum standard that each has at least two trained staff on site at all times, to introduce a duty of candour around restraint and seclusion for all schools and to strengthen transparency and accountability with powers of oversight resting with the appropriate body, and commends all the children, young people and families who have bravely shared their experiences of restraint and seclusion in the hope of change.

17:04

Jackie Baillie (Dumbarton) (Lab): Let me declare that I am proud to be the convener of the cross-party group on learning disability. I am grateful for the opportunity to talk about Enable Scotland's latest campaign, "in safe hands?". The campaign seeks to end inappropriate restraint and seclusion of children and young people who have a learning disability, and to promote the rights of some of the country's most vulnerable pupils.

I pay tribute to Beth Morrison, who is a member of Enable Scotland's Scottish council and its families committee, and is the founder and chief executive officer of Positive Action and Behaviour Support Scotland. Some time ago, she lodged a petition and collected stories from more than 400 families whose children had experienced seclusion and restraint at school. Without doubt, she is the inspiration for the campaign, for the refreshed Scottish Government guidance of 2017 on supporting children and young people with healthcare needs in schools, and for the Children and Young People's Commissioner Scotland's investigation, which was the first time that the commissioner used statutory investigative powers to shine a light on the issue and to demand change. Let Parliament celebrate the contribution

of Beth Morrison, who is a determined campaigner for change.

Parents tell stories that are, frankly, shocking. I will quote from primary research that was conducted by Enable Scotland. One parent said of their child's experience that

"Her arm was forced up her back and she was put on the floor and held there whilst the teacher counted."

Another said that their child

"was grabbed by the neck by a classroom assistant",

and yet another said that their

"child spent most of his sporadic time at primary school alone in the medical room due to no support staff being available for him."

Those stories are the tip of the iceberg—there are hundreds of similar stories. We are failing children with special needs, and use of restraint and seclusion is completely unacceptable.

It is clear that the guidance that was issued by the Scottish Government in 2017, however well-intentioned it was, does not work. Local authorities are required to have in place policies on physical intervention, but as the Children and Young People's Commissioner Scotland has established, little has been implemented at local authority level. Only 18 out of 32 local authorities record all incidents of restraint and exclusion, which means that 14 simply do not. Four local authorities do not bother to record anything at all; neither does the Scottish Government, although none other than the United Nations has encouraged it to do so.

The commissioner's investigation came up with 22 recommendations, which I will not recall in detail. Suffice it to say, frankly, that we need to make urgent progress. The issue is, fundamentally, one of human rights. The rights of children and young people with learning disabilities are breached day in and day out because of the practice of inappropriate seclusion and restraint.

I recognise, as we all do, that teachers are overworked, starved of resources and struggling in their classrooms. I have seen in my constituency the reduction in numbers of classroom assistants and the lack of specialist support for pupils with additional support needs. That is the case not only in my constituency, but across the country. That must not be an excuse for failing those children and letting them down so badly. All children in Scotland have the right to be safe, healthy, nurtured, active, respected and included. All children have the right to expect that they will be in safe hands when they go to school for the day.

For many children with additional support needs, including those with a learning disability or autism, verbal communication can be extremely

difficult, so they sometimes use different behaviours and actions to tell us that something is wrong, which can present challenging situations for the children, their peers and their teachers.

Therefore, it is really important that, both in mainstream and in specialist settings, schools understand how to support children to communicate their feelings, how to avoid distress, and how to put in place systems that keep children safe and respected.

Enable Scotland's "in safe hands?" campaign makes four simple recommendations, which I commend to the Deputy First Minister and Cabinet Secretary for Education and Skills. First, we need stronger dedicated guidance. I welcome the short-life working group that the Government has set up, but we need monitoring of the guidance post publication to ensure that, this time, it is properly implemented. Perhaps—dare I suggest it?—we need statutory guidance to make people sit up and pay attention. We also need to ensure that the membership of the working group is fully inclusive. I invite the cabinet secretary to work with Enable Scotland to make sure that that is the case.

