



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Meeting of the Parliament (Hybrid)

**Wednesday 10 June 2020**

**Session 5**



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Pàrlamaid na h-Alba

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## Wednesday 10 June 2020

### CONTENTS

	<b>Col.</b>
<b>FIRST MINISTER'S QUESTION TIME</b> .....	1
Covid-19 Testing in Care Homes .....	3
Hospital-acquired Covid-19 .....	6
Covid-19 (Regular Testing) .....	10
Employment (Redundancies) .....	12
Covid 19 (R Number by Local Authority) .....	14
Black and Minority Ethnic People (Underrepresentation in Teaching) .....	15
Covid-19 (Food Poverty) .....	17
Job Losses (West Lothian) .....	18
Independent Retailers .....	19
Science Innovation (Ionisers) .....	20
Guidance for Shielded Groups .....	20
Edinburgh Zoo (Reopening) .....	22
Young Carers .....	23
Crieff Hydro .....	23
Covid-19 (NHS Lanarkshire) .....	24
Food Safety Standards .....	25
National Trust for Scotland .....	25
Social Distance (World Health Organization) .....	26
Alcohol Minimum Pricing .....	27
<b>BUSINESS MOTION</b> .....	29
<i>Motion moved—[Liz Smith]—and agreed to.</i>	
<b>COVID-19 (TOURISM)</b> .....	30
<i>Statement—[Fergus Ewing].</i>	
The Cabinet Secretary for Rural Economy and Tourism (Fergus Ewing) .....	30
<b>SHOWING SOLIDARITY WITH ANTI-RACISM</b> .....	45
<i>Motion moved—[Christina McKelvie].</i>	
<i>Amendment moved—[Pauline McNeill].</i>	
<i>Amendment moved—[Patrick Harvie].</i>	
The Minister for Older People and Equalities (Christina McKelvie) .....	45
Pauline McNeill (Glasgow) (Lab) .....	49
Patrick Harvie (Glasgow) (Green) .....	52
Brian Whittle (South Scotland) (Con) .....	55
Alex Cole-Hamilton (Edinburgh Western) (LD) .....	57
Linda Fabiani (East Kilbride) (SNP) .....	60
Jamie Greene (West Scotland) (Con) .....	61
Keith Brown (Clackmannanshire and Dunblane) (SNP) .....	63
Anas Sarwar (Glasgow) (Lab) .....	66
Clare Adamson (Motherwell and Wishaw) (SNP) .....	68
Ruth Davidson (Edinburgh Central) (Con) .....	70
Ruth Maguire (Cunninghame South) (SNP) .....	72
Daniel Johnson (Edinburgh Southern) (Lab) .....	74
James Dornan (Glasgow Cathcart) (SNP) .....	76
Patrick Harvie .....	79
Claire Baker (Mid Scotland and Fife) (Lab) .....	81
Annie Wells (Glasgow) (Con) .....	83
The Cabinet Secretary for Justice (Humza Yousaf) .....	85
<b>DISCLOSURE (SCOTLAND) BILL: STAGE 3</b> .....	90
<b>DISCLOSURE (SCOTLAND) BILL</b> .....	108
<i>Motion moved—[Maree Todd].</i>	
The Minister for Children and Young People (Maree Todd) .....	108
Jamie Greene (West Scotland) (Con) .....	110
Iain Gray (East Lothian) (Lab) .....	112
Ross Greer (West Scotland) (Green) .....	113

Beatrice Wishart (Shetland Islands) (LD) .....	115
Clare Adamson (Motherwell and Wishaw) (SNP) .....	117
Daniel Johnson (Edinburgh Southern) (Lab).....	118
Rona Mackay (Strathkelvin and Bearsden) (SNP) .....	119
Jeremy Balfour (Lothian) (Con) .....	120
Iain Gray .....	121
Jamie Halcro Johnston (Highlands and Islands) (Con).....	122
Maree Todd .....	123
<b>POINT OF ORDER</b> .....	127
<b>BUSINESS MOTION</b> .....	128
<i>Motion moved—[Liz Smith]—and agreed to.</i>	
<b>PARLIAMENTARY BUREAU MOTIONS</b> .....	130
<i>Motions moved—[Liz Smith].</i>	
<b>DECISION TIME</b> .....	131

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# Scottish Parliament

Wednesday 10 June 2020

*[The Presiding Officer opened the meeting at 12:20]*

## First Minister's Question Time

**The Presiding Officer (Ken Macintosh):** Good afternoon, colleagues. Before we begin, I remind members, as I always do, to be careful of observing social distancing rules in the chamber and within the Holyrood campus. The first item of business is First Minister's questions. Before we move to questions, I invite the First Minister to make a short statement.

**The First Minister (Nicola Sturgeon):** I will begin with a brief update on the key statistics in relation to Covid-19.

Since yesterday, an additional 12 cases have been confirmed through national health service laboratories, which takes the total number confirmed in that way to 15,665. A total of 987 patients who are either suspected or confirmed as having Covid-19 are currently in hospital, which is a decrease of 24 since yesterday. The number of confirmed cases within that has decreased by 18 since yesterday. As of last night, 18 people were in intensive care with confirmed or suspected Covid-19, which is a decrease of three since yesterday.

I am afraid that, in the past 24 hours, 12 deaths of patients who had been confirmed as having the virus have been registered. That takes the total number of deaths in Scotland under that measurement to 2,434.

National Records of Scotland has just published its more detailed weekly report. Its figures report deaths where Covid has been confirmed by a lab test; it also reports on cases where the virus was entered on the death certificate as a suspected or contributory cause of death. The latest NRS report covers the period to Sunday 7 June, which was three days ago. At that point, according to our daily figures, 2,415 deaths of people who had tested positive for the virus had been registered. However, today's report shows that, by Sunday 7 June, the total number of registered deaths with either a confirmed or presumed link to the virus was 4,000. Of those deaths, 89 were registered in the seven days up to Sunday. That is a decrease of 42 from the week before. That is the sixth week in a row in which the number of deaths from the virus has fallen, and the number of deaths is the lowest number of Covid deaths in a single week since late March. The total number of excess deaths, which is the number above the five-year

average for the same time of year, also decreased from 111 last week and from 878 in the peak week for excess deaths to just 37 in the most recent week.

Deaths in care homes made up 47 per cent of all deaths linked to the virus last week. That figure is down from 53 per cent in the previous week. The number of Covid-19 deaths in care homes also reduced again, from 69 to 42.

All those figures—especially the total of 4,000—are far higher than any of us would wish, and I know that a downward trend in numbers does not console those who have lost loved ones to the virus. My thoughts and sympathies are with them all. However, as I said, the weekly number of Covid deaths has now fallen for six weeks in a row. Today's figures are at less than a seventh of their peak level; excess deaths are at less than one twentieth of their peak level; and deaths in care homes are now also falling.

That progress is significant, but we must take great care now to ensure that it is sustained. If it is, I hope that, next week, we will be able to announce some further, albeit careful, changes to the lockdown measures.

Health Protection Scotland has published initial data today on our test and protect system. That data will become much more detailed in the weeks ahead. However, today's figures show that, between 28 May, when the system was launched, and 7 June, 681 cases were reported in which the individual tested positive for Covid. Contact tracing has already been completed for 481 cases, and it will be on-going in others. In total, 741 contacts have so far been traced.

I remind everyone who is watching that, if they have symptoms of Covid-19, they should book a test immediately and follow the advice on self-isolation.

I will close my statement by emphasising the other key elements of our guidance. We should all still be staying at home most of the time and as much as possible. Life should not feel normal at present. We must not meet more than one other household at a time or more than one a day, and we must keep to a maximum of eight people in a group. When we meet people from another household, we must stay outdoors and 2m apart from them. We should all wash our hands often and wear a face covering in shops or on public transport. Above all else, we should all remember that the decisions that we take as individuals affect the wellbeing of us all. I thank everybody across Scotland for continuing to do the right thing, because it is making a difference and we are all saving lives.

**The Presiding Officer:** Thank you, First Minister. Before we turn to First Minister's question

time, I encourage all members who wish to ask a supplementary question to press their request-to-speak buttons. I will take all the supplementary questions after Sarah Boyack's question 7.

### **Covid-19 Testing in Care Homes**

**1. Jackson Carlaw (Eastwood) (Con):** Later this afternoon, the First Minister is expected to publish figures on care home testing and, as today's statistics confirm, the majority of the lives that are still being lost are from our care homes, so we know how important testing is. We know that testing is vital; that is what the World Health Organization has said for months and it is also what we have all repeatedly said in the chamber. However, we also know that many care home workers and residents are still waiting for a test, never mind a routine one. The promise to test them all was made three weeks ago. I wonder how much longer the First Minister thinks that they will have to wait until they will receive those tests?

**The First Minister (Nicola Sturgeon):** We will publish figures later today. Those figures will be initial data; again, the data will become much more detailed over the weeks to come. Even the initial data that we publish today will be broken down by health board. The figures will be published in detail later, but they will show that, cumulatively to 7 June, more than 11,000 members of staff and more than 15,000 residents in care homes have been tested, so that work is under way.