Secondly, we need strategies that can be applied in the classroom, positive support techniques, dedicated specialist staff and training for the whole school workforce, because this is not about only teachers.

Thirdly, there is a need for all schools to have a duty of candour in respect of restraint and seclusion. Parents have a fundamental right to know what is going on with their child; I am genuinely surprised that the Scottish Government does not agree. I urge the cabinet secretary to revisit the matter and to include that duty in the guidance that the Government is preparing.

Finally, we need to strengthen transparency and accountability. Who is responsible for overseeing this area of policy? Should it be the Mental Welfare Commission for Scotland, the Care Inspectorate or Education Scotland? If we do not identify clearly who should watch over and own this area, children will continue to fall between the gaps, as we have seen happen, so far.

Seclusion and restraint are against the human rights of children and young people. Frankly, use of them is appalling. Every day, children are subjected to inappropriate use of seclusion and restraint in Scotland's schools. That is not just appalling—it is embarrassing. There is no time to waste: the practice must end now.

17:12

Ruth Maguire (Cunninghame South) (SNP): I thank Jackie Baillie for bringing this important debate to the chamber. I also thank Enable

Scotland for its "in safe hands?" campaign and its briefing about it.

All behaviour is a form of communication. For many children, particularly those with additional support for learning needs, it can be really tough to communicate how they are feeling verbally. A child's challenging or inappropriate behaviour is a sign that he or she is upset and that something is not right.

Adults and children are communicating something through their behaviour during every moment of every day, even if they are not aware of it. Therefore, communicating through behaviour and actions should be expected and understood. When it is not understood, that can present a challenging and upsetting situation for everyone—for the child who is trying to express their needs, for their peers and for the teachers and staff who are doing their best to support them.

To keep children and young people safe, healthy, achieving, nurtured, active, respected, responsible and included, it is crucial that all schools—mainstream and specialist—are crystal clear about how to support them to communicate how they are feeling, particularly when difficult feelings are involved, and how to support them to avoid feeling distressed. When that is not possible, all schools must have in place clear guidance and protocols to keep children safe and respected.

I support Enable Scotland's asks from the "in safe hands?" campaign. Jackie Baillie mentioned them, and they probably bear repeating. It is asking for stronger, dedicated guidance on the use of restraint and seclusion in schools; the roll-out of positive support strategies in all schools through skilled staff, with a minimum standard that every school has at least two trained staff on site at all times; the introduction of a duty of candour on restraint and seclusion for all schools—I support Jackie Baillie's comment that it is not only right but helpful that parents understand how their child's school day has been, so that they can have a happy home time; and a strengthening of transparency and accountability, with powers of oversight resting with the appropriate body.

It is important to acknowledge, as Enable does in its briefing, the positive movement that has been made on the issuing of guidance. I support Enable's ask that the further recommendations be progressed. It is important that the guidance translates into improved practice that makes a difference for children.

Our Parliament will soon incorporate the United Nations Convention on the Rights of the Child. The UNCRC makes it clear that restraint and seclusion might violate a child's rights, including their right to be free from cruel, inhuman or degrading treatment or punishment, their right to

respect for bodily integrity and their right not to be deprived of their liberty. I said at the beginning of my remarks that all behaviour and action is a form of communication. As a Parliament, we can communicate clearly by our actions that children in Scotland are in safe hands. Let us therefore do what Enable asks of us and communicate clearly that children's rights to be safe, healthy, achieving, nurtured, active, respected, responsible and included are not only upheld but promoted.

17:16

Jeremy Balfour (Lothian) (Con): I, too, thank Jackie Baillie for bringing this important debate to the chamber.

I recently had a meeting with a professional worker in the third sector who referred to learning disability as the Cinderella of the disabilities. He explained that children and adults with learning disabilities are often unable to communicate verbally and, as a result, do not receive the attention that they deserve. Bearing that in mind, I thank Enable, the charity that is responsible for producing the report that we are debating, for its on-going work to improve the lives of people with learning disabilities. By listening and acting on the issues that are important to its members, Enable has produced a number of important reports, including "In safe hands? A campaign to regulate the use of seclusion and restraint in Scotland's schools" and "#IncludED in the Main?! 22 steps on the journey to inclusion for every pupil who has a learning disability", that show that inclusive education is still far from a reality for many young people with a learning disability.