The health secretary and I have been very clear that we want health boards to accelerate their progress. That is why publishing data health board by health board will allow us to track and, indeed, the public to scrutinise, that progress. It is important—this is a key point—that we establish that testing on a sound and sustainable basis. I certainly want to see progress accelerate but, more than anything, I want to make sure that it is happening in a way that we can sustain over a period of time. The testing will happen regularly. As I understand the position, although I will be corrected if I am wrong, in other parts of the United Kingdom there is still one-off testing, whereas this testing will happen on an on-going basis. It is right that health boards make sure that they carry the testing out quickly, but also sustainably. That work is under way.

**Jackson Carlaw:** There may be a commitment to routine testing, but that first test is still to take place. With over 50,000 care home staff, while 11,000 is welcome, it is still well short of the promise that was made three weeks ago. The fact is that ministers need to get a grip of the situation and they need to do it now. The time for promising is over; it is long past time to fully deliver. My question is simple: will the First Minister commit to

setting a hard deadline for delivering those initial tests for both residents and staff in care homes?

**The First Minister:** We will certainly consider doing that. Some of the data that we are receiving from health boards still has to be validated, and it is important that when we publish data, it is robust and has been validated. We will then look to see whether that is appropriate. I make the point again that this testing will be on-going, and it will have to be done week in, week out for as long as we are continuing to live with the virus. Again, this is not a point of criticism, but an observation: we are not simply doing that by posting testing kits out to care homes; we are doing it in a way that is robust and sustainable and can be supported on an on-going basis.

In relation to the comments about ministers having to get a grip of the situation: we are now seeing, albeit in a situation that has been, and continues to be, incredibly challenging, the numbers of care homes with an active outbreak of Covid-19 reducing. The number of new cases is reducing, and as I have just reported, the number of people dying in care homes because of the virus is now rapidly reducing on a sustained basis. That says to me that the actions that are being taken in care homes to protect older residents are having the effect that we want them to have. Of course, as we move through the exit from lockdown more generally, it is important that we have the right measures in place on on-going basis. Testing is not the only one of those measures—I have said before in the chamber that we must be careful that we do not put all the focus on testing, particularly when we are talking about testing asymptomatic people—but it is a key measure. That is why it is important that we do it quickly but also sustainably.

**Jackson Carlaw:** This is about people on the front line. Without a vaccine, care homes, which are full of the vulnerable, will always be at the heart of the proactive strategy that we need to pursue on coronavirus.

To take one example, we learned yesterday that NHS Borders is now telling the Scottish Government that it does not have the capacity to carry out tests in care homes in its area. Care home owners in towns such as Castle Douglas say that none of their staff have been tested, unlike those in England, a few miles across the border.

We learned yesterday from Scottish Borders Council that it has received only 480 testing kits to cover all 1,200 staff in its local care homes.

Will the First Minister explain how it will be possible to test all care home staff, when health boards are given fewer than half the number of test kits that they need?

**The First Minister:** Through health protection teams and health boards, care homes will have the resources that they need, whether human resources or resources in the form of testing kits.

I think that the Cabinet Secretary for Health and Sport has already said publicly this week that she had a conversation—as she does regularly—with health board chief executives on Friday of last week, and no concerns were reported at that time about a lack of resources for testing.

Resources are in place—as kits that are needed for testing, resources to take the samples, and, crucially, the laboratory resources that are needed to process those samples. That is the work that we have been doing in recent weeks, to build up that capacity. The resources are there; it is now a case of making sure that the job is done quickly but in a sustainable way. It is not simply about reporting numbers of test kits that are posted out; it is also about making sure that the tests are done not on a one-off basis but on an on-going basis, week in and week out.

**Jackson Carlaw:** That promise of three weeks ago was not lightly given. Why are we still hearing about problems with testing three weeks after the Cabinet Secretary for Health and Sport promised that it would be sorted?

Why is the story that we hear in the daily press conferences in Edinburgh so different to what we are picking up on the ground, where it matters?

Why did the Scottish Government say on 18 May that it would test all care home workers repeatedly and then take until 7 June to write to NHS boards, asking them to get it sorted?

Why are letters being sent out rather than testing kits?

If the First Minister is confident about that, she should set out a clear timetable and a clear deadline for the first round of care home tests to be completed. This is her chance—will she now take it?

**The First Minister:** What certainly happens reliably, week in and week out, is that Jackson Carlaw makes unsubstantiated claims about the handling of the Covid-19 outbreak. Week in and week out, I, the health secretary and the entire Scottish Government get on with the job of tackling the outbreak, which partly—together with the collective efforts of people the length and breadth of the country—is why we are now seeing a decline in the number of cases, in the number of people in hospital, in the number of people in intensive care units, and in the number of people who are dying, including in care homes. That is the progress that we are making.

I am not sure how much Jackson Carlaw knows, or bothers to find out, about how things actually

work on the ground, but when we say that 50,000 care home staff have to be tested, of course there has to be a programme of work over time to make that happen. The processes have to be put in place, and the resources—which are in place—have to be put in place.

That work is on-going. We will see it in the data that is published later today. We will see progress week in and week out as we publish the data. That will show that this Government is getting on with the job of tackling the virus, which is exactly what people across the country want to see. I do not think that they want to see politicians engaging simply in party politicking—which is what Jackson Carlaw does.

### Hospital-acquired Covid-19

**2. Richard Leonard (Central Scotland) (Lab):** The marked decline in the number of deaths from Covid-19 gives us hope, but we should never forget the lives lost and the families left grieving because of the pandemic.

As we look to the future, safely restarting national health services is a national priority, but our NHS is stuck. The restart of services cannot begin unless we are sure that our hospitals are safe. We now know that there have been almost 1,800 suspected cases of hospital-acquired Covid-19. That raises questions again about personal protective equipment and testing. Families and NHS staff need answers.

We understand that a Scottish Government review group is now examining the data, but families who lost loved ones as far back as March and April feel that the process has been too slow and too secretive. For the sake of public confidence, ahead of the reopening of our NHS, will the First Minister agree to publish details of the group's work, including its minutes and all its recommendations? Will she agree to appoint an independent chair to review that work urgently?

**The First Minister (Nicola Sturgeon):** I absolutely agree with Richard Leonard's first comment: we should never forget the human lives lost behind the statistics that we report on every day. Speaking personally, I never, ever will forget—every one of the numbers that I have had to read out daily will be engraved on my heart forever, and I think that that will be true for all of us.

Our NHS is not “stuck”, to use Richard Leonard's word. It is currently preparing remobilisation plans so that it can safely, but as quickly as possible, resume services that had to be postponed—for reasons that I think that everybody understands—during the Covid crisis.

I turn to the issue of nosocomial infection, which is infection that may be acquired in hospitals. Let

me be very clear about this, just as the Cabinet Secretary for Health and Sport has been very clear about it. We have published unvalidated data, and we did so in an attempt to be open and transparent about the data. As an aside, I note that no equivalent data has yet been published for any of the other United Kingdom nations.

However, it is very important that we understand the limitations of that data before it is validated. I welcome the fact that Richard Leonard used the word “suspected”, because it would be wrong to say that we know that all those infections were acquired in hospital. Many of them may well have been acquired in hospital, but it is also possible, given the incubation period for the virus, that some were acquired in the community but were diagnosed only when a patient or member of staff was in hospital. It is very important to understand that.

There is now a process under way to validate that information. NHS Scotland is working to apply the European Centre for Disease Prevention and Control international case definitions for hospital-associated Covid-19. When that work is complete and the information is validated, it will be published in a validated form. As the health secretary has said, we hope that the work will be completed by the end of this month, and the data will be published.

The nosocomial review group was established in early May. It is an expert group that is currently chaired by Professor Jacqui Riley, who is nurse director and healthcare-associated infection executive leader with NHS National Services Scotland; I think that she is an appropriate chair for that work.

The group is looking at a range of things just now, including the extension of routine testing of care home staff—as we have just been talking about—to front-line NHS staff. It will also develop further proposals and recommendations to ensure that everything possible that can be done in hospitals is being done to reduce the possibility of hospital-acquired Covid-19. We will look at what we can publish from that work and make sure that the group’s recommendations are publicly known so that we can be very clear about how they are being taken forward.

**Richard Leonard:** I thank the First Minister for that answer, but I know that many families and NHS staff will be disappointed that she is not prepared to consider the case for greater independent scrutiny of what has happened.

Scottish Labour first called for an NHS recovery plan five weeks ago. When we did so, we called for a guarantee of access to both testing and PPE for all NHS and care workers in every part of

Scotland. I thought that the First Minister agreed to that.

Today, we have again been told that phase 2 of the easing of the lockdown is likely to start as early as next week. However, the health secretary admitted in Parliament just yesterday that there is still no plan for testing NHS staff, and still no plan to ensure the standard and supply of PPE across different NHS settings.

I have been raising workers’ concerns about PPE since March. We know that, as far back as 2018, exercise iris concluded that:

“Amongst frontline staff there is unease at the lack of clarity on PPE availability, training and testing.”

We are two years on from that planning exercise, but now the pandemic is real and that unease remains.