Parts of the "In safe hands?" report make for uncomfortable reading. I found it distressing to read parents' accounts of their children's experience of situations that led to the need for restraint and seclusion and of incidents when an inability to communicate verbally led to behaviours and actions that were not understood by staff, which resulted in terrible situations for the child, their peers and staff that, in the worst cases, breached the rights of the child.

In 2018, the Children and Young People's Commissioner Scotland published the report "No Safe Place: Restraint and Seclusion in Scotland's Schools" to establish how the use of restraint and seclusion is governed in schools across all 32 local authorities in Scotland. The commissioner identified significant variance in the availability and content of local education authority guidance on seclusion and restraint, and similar concerns related to the training standards for supporting children who have verbal communication challenges to avoid escalations and with regard to their rights.

Enable's "In safe hands?" report makes a number of recommendations, which I hope the Scottish Government and the cabinet secretary can get behind and support. Recommendation 2 is:

"Roll out Positive Support strategies in all schools through skilled staff, with a minimum standard that every school has at least two trained staff on site at all times".

I believe that the issue of access to appropriately trained staff is paramount if we want to protect the rights of vulnerable children and prevent the need for restraint—we must ensure that that happens. We have a presumption for mainstreaming in education, but I hear repeatedly from families and parents, and even from local authorities and teachers, that there is simply not the help and practice to make mainstreaming happen.

That feedback supports the findings of Enable's "#IncludED in the Main?!" report, which revealed that 62 per cent of teachers who were spoken to said that they had experienced stress and professional anxiety due to not having the right support to meet the needs of pupils with learning disabilities. When asked about training, 98 per cent of the education workforce felt that teacher training did not adequately prepare them for teaching young people with learning disabilities. If we truly want to be inclusive and to support those children properly and protect their rights, we must ensure that teachers and support staff have the appropriate skill set. Yet, currently, the General Teaching Council is not required to assess teachers' ability to demonstrate a specialism in that regard.

If the Scottish Government is serious about getting it right for every child and wants to avoid the use of restraint and seclusion, it must ensure that appropriate numbers of specialist trained staff are available to support children with additional support needs. In turn, local authorities must ensure that no restraint or seclusion takes place in their schools.

Enable Scotland has listened to its members and is acting on the issues that are important to them. I encourage the Parliament and the Scottish Government to continue to listen to key stakeholders, children and parents and to make sure that our schools are safe for everyone.

17:21

Daniel Johnson (Edinburgh Southern) (Lab): I begin by thanking my colleague Jackie Baillie for securing the debate. We must keep shining a light on the issue. It is important that we do, because it is very easy when talking about such a subject to get trapped in terminology and statistics, to talk of policies and guidelines, and to look at behaviours, when in essence we are talking about

experience—the experience of children and young people in school, whom we should be providing with an education.

If I could urge people to do one thing, it would be to look at the “In safe hands?” report, and to read the first page, which asks us to

“Imagine what it is like to be 6 years old.”

Imagine that you have a learning disability and find it difficult to communicate. You really struggle when you see the colour red, but the teacher takes you to one side and asks you to sit on a red cushion. You get agitated, but cannot explain why. You get so agitated that you get angry and lash out, so the teacher puts you in a room on your own. Can members imagine what that is like?

We all know what it is like to get agitated about things that trigger us and that upset us in ways that we cannot explain. In essence, that is what we are dealing with. All too often, we look at the behaviour, but we are not thinking about the experience and how we can engage with it.

We must pay tribute to the people who have put so much effort into giving the issue the focus and attention that it deserves. Beth Morrison, above all others, has done phenomenal work; it is brilliant that she is in the gallery this evening. I have been fortunate to speak with her in recent days. She deserves huge credit for lodging her petition, which led to the work that the Scottish Government is already doing, and has led to other work and, ultimately, to Enable Scotland’s campaign “in safe hands?”, which was launched in December last year.

Although progress has been made, it is not enough; there is still a lot of work to do. The Children and Young People’s Commissioner Scotland was clear in the report that he produced in 2018. It included 22 recommendations that focus on reporting, the need for better guidance and better training, and the need to implement a rights-based approach.

We then had “Not included, not engaged, not involved: A report on the experiences of autistic children missing school”, which involved more than 1,400 responses, and which I found harrowing and troubling. That was the point at which I became truly aware of the issue, and felt the need to highlight it.

We have to look at the numbers. The “In safe hands?” report highlights the fact that, in 2018, there were 2,674 incidents of restraint, involving 386 children. That is an average of just under seven instances of restraint per child. If that is the average, that means that, for some children, it happens on a monthly, if not weekly and perhaps even daily, basis. That puts the scale and

importance of the matter in the correct perspective.

However, this is also about terminology, because it is easy to use terms such as “restraint” and “seclusion”, “safe places”, “isolation booths” and “soft booths”. However, as Lady Hale put it in the Supreme Court,

“a gilded cage is still a cage”.

As the children’s commissioner has said, if we are going to have those practices, we must make sure that the spaces are being used as part of a “planned response”, and not as something that is being imposed on the child.

This is a matter that can be dealt with. I was recently at a meeting of an organisation that works with adults with learning disabilities. In the past year, it has managed to reduce use of restraint by 50 per cent, and is targeting 0 per cent use of restraint through better training of its people.

The calls of the “in safe hands?” campaign are so important and so relevant because we need better guidance and we need strategies and training, if for no other reason than that only 12 per cent of teachers feel that they have adequate training. We also need to have a duty of candour and, above all else, we need transparency and accountability. As Jackie Baillie pointed out, 14 local authorities are simply not recording information on seclusion and restraint; unless we know what is going on, we cannot tackle it. That, quite simply, is not good enough.

17:26

Alison Johnstone (Lothian) (Green): I, too, thank Beth Morrison for her contribution and for the fact that we are debating the issue this evening. I also thank Jackie Baillie for bringing the debate to the chamber. I must say that I need to leave immediately after I make my speech because I have another commitment.

I think that we would all agree that our schools are places where all our children and young people play, learn and grow. However, for those with a learning disability, who perhaps sometimes find it harder to communicate how they feel or what they are worried about, their school is not always a friendly and nurturing place. We hear that the behaviour of young people with a learning disability can sometimes be interpreted as being challenging. Physically restraining or secluding them, sometimes in locked rooms, is clearly too often seen as being the solution.

With there having been just under 2,700 recorded incidents of restraint and seclusion in 2017-18, we need urgently to examine whether there is clear enough guidance and regulation on the practices, and whether staff are being properly

supported. Just as concerning is the fact that the 2,674 incidents that were identified by the Children and Young People's Commissioner involved 386 children. Daniel Johnson made the point that that means that some children are being restrained or secluded seven times a year, and that, for some children, the number will be much higher than that. Something is going badly wrong if practices that are supposed to be the very last resort are being used on some children almost once a month in the school year.

This is fundamentally a children's rights issue. In 2018, the Scottish Children and Young People's Commissioner, who is the guardian of children's rights here, became so worried about the impact of restraint and seclusion on children and their rights that he invoked his investigatory powers for the first time. The UN Committee on the Rights of the Child expressed concern about use in schools of restraint and seclusion on disabled children, including children with autism. It recommended that restraint be

“used against children exclusively to prevent harm to the child or others and only as a last resort.”

However, it is not clear in all those almost 2,700 instances that it really was the last resort and that no harm was involved. Indeed, the Challenging Behaviour Foundation and Positive and Active Behaviour Support Scotland found that 58 per cent of the families whom they surveyed said that restraint had, in fact, led to injury. In addition, 91 per cent of CBF survey respondents reported a negative emotional impact on their child.