Staff tell me that their PPE is sub-optimal and that they are still being instructed to use PPE that is out of date, including critical equipment such as FFP3 respiratory masks. Will the First Minister give NHS and care staff a guarantee that PPE guidance and supplies will be enhanced, that out-of-date PPE will be withdrawn immediately, and that regular and routine testing will be rolled out without further delay?

**The First Minister:** Those are important issues, and I will take them one by one—I will be as brief as possible, Presiding Officer.

I will start with PPE. Very clear guidance is in place across all four UK nations on the circumstances in which PPE should be used. That guidance was informed by clinical groups and expert organisations. Ultimately, it says that if any member of staff—the member of staff themselves, not Government or their bosses—risk assesses that they should be using PPE, they should use PPE.

We have also been working extremely hard to make sure that we have adequate supplies of PPE, and at no point during this crisis has Scotland run out of any pieces of PPE kit—in fact, we have been able to give mutual assistance in some respects to England. We have ensured those supplies and we are working to make sure that the distribution lines are as quick and effective as possible. We have put in place additional distribution lines—not just for healthcare workers but for social care workers. Thanks to the work that the Minister for Trade, Investment and Innovation, Ivan McKee, has been leading, we have also been building a domestic supply chain for PPE, so that we have greater resilience for the future.

To be clear on expiry dates—because we have covered the issue before on several occasions—the only circumstance in which PPE that has gone



past its expiry date should be used is if it has been revalidated by the relevant authorities as being safe to use. If that has not been done, it should not be used.

All those arrangements are in place. The health secretary speaks to trade unions regularly and if any concerns are raised, they are acted on.

On testing, in his first question Richard Leonard rightly and properly asked me about the nosocomial review group. He said that it was really important that it was independent and expert led and that we listen to its recommendations. In my answer, I said that one of the pieces of work that that group is looking at right now, on which it is about to give us recommendations, is the extension of routine testing to front-line healthcare workers. However, in his second question, he seemed to think that I should disregard all of that and take the decision regardless of what the nosocomial review group says.

We will continue to take clinically and expert-led decisions, and when such decisions are taken, we will make sure that the resources and processes are in place to implement them. That is the responsible way for any Government to deal with a crisis situation such as this one. It is the approach that we have taken so far and the approach that we will continue to take.

**Richard Leonard:** I am bound to say that, with 10,000 tests going unused daily and with new stocks of FFP3 masks due in the next few days, it is disappointing that the First Minister cannot give a firmer guarantee.

I began by saying that safely restarting the NHS is a national priority. NHS lockdown has resulted in thousands and thousands of patients going without treatment and at least 80,000 waiting for surgery. Many are waiting anxiously and many are waiting in pain. We will need to use every available resource to get people booked in for procedures, taking social distancing measures into account and putting safety and saving lives first. People want guarantees that they are going to be treated in a Covid-free space. One resource not yet used but readily available is the £43 million NHS Louisa Jordan. Can the First Minister update us on her plans for the NHS Louisa Jordan? Will the lease be extended? If so, what role does she see it playing in easing pressure as the national health service begins to restart in the weeks ahead?

**The First Minister:** I will come to the NHS Louisa Jordan in a moment, but before I do I will expand on, or close off, the first part of Richard Leonard's question. He asked me to give a guarantee about routine testing for NHS workers, because symptomatic NHS workers already have access to testing. If the nosocomial review group

recommends that, I give a guarantee that we will implement that recommendation, but we will do that on the basis of expert advice that we have asked for. I hope that Richard Leonard accepts that that is the right and responsible way to proceed on such matters.

I am delighted and relieved that, so far, we have not had to use the NHS Louisa Jordan. Had we required to do so, it would have meant that the existing capacity of our hospitals, including their surgical capacity, had been overwhelmed, which would have meant many more people becoming ill and, unfortunately and undoubtedly, many more people dying—even more than has been the case. We should all be very thankful for the fact that the hospital has not had to be used so far.

We will ensure that the NHS Louisa Jordan is there for as long as we may need it, and I can confirm that, as part of the remobilisation plans, we are considering whether and to what extent we could use the Louisa Jordan to do some elective treatments. We have to be careful in the judgments that we make about that. I fervently hope that this is not the case—and we are doing everything possible to avoid it—but if we face an autumn or winter resurgence of coronavirus, we will need to ensure that those facilities are there to deal with it. That goes for overall NHS capacity: we have to protect some capacity to deal with any surge in the virus, while getting the NHS back to normal.

The NHS Louisa Jordan is part of our considerations, and the Cabinet Secretary for Health and Sport will keep Parliament updated.

### **Covid-19 (Regular Testing)**

**3. Alison Johnstone (Lothian) (Green):** I welcome the fact that the Scottish Tories and Labour have joined me in calling for regular testing in hospitals. More importantly, workers on the front line have long been asking for that to happen. There are front-page reports today that nurses are angry and demoralised about the spread of the virus on their wards. This week, yet another senior physician in a Scottish hospital has contacted me, expressing dismay that people are being allowed to walk around hospitals, spreading the virus without knowing it.

We now know that patients and staff have been infected with Covid in hospitals. Many of them have even lost their lives as a result. In April, experts told us that regular testing could reduce transmission in hospitals by up to a third. Does the First Minister know how many lives could be saved if we followed that advice? Will she tell us when her Government will introduce regular testing in hospitals?

**The First Minister (Nicola Sturgeon):** As I have just said to Richard Leonard, the expert-driven nosocomial review group is examining that issue, and I hope that it will give us recommendations on it quickly. When it does, we will implement those recommendations.

It is right and proper, in my view, that we continue to take clinical advice about testing, for two reasons. First, as any clinician will tell you, there has to be a purpose to the tests that are carried out on people from an ethical point of view. Secondly—I have made this point repeatedly—while we still have concerns about what I stress is the relative reliability of the test for asymptomatic people, we do not want inadvertently to suggest that testing is the only thing that needs to be done to reduce the risk of transmission of the virus. That is particularly true in hospitals. With all infections, not just Covid-19, infection prevention and control measures are most important. They are taken extremely seriously by all health boards and in all hospitals.

The last point that I make to Alison Johnstone is the same, I think, as the last point that I made to Richard Leonard regarding the unvalidated statistics that have been reported about the possibility of hospital-acquired infection. We do not yet know whether those infections were acquired in hospitals—although I expect that there will be hospital-acquired infection—but it is really important that we recognise that that information has not been validated. Because of the incubation periods associated with the virus, some of the infections could have been acquired in the community. Let us be very careful when we are talking about these things so that we are dealing in facts, not in supposition. That is particularly important given the severity of the topic.

**Alison Johnstone:** The First Minister referred to infection prevention and control methods, one of which is routinely screening health professionals working in hospitals for other diseases. There seems to be a worrying lack of urgency, however, in testing for this potentially life-threatening disease.

For some time, the Scottish Government has resisted the principle of testing individuals without symptoms, arguing that the test itself only works in a window of symptomatic people. During the past month, however, testing has been expanded, which I warmly welcome. Most critically, regular testing of care workers has begun—in theory, at least.

It emerged this morning that the only reason regular testing was introduced was that the United Kingdom Government's scientific advisory group for emergencies—SAGE—recommended it.

Although it began discussing the issue in early May, the Scottish Government's scientific advisory group has not yet delivered advice and we are told that the advice is still weeks away. Does the First Minister have advice that the science, which supports regular testing in care homes, is not relevant to our hospitals? The testing capacity is already in place to do it. Is the First Minister waiting until the UK Government advises her to do it?

**The First Minister:** I am not sure whether I followed the thread of that question; I was not sure whether Alison Johnstone was criticising us for following advice that comes from SAGE. We take advice from SAGE, and our advisory group feeds into SAGE and gives us advice. As I have said on several occasions today, the nosocomial review group is looking at the issues that are associated with hospital-acquired infection. We follow all that clinical advice.

Alison Johnstone said that we have resisted the principle of testing asymptomatic people. It is not about a principle; it is about practical efficacy and effectiveness. Even today, experts continue to say that the test is less reliable in people who do not have symptoms. Therefore, all along, my concern has been that, if we focus all our efforts on testing—even though, in some cases, it gives false reassurance—then we take our eye off the ball of the other, more important things that need to be done to minimise the risk of transmission, particularly in institutional settings such as hospitals and care homes.

We take a range of scientific and expert advice; I am not sure that anybody should criticise us for doing that. At times, waiting for that advice means that we do not rush to make announcements that prove not to have been the right announcements. We take time to make sure that the work is done properly, because it needs to be done for the right reasons and on a sustainable basis. The Scottish Government will continue to take that careful approach to all aspects of handling the virus.

### Employment (Redundancies)

4. **Willie Rennie (North East Fife) (LD):** We are facing a tidal wave of job losses; one in 10 workers could be out of a job this year. At Rolls-Royce in Renfrew, 700 jobs are under threat, 200 are under threat at the Crieff Hydro group, 80 at Fishers Services in Perth, 70 at Don & Low Ltd in Angus, 96 at Mainetti in the Borders and 1,000 at OVO Energy, including jobs in Perth, Selkirk and Glasgow. That tidal wave might last for three years. Is the Government ready? What is it planning to do about that jobs emergency?

**The First Minister (Nicola Sturgeon):** The economic emergency that we face is colossal, just like the health emergency that we have been

dealing with. All along, we have been clear that the health emergency quickly led to an economic one. We have been planning for that almost from the start. Throughout the crisis, on a weekly basis, I have been chairing a sub-committee of the cabinet that is looking specifically at the economic issues. Benny Higgins has been chairing the economic recovery group; the group's report is due to be published within the next couple of weeks and it will have important recommendations for us. Earlier this week, I spoke to Benny Higgins and the chief executive of Rolls-Royce; tomorrow, I will speak to the Scottish Tourism Alliance. If we take our eye off the health emergency, that will make the economic emergency worse. We are increasingly focusing on the steps that we need to take and the interventions that we will need to make to support the economy, businesses and jobs. Those steps and interventions will take a multitude of forms.

The two emergencies come closely together in the need to keep suppressing the virus sufficiently for us to be able to lift more of the lockdown measures and allow more of our businesses to operate and make money again. Those challenges are interlinked but Government and I are focused on both.

**Willie Rennie:** My fear is that the economic tidal wave is overtaking the advisory group and the work that the First Minister has just set out. The situation is urgent and we need an urgent plan. We want to see a new Government-backed jobs scheme, a universal basic income, capital investment in transport and energy construction, and investment in colleges and training agencies to reskill workers. Will the Government back that approach? Does the Government plan to intervene to stop businesses going under? It has done so at Prestwick, Ferguson and BiFab. How will the Government judge which companies and jobs it will save and which it will let go?

**The First Minister:** We have set up the economic recovery group, which will publish its report probably within a week or so. It is right that we await the group's recommendations and then set out, on the back of those recommendations, our implementation and delivery plan, which I am sure will have things to say on all the issues that Willie Rennie has raised.

Willie Rennie's second point was on the Government's willingness to intervene directly in companies, and he made my point in his question. The Scottish Government has always shown a willingness to do that when we can satisfy state aid constraints and when we can satisfy ourselves, so that we can satisfy the public, that there is value for taxpayers' money. We will continue to be as interventionist as we possibly can be. There will always be difficult decisions about the

circumstances in which we can intervene and those in which we might not be able to intervene. All of us must have open and frank discussions about that.

In recent weeks, Willie Rennie and I have exchanged views in the chamber on a universal basic income, which I support. I have long been interested in the concept, and the case for it has been immeasurably strengthened by the crisis that we are living through. However, the Scottish Parliament does not have the powers to introduce a universal basic income on its own, because, unfortunately, so many welfare and tax responsibilities are still reserved to Westminster. Therefore, we all have to engage in a real discussion about the abilities of this Parliament, whether in relation to borrowing powers or tax and welfare powers, and about whether we should come together to make the case for additional powers to lie here, so that we are better equipped to deal with the economic challenge that lies ahead.

I mean it sincerely when I say to Willie Rennie that, on issues such as UBI in particular, I hope that he will not only will the ends but join me in willing us to have the means to deliver those ends, because that will be really important in the weeks and months to come.

#### **Covid 19 (R Number by Local Authority)**

**5. Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** To ask the First Minister whether the Scottish Government will provide a weekly breakdown by local authority of the R number for Covid-19. (S5F-04198)

**The First Minister (Nicola Sturgeon):** The R number is calculated for Scotland as well as for the other three countries of the United Kingdom, and we publish it on a weekly basis. The R number is not calculated for Scottish local authorities, because the ranges around the estimates would be very large and that would not help us to understand the differences between different areas of Scotland. Instead of doing that, we are looking at other ways of monitoring and forecasting the level of Covid-19 in local authority areas. We use data such as the number of cases and hospitalisations, and we will use the information that starts to come through the test and protect programme.

Along with the Deputy First Minister and the Cabinet Secretary for Health and Sport, I took part in a lengthy session yesterday about the surveillance systems that we are building to ensure that, not only at a national level but at a local level, we can monitor and, where possible, predict what happens with the virus in the weeks and months to come.

**Christine Grahame:** I hear what the First Minister says, but it is important that we look at local figures for the R number, because, in that way, we might be able to allow businesses, particularly those in the hard-pressed leisure and tourism sectors, to reopen in certain areas, and we might be able to monitor any change in the R number as a consequence of reopening, if that can take place. In my constituency and elsewhere, hotels and businesses that provide leisure activities will collapse into liquidation if something does not happen soon.

**The First Minister:** I agree with Christine Grahame on the objective that she is encouraging. The issue is simply about how we do that. Even when we publish the R number for Scotland, there is a range, as everybody now knows. The current range is 0.7 to 0.9—the up-to-date estimate will be published tomorrow—so there is already a degree of uncertainty. The smaller the area for which we try to calculate an R number, the greater the range of uncertainty is. It is thought that an R number at local authority level would not tell us very much, in a meaningful way, about the differences between areas.

That does not mean that we do not want to monitor the spread or behaviour of the virus in different areas—we do. The question is about how we do that. We are looking at other data sources that will give us that information at regional and local authority levels on an on-going basis. Christine Grahame is right that we need to understand what is happening on that basis, but I am trying to explain that we need to do that in different ways from simply publishing regional R numbers.

### **Black and Minority Ethnic People (Underrepresentation in Teaching)**

**6. Jamie Greene (West Scotland) (Con):** To ask the First Minister what analysis the Scottish Government has undertaken of the underrepresentation of BAME people in teaching, and how it plans to address this. (S5F-04202)

**The First Minister (Nicola Sturgeon):** In 2018, we acknowledged—as we should have—the underrepresentation of BAME people in teaching at all levels.

The report “Teaching in a diverse Scotland” by Professor Rowena Arshad, who is the former head of Moray House school of education and currently the co-director of the Centre for Education for Racial Equality in Scotland, was published in November 2018. It contained 17 recommendations. On publication of that report, the Deputy First Minister announced that, by implementing the recommendations, he aimed to double the number of BAME teachers in Scottish schools by 2030. The associated working group,

which is chaired by Professor Arshad and comprises a range of CERES stakeholders, is currently working with partners to implement those recommendations.

**Jamie Greene:** Everyone needs role models in life—in politics, media, business and education—so it is disappointing that only 1.6 per cent of teachers in Scotland are from a black or minority ethnic group, despite their percentage of the population being more than double that. In a recent survey, nearly half of BAME teachers surveyed believed that their ethnicity had been a barrier to promotion. BAME people account for only 0.6 per cent of teachers who are in promoted positions.

It is vital that we identify the structural barriers that exist behind those statistics. However, we must also empower teachers of all backgrounds, so that they have the confidence and tools to tackle inappropriate language and behaviour in the classroom. In the light of everything that is going on right now, that is an area in which we can and must do better. What better way to start than by committing, today, to ensuring that our schools and businesses, and even our Parliament, look and feel more like the world outside them?

**The First Minister:** I whole-heartedly agree with those sentiments. I will focus on teachers and then, perhaps, very briefly address the issue more generally.

BAME people are woefully underrepresented among our school teachers and in education generally. To give a little bit of context, the number in Scotland’s schools has increased by just over 5 per cent in 2019, compared with 2018, and by 26.4 per cent since 2015. However, there is still much more to do. The underrepresentation is still unacceptable, and we know from work that has been carried out with BAME teachers that one of the key issues is a lack of diversity of role models and senior leaders in the teaching profession, which is why the recommendations that we are taking forward with the working group that is chaired by Professor Arshad are so important.

There is also a more general issue, and now is an opportunity for all of us to both recognise that and dedicate ourselves to doing more to tackle it—and tackle it more fundamentally—whether that is in our schools, in businesses or in this Parliament, which must look more like, and be more representative of, modern Scotland. As far as this Parliament is concerned, all parties have a responsibility. We are now less than a year away from an election for this Parliament, so it is a matter for all of us. I can speak only as the leader of the Scottish National Party, but I am determined to see progress on this, and I hope that the leaders of the other parties make the same commitment.

### **Covid-19 (Food Poverty)**

**7. Sarah Boyack (Lothian) (Lab):** To ask the First Minister what concerns the Scottish Government has regarding the availability of food for children and low-income families during the summer months, in the light of the reported rise in food poverty caused by the Covid-19 outbreak. (S5F-04210)

**The First Minister (Nicola Sturgeon):** Any report that shows a rise in food insecurity is deeply concerning, because everybody should be able to access the food that they need. I am acutely aware that the pandemic is affecting people in a variety of ways, including by causing real financial hardship.

In March, we put in place a significant package of support through £350 million in community funding, which included more than doubling the Scottish welfare fund and providing £70 million specifically to a food fund. It included £10 million to support the third sector to reach people and £30 million to enable local authorities to help anyone who is unable to access food and provide free school meal replacements. Through that funding, over 175,000 free school meals are being distributed. We recognise that free school meals provide a crucial support to thousands of families across the country, and the Deputy First Minister is currently considering what support should be in place to help families during the summer holiday period.

**Sarah Boyack:** There has been a fantastic response from our local authorities and community groups. However, the Trussell Trust has highlighted that there has been a huge rise in overall need compared with last year—a rise of 47 per cent in the number of emergency food parcels and a 62 per cent increase in the number of parcels given to children.