Given the seriousness of using physical restraint against and secluding pupils, I find it absolutely astonishing that there is no proper system for recording it. The children's commissioner's “No Safe Place” report noted that, as well as some local authorities lacking guidance on the practices, not all instances are recorded and that local authorities record seclusion and restraint in inconsistent ways, with 10 local authorities failing to record all instances and four recording none at all. As such, it is almost certain that the 2,700 instances referred to in the motion is an underestimate. I welcome the Scottish Government's intention to develop a standard reporting system to ensure consistent recording and monitoring of incidents, and I look forward to learning more about the timescale.

Part of the problem is lack of resourcing of our teaching and support staff. My colleague Ross Greer has drawn attention to the precipitous decline in the number of additional support needs staff over the past decade. Between 2010 and 2016, there was a 145 per cent increase in the number of pupils with additional support needs. At the same time, the number of ASN teachers and ASN support staff in our schools has decreased.

The ratio of ASN pupils to ASN teachers has gone from 18 pupils to one teacher in 2010, to 58 pupils to one teacher in 2018.

Enable Scotland's earlier “#Included in the Main!?” report revealed that fewer than 12 per cent of the education workforce felt satisfied that they could meet the educational and developmental needs of a child or young person who has a learning disability. A variety of established techniques support children who have additional support for learning needs to be included safely alongside their peers. Those are standard in health and social care settings; it is important that school staff also have access to training in those techniques. Greens welcome Enable Scotland's call for positive support strategies to be rolled out to all schools, such that there are two trained staff on site all the time.

Last year, my colleague John Finnie was successful in providing children with equal protection from physical assault. It was a landmark step towards protecting the rights of Scottish children in law, but we cannot claim to be the safest place and the best place in the world for children to grow up when children—overwhelmingly, children with ASN—are subjected in school to practices that the UN and our children's commissioner say contravene their rights.

17:31

The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney): I thank Jackie Baillie for highlighting the important and sensitive issue of physical intervention and seclusion in schools, which is rightly a matter of the utmost concern to each and every member in Parliament today. I also join with others, including Jackie Baillie and Daniel Johnson, in paying tribute to Beth Morrison, the petitioner who has campaigned tirelessly on the issue for a number of years. Her tenacity and devotion are much to be admired, and the progress that she has made is a tribute to the effectiveness of the public petition system in taking forward issues that are drawn to the attention of members of the Scottish Parliament by that route. Mrs Morrison's success in navigating her way through that process and making progress with the issue is to be widely commended.

Ruth Maguire made the point that all behaviour is a form of communication. I agree entirely with that sentiment. It reminds me of the important work of my constituent, Kate Sanger, in the development of a communication passport, which is utilised as a productive and positive aspect of supporting young people to enable them to express themselves and to be able to be well

supported in an educational setting. I commend that work, in addition to that of Mrs Morrison.

I recognise the Enable Scotland's "in safe hands?" campaign, which seeks to end the inappropriate use, with children and young people who have a learning disability, of physical intervention and seclusion in schools and which promotes the rights of some of the country's most vulnerable pupils. I also recognise that the Children and Young People's Commissioner's report made a range of recommendations following its investigation into the area—I will return to that report shortly.

I have been, and continue to be, clear that physical intervention and seclusion should only ever be used as a last resort and when in the best interests of the child or young person, and only when all other forms of positive early intervention have been unsuccessful in resolving a situation. The use of any unlawful physical intervention or seclusion is completely unacceptable, and I reaffirm my determination that the inappropriate use of physical intervention or seclusion with any child or young person in Scottish education must end.

The "In safe hands?" report calls on the Scottish Government to take a number of actions. I pay tribute to the bravery of the children and young people, and their families, who shared their experiences of physical intervention and seclusion in our schools. I absolutely recognise the concerns that have been raised about the inappropriate use of physical intervention and seclusion. In addition to the Enable Scotland report, the Children and Young People's Commissioner Scotland report "No Safe Place" made a number of recommendations for the Scottish Government. Although the Scottish Government agreed with many of those recommendations, we were unable to agree with them all.

I have actively engaged with the Children and Young People's Commissioner and the Equality and Human Rights Commission to find a way forward. In December, I announced that we had made significant progress: we reached agreement that the Scottish Government will produce new national guidance that will provide a clear human rights and children's rights-based policy on physical intervention and seclusion in Scottish schools.