More than 100 organisations have called for urgent action to enable children to be fed and supported throughout the summer, with lump sum payments of at least £250 being made to low-income families and free school meal payments being made in cash as an alternative to vouchers or parcels until normal school resumes.

There are over 20,000 children living in poverty in Edinburgh alone. Will the First Minister act on this call to support them and families with children across Scotland, and will she support our local authorities to provide vital food throughout the summer?

**The First Minister:** We have been doing all of that, and we are determined to continue. Sarah Boyack is right to point to the Trussell Trust identifying rising need and demand. A few days ago, the Trussell Trust also said that it welcomed the swift action that has been taken by the

Scottish Government to increase the Scottish welfare fund and to ensure that food banks can access emergency food. The action that we have taken has been right and necessary, and we intend to continue with it.

As I said, the Deputy First Minister is currently considering free school meal provision over the summer holidays. We recognise the need for that, but we must consider the practicalities and how best to put that provision in place. I assure Parliament that we will continue to do all that we can to make sure that nobody is going hungry and that we deal effectively with the issue of food insecurity, which is unacceptable even during a pandemic crisis.

**The Presiding Officer:** We have a number of supplementary questions.

### **Job Losses (West Lothian)**

**Angela Constance (Almond Valley) (SNP):** Wyman Gordon is a significant employer in my constituency and is part of the Rolls-Royce supply chain. Yesterday, the company announced plans to shed a third of its workforce. I am concerned that this is merely the tip of the iceberg, given that a recent Social Market Foundation report said that the West Lothian economy could be disproportionately impacted by both coronavirus and Brexit. What can the Scottish Government do to protect and save jobs in my constituency? What efforts have been made to persuade the United Kingdom Government of the need for bespoke and additional packages of support for particular industries?

**The First Minister (Nicola Sturgeon):** We will continue to work hard to identify the best ways in which we can support the economy in general and businesses in particular sectors. That will be an on-going challenge, but it is one that we take very seriously. The implications of this virus will affect the economy for some time, and we must continue to have support in place. We will also continue to encourage the UK Government not to prematurely withdraw any of the support that is in place, whether that is the job retention scheme or the other very welcome forms of support that it has made available.

We will continue, as I hope all members will, to seek to persuade the UK Government to extend the Brexit transition period and not to countenance in any way a no-deal Brexit.

Angela Constance refers to Wyman Gordon being part of the Rolls-Royce supply chain. As I said to Willie Rennie, I spoke to the chief executive of Rolls-Royce earlier this week. There is no doubt that it, like many companies, is facing very challenging market conditions because of the coronavirus pandemic. We will do all that we can

to protect jobs and to protect a presence for Rolls-Royce at Inchinnan . One of the issues that featured in that conversation was the impact on the whole supply chain of any decisions that Rolls-Royce makes. It is important to understand it in that context.

### **Independent Retailers**

#### **Finlay Carson (Galloway and West Dumfries)**

**(Con):** All parties recognise and agree that the prime objective of the Scottish Government remains as suppress the virus and minimise the harm that it can do. However, does the First Minister agree that it is unfair to allow supermarkets and department stores such as Marks and Spencer to sell food on one floor but also non-essential goods such as clothing on others, or to allow Wilkinsons or Dunelm to sell duvets and rugs when local family businesses selling the same products cannot do so? Will she agree to re-examine the case for independent retail businesses to open in phase 2 if they can adhere to the social distancing guidelines and if they are opening only 800m<sup>2</sup> of floor space to the public on each floor?

**The First Minister (Nicola Sturgeon):** That is and will be under consideration as we go into the next phases of the exit from lockdown. It is important that Finlay Carson recognises that we must get the pace of this right. I wish that we could open up the economy completely tomorrow, but if we get the pace wrong, either we will have to turn back on our plans or we will see the virus run out of control and we will be back in lockdown, which will not help the economy.

There will always appear to be anomalies in what we are doing. However, there are complex considerations. With retail, we have to consider overall footfall. There is also a difference, of course, between essential items, such as food, and non-essential items when it comes to the judgment about what is absolutely necessary. With clothes shops, there are issues to do with people trying things on. We have to take account of a range of considerations.

We are discussing the issues with all sectors. We want to open up as quickly as possible, but it has to be safe and sustainable. The sustainability point is important. We will be living with the virus for some time to come. Therefore, we have to ensure that we take every step on as firm a footing as possible, so that we are not moving in one direction at a pace that ends up setting us back. Those are difficult judgments, and we will continue to make them to the best of our ability, while trying to minimise all the various harms that the virus is causing.

A week tomorrow, we will set out our judgment, based on the most up-to-date evidence, on

whether we go into phase 2 of the route map, and, if we are going into phase 2, the extent to which we are able to do that. I will make a statement in Parliament next Thursday setting out the conclusions of that consideration.

### **Science Innovation (Ionisers)**

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

The First Minister will be well aware that conquering Covid-19 requires scientific collaboration, initiative and innovation. Will she join me in congratulating my constituent Pete Gavin, who is from the Highlands and Islands, for his work in highlighting the positive role that negative ion ionisers can play in fighting the virus, preventing infection and setting Scotland back on the road to recovery?

**The First Minister (Nicola Sturgeon):** Yes, I will congratulate Pete Gavin on the work that he is doing. All of us—in circumstances that none of us would have chosen to be in—should take great pride in the fact that Scottish scientists are at the cutting edge of the global efforts to understand Covid-19 and to find ways of tackling it. That is true of the trials that I hope will develop a vaccine, and it is true of the scientific work that was reported on yesterday involving the genome sequencing of the different lineages of the virus, to help us to understand more about how it spreads and transmits. In a range of ways, Scottish scientists are leading that work in partnership and collaboration with scientists from across the United Kingdom and globally. It is right and proper that we draw attention to that.

It is probably right and proper that I note that, this week, David Stewart announced his retirement from the Parliament. I am sure that we will get future opportunities to wish him well, but I take the opportunity right now to do so and to thank him for the contribution that he makes. *[Applause.]*

### **Guidance for Shielded Groups**

**Kenneth Gibson (Cunninghame North) (SNP):** David Stewart will be sadly missed.

Yesterday, I was contacted by a shielded constituent with cancer, who has self-isolated for 12 weeks. In her mid-70s, her dearest wish is to see her grandchildren, but she now faces an additional six weeks of isolation, and is torn between following the guidance, and seeing her grandchildren, possibly for the last time. Surely the infection risk is minimal by staying outdoors and maintaining social distancing while visiting loved ones. Will the First Minister explain the criteria for ending my constituent's isolation and that of others in similar situations? Is the criterion that there should be no new local or national cases for a

week, or for a month? People need to know that there is hope and light at the end of the tunnel.

**The First Minister (Nicola Sturgeon):** I absolutely sympathise with the sentiment of that question. I do not have direct experience of how it feels to be in the shielded group right now, so I can imagine only how it has felt for the past number of weeks and how it feels to face more weeks of advice to continue to shield. A member of my family is in the shielded category, so I see some of the impacts of that.

We are giving that guidance and advice for the protection of people in the shielded group, not because we want to keep them in isolation for any longer than is necessary but because we know that the risks of the virus to them are significantly higher than they are for the rest of us. Their risk of becoming seriously unwell and, frankly, their risk of dying are considerably higher. The guidance is for people's own protection. I hope that people, whatever the frustrations that they understandably feel, will understand that.

Next week, we hope to be able to amend the guidance to allow people in the shielded group to go outside for exercise, albeit they will still be advised to stay 2m from others and not to mix with other households.

We have a clinical cell that gives us advice on the shielded group, and all the recommendations are based on that advice. Over the period from now until 31 July, we want to move to a situation in which we will be able to give shielded individuals much more tailored advice. However, that will not be based on the criterion that Mr Gibson mentioned, which involved whether certain levels of cases might still be present. Instead, such advice would take account of individuals' specific conditions and also their age, ethnicity and other relevant factors. That will then enable them to have conversations with their own clinicians about the level of risk that they feel able to take, how to manage and mitigate that, and what support is in place for them.

That is where the test and protect process—and, going back to my answer to Christine Grahame's question, our wider surveillance system—will be very important, because a key part of that will involve providing individuals with data about the virus risk and how it is changing, in terms of the prevalence of the virus in their areas. We want to get to that position as quickly as possible, but we need to base our decision to do so on the soundest possible scientific and clinical evidence. That is why the process is taking—and will continue to take—a bit of time to carry out. All the nations of the United Kingdom are going through similar processes right now.

I will end by saying to everyone in the shielded category that we are not forgetting about them and we are acutely aware of how difficult the situation is for them. We want to move toward easing the guidance, on an on-going basis, as much as we can. However, the backstop position is that, by the end of July at the latest, they will be in a much better position whereby they can base their own judgments about how they live their lives on better and much more nuanced evidence.

### **Edinburgh Zoo (Reopening)**

**Alex Cole-Hamilton (Edinburgh Western) (LD):** The Royal Zoological Society of Scotland has signalled that, if it cannot open Edinburgh zoo by the end of the month, it may face closure, which would threaten 300 jobs in my constituency. Even with the furlough scheme in place, the society faces a burn rate of £700,000 in every month in which the zoo stays shut. It has adapted the zoo so that it can be operated safely for people to visit outdoors only, and with adequate social distancing measures in place. If it were to be allowed to open now, it could see a pathway to recovery. The United Kingdom Government will allow English zoos to reopen from next Monday, so will the First Minister listen to the more than 3,000 people who have signed my petition and allow Scottish zoos to reopen their doors now, before they face collapse?

**The First Minister (Nicola Sturgeon):** As will be the case in every instance, example or illustration that members might give me, I have nothing but sympathy for the position that organisations such as the owner of Edinburgh zoo find themselves in. I want to be in a position in which we can signal reopening to such organisations as quickly as possible. However, we must do so in a careful and properly assessed way. We cannot start to take individual decisions based on particular circumstances or organisations—not because we do not desperately want to do what such organisations are asking of us, but because if we started to operate in that way we would end up in a mess. The virus might run out of control and we would then have to reverse some of those decisions.

Each Government has to take decisions on the basis of the advice that it receives and its own judgment. It is only a few weeks since I was being asked why we were not following a similar timetable to England on schools reopening, and yet now we are seeing a reversal of that timetable. We need to do things in a measured and carefully assessed way, which will mean not only that we will be able to get places open more quickly but that we will be able to have them opening in such a way that they will not face having to close again a few weeks afterwards. That will involve making a series of careful decisions. As I have said all

along, this process is not a popularity contest. It is about trying to get things right, which I will continue to strive to do.

### Young Carers

**Emma Harper (South Scotland) (SNP):** Carers make an invaluable but often unrecognised contribution to society. The impact of Covid-19 has meant that carers are under more strain than ever, with even less free time. How is the Scottish Government ensuring that young carers, in particular, can access opportunities that are available to their peers during this difficult time?

**The First Minister (Nicola Sturgeon):** Young carers make an incredible difference to the lives of the people for whom they care. [*Interruption.*] I am sorry, Presiding Officer. I am being distracted by some chat in the background.

Young carers make an incredible difference day in, day out. I place on record my gratitude—and that of the Scottish Government—for their work and the contributions that they make not only during this carers week but every single week of the year.

At the weekend, the Cabinet Secretary for Health and Sport announced additional funding that is intended to reach as many young carers as possible and to provide them with extra support during this time. Such funding is going to Young Scot and the time to live fund. It will allow young carers to access opportunities such as e-vouchers and subscription packages and will also provide small grants to help them to take breaks from caring.

Of course, that is on top of our existing young carer grant, which is a £305 payment for those aged 16 to 18 with significant caring responsibilities.

I want to emphasise my gratitude—and, I am sure, the gratitude of everybody across Scotland—for all the contributions that young carers make.

### Crieff Hydro

**Liz Smith (Mid Scotland and Fife) (Con):** Given the answer that the First Minister provided to Willie Rennie earlier, what specific support can she offer to the Crieff Hydro hotel group in light of the news earlier this week that there will be substantial redundancies in what is a major chain of hotels in the Scottish tourism sector at the height of the tourist season?

**The First Minister (Nicola Sturgeon):** As I said, I will talk to the Scottish Tourism Alliance tomorrow, but more immediately than that—and this is perhaps even more relevant—the Cabinet Secretary for Rural Economy and Tourism will make a statement in Parliament this afternoon.

Obviously, I will not cover the ground that Fergus Ewing will cover later, but one of the key things that we want to try to do within all the uncertainties that we face right now is to give as much clarity as possible to the tourism sector and the hospitality sector about when they can start to plan to reopen, albeit in a safe and perhaps different way to how they normally operate. However, Fergus Ewing will cover that ground this afternoon and I hope that that will be welcomed by the sector, albeit that it comes with the caveat that it is all dependent on our continuing to suppress this virus in the way that we are currently doing.

### Covid-19 (NHS Lanarkshire)

**Monica Lennon (Central Scotland) (Lab):** First Minister, it has been reported in the *Daily Record* today that, according to NHS Lanarkshire board papers, it is suspected that almost 100 patients and staff contracted Covid in non-Covid parts of hospitals and that, sadly, a fifth of those patients later died.

Following on from my questions to the Cabinet Secretary for Health and Sport in recent weeks, including yesterday, I have had a lot of families in my parliamentary region getting in touch with me. Do any of those figures include patients who had recently been discharged from hospital and who died at home in the community? In particular, is that something that the nosocomial review group is looking at in relation to recent discharges, and how can families who want to raise concerns and who have questions get in touch with the nosocomial review group?

**The First Minister (Nicola Sturgeon):** As I said earlier, the statistics that the health secretary has shared with Parliament are unvalidated. That means that it is not safe or responsible for any of us to draw firm conclusions from them until they are validated.

There is work going on to understand whether infections were acquired in hospital or were acquired in the community; that includes patients who were diagnosed in hospital, whether or not any patient sadly went on to die, and infections in staff who work in hospitals and have perhaps been working with Covid patients. That still has to be understood.

As I said earlier, we hope that that work will be completed by the end of this month and then it will be published for not just members of Parliament but members of the public—including families who have had this direct experience—to look at.

Until we have that validated work, I simply say to all members to be a little bit cautious about drawing firm conclusions from the unvalidated statistics at this stage.



### Food Safety Standards

**Gillian Martin (Aberdeenshire East) (SNP):** Recent reports suggest that the United Kingdom Government is preparing to relax food safety standards in order to secure a trade deal with the USA. Does the First Minister fear that that would have a detrimental impact on public health?

**The First Minister (Nicola Sturgeon):** I would certainly encourage the UK Government to stick to its commitment to uphold the highest standards in future trade negotiations. Recent reports suggest that that position may well be compromised in the US trade discussions and we are very concerned that the UK Government's response to those reports has referred only to food safety, which, although important, does not on its own guarantee that other standards will not be undermined.

It goes without saying that any future trade deals must not endanger public health in Scotland or lower food safety standards from the current level. The ability of Scottish authorities to implement measures to protect public health and consumer confidence must not be compromised and Scottish ministers must have the independent ability to impose import restrictions for the purpose of protecting the health of the public in Scotland on the basis of any advice that we receive from Food Standards Scotland.

### National Trust for Scotland

**Alexander Stewart (Mid Scotland and Fife) (Con):** The scale of the crisis engulfing the National Trust for Scotland is becoming ever clearer. Hundreds of staff have been warned that they could face redundancy, after the pandemic wreaked havoc on this year's tourist season. Some trust sites in my region will not open their doors until 2021 or even 2022. What action will the Scottish Government take to ensure that the organisation continues to support the heritage of Scotland for future generations?

**The First Minister (Nicola Sturgeon):** As I said in the chamber just two or three weeks ago, the National Trust for Scotland is a hugely important part of not just our tourist economy but our reputation and brand as a country. We are in contact with the National Trust and will continue to be so to support it through and beyond the crisis.

Part of that involves, as quickly as possible but as safely as necessary, allowing parts of our economy, including our tourist economy, to open up again and getting back as quickly as we can to a situation in which we are encouraging people to visit those places. In the meantime, we need to work with organisations to help them to deal with the immediate challenges. None of those things are easy and none have easy answers, but we have to continue to work through the health and

economic impacts in a methodical and systematic way so that the recovery that we are building is safe and sustainable. That is what has all our focus at the moment.

### Social Distance (World Health Organization)

**Mike Rumbles (North East Scotland) (LD):** On 6 May, I asked the First Minister why she was not following the advice of the World Health Organization, which recommended as safe a 1m social distance rather than a minimum of 2m. It seemed to me from the First Minister's reply that she was not aware of the World Health Organization's recommendation, as she simply pointed out that some other countries had different social distances from ours. I ask the First Minister again: should she not follow the science as recommended by the World Health Organization and recognise that a 1m social distance is a safe distance?

**The First Minister (Nicola Sturgeon):** I assure Mike Rumbles that I am well aware of WHO recommendations. It is not a competition, but I am prepared to bet that I have probably read much more about the issue than many other people across Scotland have done in recent times. To be perfectly frank, to state the issue as bluntly as Mike Rumbles has done does the issue a disservice. Different countries use different distances—[*Interruption.*]

If Mike Rumbles wants to listen, I will try to be helpful. Some countries use 1m, some countries use 1.5m and some countries, including the United Kingdom, advise 2m. I am frequently asked why I am not following this or that advice, so I say very clearly that all the advice that I have had here in Scotland at this stage is that we should not change the 2m rule. That is because it is not a simple equation.

If Mike Rumbles reads the research that was part funded by the WHO and published in *The Lancet* last week—I am sure that he has read it, since he is asking me the question—he will find that it makes the point that, as the distance is reduced, the risk of transmission is increased. It also points out that there is a relationship between the distance and the time for which it is safe for people to be in contact. Right now, we advise that the distance should be 2m for contact of 15 minutes or more. If we reduce the distance, we might also have to reduce the time. Some countries that have a shorter distance also have different requirements on face masks and face coverings, and we are of course currently considering whether we want to make face coverings mandatory.