In our discussions, which echoed many of the issues that Enable Scotland raises, it was clear that, by listening and engaging with key stakeholders, the guidance can be delivered in a way that meets everyone's needs. I include in that respect the issues and points raised by Enable Scotland.

Following the agreement with the Children and Young People's Commissioner and the Equality and Human Rights Commission, a working group of key stakeholders was formed. The working group met for the first time on 20 January and I am pleased that the commissioner and Enable Scotland representatives have agreed to join it.

The working group has agreed to focus on three specific areas: the key definitions; the new guidance; and the recording and monitoring of incidents of physical intervention and seclusion. Our approach to the new guidance and its review will be informed by the views of children, young people and their families. It is the intention of the Scottish Government to consult on the draft guidance in October 2020, with publication of the final guidance in January 2021.

That approach has been fully endorsed by the Scottish advisory group on relationships and behaviour in schools, which, crucially, includes representatives of the Convention of Scottish Local Authorities, the Association of Directors of Education in Scotland and all the main teaching unions. The representatives of those organisations are responsible for the delivery of education at the local level, and it is vital to engage and involve them in our efforts to ensure that we tackle the issue.

We will ensure that any significant revision of our current guidance on physical intervention and seclusion is clear that the issue of physical intervention and seclusion is set within an approach that places positive relationships and behaviour at its core, with a continued focus on de-escalation and prevention.

A key aspect of a whole-school approach to intervening early and reducing the need for physical intervention is for staff to have an understanding and awareness of de-escalation techniques. All staff should be offered professional learning opportunities to learn about early intervention, prevention and de-escalation techniques and to understand different types of challenging and distressed behaviour.

The working group that has been established to take forward the work to revise the physical intervention and seclusion guidance has also committed to developing and introducing a standard dataset across all local authorities. That will ensure improvements in consistency of approach to recording and monitoring as part of developing a system that enables a streamlined method of recording.

It is my view that statistical data should not be analysed in isolation at a national level. By recording and monitoring incidents at a local level, schools and authorities—as the appropriate bodies—can identify emerging trends or themes

and implement improvements to support the wellbeing of all children and young people.

When we worked to reach the agreement, I agreed that the working group would also review the effectiveness of the guidance. In conjunction with the working group, Scottish Government officials will develop a plan and delivery for that review, which will begin 12 months after the publication of the guidance. If, following the review, it is found that the guidance does not have the desired impact, I will at that time consider other options, including statutory means, to ensure that the guidance reaches our agreed goal.

I believe that the actions that I have agreed to take forward and have set out before Parliament today will ensure that, with our partners, we can deliver an approach in Scotland that places at its core positive relationships and behaviour as well as solutions that are focused on restorative approaches within the context of children's rights and human rights more generally. I am absolutely committed to ensuring that an effective approach is adopted in Scotland's schools when considering the use of physical intervention and seclusion—in its correct place as a last resort and never for the purposes of punishment.

I thank Jackie Baillie for raising this important and sensitive issue, Enable Scotland for championing it and Beth Morrison for advancing the arguments that have brought us to this point. I believe that the measures that the Government is putting in place—in concert with a range of stakeholders and after dialogue with the Children and Young People's Commissioner and the Equality and Human Rights Commission—provide us with a robust approach to ensuring that we tackle this important issue and improve the climate that surrounds children and young people in such circumstances. It reaffirms our commitment and our intent to ensure that all our children and young people are able to grow, learn, develop and reach their full potential in Scotland.

The Deputy Presiding Officer: That concludes the debate.

Meeting closed at 17:40.

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

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

All documents are available on
the Scottish Parliament website at:

www.parliament.scot

Information on non-endorsed print suppliers
is available here:

www.parliament.scot/documents

For information on the Scottish Parliament contact
Public Information on:

Telephone: 0131 348 5000

Textphone: 0800 092 7100

Email: sp.info@parliament.scot



The Scottish Parliament
Pàrlamaid na h-Alba