We are not talking about straightforward or simple equations, so we have to make a careful analysis. All the advice that I have at my disposal

from our advisers says that we should not reduce the 2m rule. However, we will continue to look at that and, in the context of everything else that we do, we will continue to make judgments that are safe in terms of the suppression and transmission of the virus and that allow our economy to operate as close to normal as possible. In any aspect of that, as far as possible, I will not depart from a careful and methodical consideration of all the issues because, with a virus, when we get things wrong—this is not a criticism, but Mike Rumbles would legitimately be one of the first to stand up to criticise me for getting them wrong—people can die. That is why I am not prepared to be reckless about any of it.

### Alcohol Minimum Pricing

**Sandra White (Glasgow Kelvin) (SNP):** Alcohol has always played a part in most of our lives and has had a huge impact. What is the First Minister's response to the latest report by Public Health Scotland on the impact of minimum pricing?

**The First Minister (Nicola Sturgeon):** I very much welcome the latest report from Public Health Scotland, which continues to demonstrate that minimum pricing for alcohol is having an impact and reducing the amount of alcohol that is sold and consumed across Scotland. Public Health Scotland's finding of a 4 to 5 per cent drop in sales, published this week, is very welcome.

We will properly and fully review the impact of minimum pricing when we are due to do so, as required under the legislation, but all the indications so far are that this is a policy that is having the desired effect. As somebody who took the legislation through Parliament and has worked for many years to deliver the policy, I am very pleased about it and very committed to seeing it have that positive effect. Sandra White is right; we all know that alcohol plays a role in many of our lives. As long as we drink it responsibly, that is fine, but the unhealthy relationship with alcohol that too many of us in Scotland have had over many years does a lot of damage. Getting that under control is really positive for the future of our country.

**The Presiding Officer:** Thank you very much. I apologise to the members whom I was not able to call, but I will conclude First Minister's questions. However, I have been given advance notice of a point of order from Gail Ross.

**Gail Ross (Caithness, Sutherland and Ross) (SNP):** On a point of order, Presiding Officer. Last week, Alex Cole-Hamilton asked the health secretary about Covid-19 and care homes. He told the chamber that he has a constituent whose daughter works in a care home in the north of Scotland. She had processed the arrival of a

resident from Home Farm care home on Skye who subsequently died within a week from Covid-19.

Although he did not name the care home in question, it was printed in the media. The article has since been retracted and an apology issued, because the allegation has proved to be completely false. It is essential that elected members are completely sure and certain of our facts when we speak, and this is a case in point. Alex Cole-Hamilton has apologised on social media, but I take this opportunity to correct the *Official Report* and to ask him to apologise to the chamber and, more importantly, to my constituents. This has caused a huge amount of hurt, worry and anger and has left a lot of people asking how he could get it so wrong.

**The Presiding Officer:** The point that Ms Ross has made is noted. It is not a point of order for me to rule on. Matters of accuracy are for members themselves to address. I call Alex Cole-Hamilton.

**Alex Cole-Hamilton (Edinburgh Western) (LD):** Thank you, Presiding Officer. I am very grateful to Gail Ross for bringing the matter to the attention of the chamber. I was wrong on the situation and the facts. I have apologised on social media and I am quite happy to take the opportunity to apologise to Parliament and to anyone who was affected by my remarks. I should have checked the facts more substantially, and I will learn from this.

**The Presiding Officer:** Thank you, Mr Cole-Hamilton. I think that that addresses the point satisfactorily. I thank Ms Ross.

That concludes First Minister's question time. Parliament will be suspended until 2.30, when we will resume with a ministerial statement on tourism.

13:33

*Meeting suspended.*

14:30

*On resuming—*

## Business Motion

**The Deputy Presiding Officer (Christine Grahame):** The next item of business is consideration of business motion S5M-22019, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, setting out a change to tomorrow's business.

Any member who wishes to speak against the motion should press their request-to-speak button now.

*Motion moved,*

That the Parliament agrees the following revision to the programme of business on Thursday 11 June 2020—

after

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

insert

*followed by*            Topical Questions—[Liz Smith]

*Motion agreed to.*

**The Deputy Presiding Officer:** I remind members that social distancing measures are in place in the chamber and across the Holyrood campus. I ask that members take care to observe those measures over the course of this afternoon's business, including when entering and exiting the chamber. I know that that is said every day, but it cannot be said often enough.

## Covid-19 (Tourism)

**The Deputy Presiding Officer (Christine Grahame):** The next item of business is a statement by Fergus Ewing on Covid-19 (Tourism). The cabinet secretary will take questions at the end of his statement, so there should be no interventions or interruptions.

14:31

**The Cabinet Secretary for Rural Economy and Tourism (Fergus Ewing):** The current situation with Covid-19 is one of the biggest challenges that we have faced in our lifetimes. Preservation of life has been our overriding objective since the start of this crisis; it is that simple. By staying at home and following the physical distancing guidance, the people of Scotland are doing everything that they can to protect our national health service and social care services, and to save lives.

However, the measures that we have taken, and are continuing to take, to deal with this crisis reflect its magnitude. We have had to implement restrictions on liberties that have had a very serious impact on our economy, and our tourism and hospitality sector has been devastated. I understand how difficult this is. Businesses have gone from anticipating another bumper tourism season this summer to seeing their income drop to zero almost overnight.

The Scottish and United Kingdom Governments have moved quickly to try to address the financial challenges that are faced by businesses affected by the current crisis, including those in the tourism and hospitality sector. The Scottish Government has provided a package of support worth over £2.3 billion, going above and beyond UK Government consequentials. We have provided rates relief and developed grant schemes that are not available elsewhere in the UK, and we have met and listened to businesses to understand where gaps still exist.

Since the middle of March, I have spent much of my time taking part in calls with sectoral organisations and business owners to hear first-hand about the impact that the restrictions are having. Many of the people who have taken part in those calls have suffered the most severe impacts on their lives and their livelihoods.

I commend the work of organisations such as the Scottish Tourism Alliance and UK Hospitality in representing their sectors and providing a vital bridge between the Scottish Government and businesses. We have worked in partnership to ensure that the UK Government understands the pressures on the industry in Scotland. That work is not complete. Kate Forbes and I have written to

the chancellor to request a discussion on how we can work together to further support the sector and alleviate some of the pressures on businesses, including through a review of VAT rates.

The UK Government must lead on a financial recovery plan for tourism in the UK with significant funding attached, and we will use those consequential for the industry in Scotland.

From my numerous discussions with industry over the past weeks and months, I know that what the industry needs now is clarity on when it will be able to reopen and start on the long road back to sustainability and growth. I fully understand the unique challenges that the uncertainty is creating. Businesses need to know what orders to place and when. They need to have the confidence to take bookings, while understanding the risks inherent in the continued presence of the virus. To take bookings, they need to be able to plan staff rotas and shifts and to restock. They need to be in a position of readiness to go once restrictions are lifted and to avoid any unnecessary delays. Some businesses may also wish to pre-purchase personal protective equipment.

Visitors need time to request annual leave and to make bookings. Notice, preparedness and readiness go hand in hand and are a key part of preparing for recovery.

The Scottish Government understands the exceptional and very challenging circumstances facing our tourism and hospitality sector. It is heavily dependent on seasonality, meaning that the already limited opportunities are narrowing by the day. Many businesses are facing key decisions about their futures, with all the implications for jobs and investment. It is an unenviable position by any measure.

I do not seek to underplay the impact that this crisis is having on all parts of Scotland's economy, which is profound. However, those facts set the sector apart and that needs to be recognised. We have heard the messages clearly and we are not impervious to the sector's calls for more clarity. Our responsibility is to balance the exceptional circumstances that the industry faces with the need to continue to take the right steps at the right time to protect life.

Covid-19 has not gone away; it remains a threat. However, I am keen to give additional clarity where possible and to provide an indicative date from which we hope that the sector can begin to operate. That date cannot be definitive. The science and health advice must be in the right place. The virus must have been suppressed, the test and protect system must be used effectively and our route map must be on course.

Given the vital interdependencies between the tourism and hospitality sector and wider sectors of

the economy, including public transport, we must make holistic decisions about when to change restrictions. We cannot make changes for any sector in isolation. That is why we must be assured that the epidemic is suppressed to enable the more general opening up of our country that will come with the reopening of tourism and hospitality. In that way everyone—employees, tourists and customers—can be confident that it is safe to make this change.

Statutory reviews of the current restrictions are required on 18 June and 9 July. Those reviews must take place and their outcomes must show the necessary progress in our fight against the virus before tourism can resume. As things stand just now, our hope is that we will be able to give the go-ahead for a reopening of the sector at the review on 9 July. Assuming that that proves possible, some time would then be required for interconnected services such as transport to prepare.

On that basis—and on the clear understanding with the industry that nothing can be absolutely guaranteed at this stage and that we may need to change this date if the evidence requires it—we would encourage tourism and hospitality businesses to prepare, within appropriate safety guidelines, for reopening on 15 July.

For the reasons that I have set out, that timetable is by necessity both provisional and conditional. We very much hope that it can be met and that setting it out now, even with caveats, gives the sector greater clarity and some much-needed ability to plan ahead. I cannot stress enough how important it is that the time until then should be used to implement the changes that are necessary to satisfy regulations and to adapt to a new way of living.

I will say something about that new way of life, because things will not be the same as before. Covid-19 has changed that and safety must come first.

I can therefore also announce that we will soon be publishing guidance for the tourism and hospitality sector that will help businesses make the necessary changes. We have worked closely with the industry in this area and that will provide a key link between Government and the good work done across the sector to prepare guidelines and practical measures for safe reopening.

Things will look and feel different, and that is also a challenge for businesses. Workplaces will need to adapt and innovate to make best use of space and facilities within the guidelines. There will be a key role for the industry in building confidence in communities, which, understandably, may be hesitant to welcome back visitors.

Customers—we, the public—will also need to adapt to new ways of using the services, just as we have had to do throughout the crisis. I have confidence that everyone will, once again, rise to the challenge.

I accept that this is disruptive and difficult, but the measures are essential to ensure that workplaces are safe and compliant; in keeping with our fair work principles, they have been developed in partnership with trade unions and the appropriate regulatory bodies. That will give confidence to employers, employees, customers and the public that Scotland's tourism and hospitality sector is prepared and ready once again to provide safe, reliable and enjoyable experiences.

I will make one final announcement before I finish. I highlight that I am setting up a Scottish tourism recovery task force to take forward strategic oversight of, and provision of advice on, recovery plans in response to the impact of Covid-19 on Scottish tourism and hospitality.

The task force will be responsible for ensuring that the tourism recovery plan is fully co-ordinated with wider Scottish Government and other recovery plans. It will also take into account wider actions that are being taken by the UK Government and other devolved Administrations, as well as international best practice including that of the European Union.

I will chair the task force along with the Minister for Business, Fair Work and Skills, Jamie Hepburn. I will announce the membership shortly—we are in the process of seeking to finalise that—and will publish a draft work plan for the group, which will include looking at recovery needs for the sector; working with the devolved Administrations and the UK Government on UK-level interventions; developing a domestic visitor marketing campaign; and, crucially, having clear public messaging on the safe recovery of tourism and the economic benefits for our communities. The task force will work closely with the sector, allowing us to identify the key actions that are necessary for a strong and safe recovery.

At the start of March, I was involved in the launch of Scotland's new tourism strategy, taking us through to 2030. The strategy sought to make Scotland the world leader in 21st century tourism. That should still be our ambition. Scotland has a wealth of assets and a wonderful reputation as a welcoming country. The Covid-19 crisis has been devastating for the industry, but we must look to rebuild the sector and begin welcoming visitors once again.

We recognise that, in order to achieve that, businesses must be ready to go when safe to do so, to avoid any unnecessary delay, which would

inflict yet more reputational and financial harm. Today's additional clarity on when that may happen will help avoid that and assist businesses to be ready to reopen.

Under the guidance of the new tourism task force, and with the incredible dedication and hard work of the thousands who work in tourism and hospitality in the public and private sectors, I believe that we can make a safe and strong recovery.

**The Deputy Presiding Officer:** Time is tight. We have only around 20 minutes for questions before we move to the next item of business.

**Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** I draw members' attention to my entry in the register of members' interests.

I welcome the first Covid-19 statement giving an update for the tourism industry and the launch of the task force. We must restart the engines of our economy while controlling and managing flare-up of the virus. Some parts of the tourism industry are ready to reopen; others are not. Additional clarity is needed to bring everyone on the journey, leaving nobody behind.

Self-caterers have been knocked back time and again by the Scottish National Party Government during the pandemic. There has been a lack of funding for the sector since the start of lockdown and its initial ineligibility in the criteria for support grants was unfair and damaging.

Self-catering units are, undoubtedly, the most appropriate forms of accommodation that could open safely, as the majority of such units have no shared facilities and represent the least risk.

That is evident from the Association of Scotland's Self-Caterers survey that was published yesterday. Some 75 per cent of self-caterers say that they could open safely in phase 2 if travel restrictions are eased and robust cleaning guidance is provided.

Some 42 per cent of respondents said that the SNP Government's support for self-catering has been either poor or very poor. It is concerning that almost half of businesses are either somewhat or very pessimistic about the future. I have two points to raise with the cabinet secretary.

**The Deputy Presiding Officer:** Well, you will have to be quick, Ms Hamilton, because you have eaten into your time. Please ask one question.

**Rachael Hamilton:** Will the Scottish Government enable certain parts of the tourism economy to open sooner than has been mentioned in today's statement? Secondly, what evaluation has the Scottish Government made—

**The Deputy Presiding Officer:** No, I am sorry. You took too long—

**Rachael Hamilton:** —or is it considering—

**The Deputy Presiding Officer:** Ms Hamilton, please stop. You had one minute and 30 seconds, but you ate right into that so you now have only one question.

I call the cabinet secretary.

**Fergus Ewing:** Presiding Officer, I was having a little difficulty in making out every word that Ms Hamilton said, which might be because of a problem with the sound system. I therefore apologise if I do not answer all the points that she raised.

I point out that my colleagues and I are working round the clock to provide financial support to businesses. That is intended not to restore lost revenue, which would be impossible, but to provide a bridge to mitigate the hardship that they are suffering and to get them through this period. We are straining every sinew to do that, and we are doing so round the clock. We are determined to do our very best.

I am bound to point out that, in the case of some forms of support, what we are providing is over and above the levels that our colleagues and friends down south have provided. For example, the pivotal enterprise resilience fund—PERF—provides an element of grant support for businesses, including those in tourism and hospitality, with a rateable value of more than £51,000, which does not happen down south. Every single business that has received vital support from that fund—of which there are a great many—has done so because we recognise that they are vital to tourism around the country, especially in rural towns, and that they are important businesses.

Therefore, I absolutely refute the suggestions that the Tories have made. I find it a bit disappointing that, at a time when we are trying to work constructively with the UK Government, that should be the apparent course that the Scottish Conservatives have decided to take.

**Claire Baker (Mid Scotland and Fife) (Lab):** The sector will welcome today's announcement of a proposed date for reopening, because it has been hit very hard by this period. I have several questions for the cabinet secretary.

When will we get more detail on when the guidance will be published? It is not clear whether the proposal is for a blanket reopening or a phased one that would recognise the existence of different types of risks in different types of accommodation. Further, it is not clear how extensive the relaxation will be. Will it include campsite facilities, and does the reference to hospitality also include bars, restaurants and cafes? Is the Government considering a regional

or zonal approach, which might help to restrict the spread of the virus?

The supply chain has also suffered, and I am getting reports that many businesses have been turned down for the PERF support that the cabinet secretary mentioned. When will we know how that money has been awarded and who has benefited from it?

Given that a date for reopening the sector has now been announced, when can people start to book accommodation with confidence, and what security will they have when they do so?

Finally, there is a need for financial support, and I support the calls for the UK Government to step in and support the UK economy. However, will priority be given to tourism and hospitality in the forthcoming Scottish budget in the autumn, which would recognise its importance to the Scottish economy?

**The Deputy Presiding Officer:** Cabinet secretary, I appreciate that there were a lot of questions there. I ask you to answer them succinctly, please.

**Fergus Ewing:** The Scottish Government has been working closely with the industry and has also involved the relevant trade unions in order to devise guidance, which we have now completed. We have put that to the relevant health officials and are aiming to publish it on 18 June. That would provide a sufficient period for preparations to be made, such as adapting premises for social distancing, ordering in PPE and instructing staff in the safe operation of their work.

On funding packages, we are working hard with the enterprise agencies to administer the pivotal enterprise, creative and tourism hardship funds. Lots of businesses have already benefited from those, and lots more will benefit yet. That is still work in progress, but once it has been completed we will publish the results, in keeping with what we can make public about individual businesses. I would expect the full details to be published.

In addition, our local authorities have been working hard to administer the rates-based grants scheme. I know that many businesses have also availed themselves of the coronavirus business interruption loan scheme—CBILS—offered by the UK Government. All of that work is in hand.

I think that I have covered several of Ms Baker's questions, but I will come back to her if I have omitted any.

**The Deputy Presiding Officer:** Thank you. I have 13 members wishing to ask questions. Unless they are very succinct, we are not going to get through them all.

**Bruce Crawford (Stirling) (SNP):** The cabinet secretary will be aware of tourism's vital contribution to the economy and the wellbeing of people in my constituency of Stirling. Alyn Smith MP and I have been undertaking a series of discussions with tourism-related businesses. Many of those businesses are deeply anxious and concerned about what the future might hold. In effect, seasonal operators are facing three winters in a row.

Can the cabinet secretary therefore tell me what priority the Scottish Government is giving to the provision of additional assistance and what urgent discussions it has had with the UK Government in that regard? Businesses desperately need to know that further grant assistance will be forthcoming.

**Fergus Ewing:** I am well aware that Mr Crawford represents a constituency that contains some of the most popular tourist attractions in Scotland, including the Loch Lomond and the Trossachs national park—the park that he shares, in political terms, with Jackie Baillie, from whom I expect we will hear later. Therefore, it is absolutely vital to Mr Crawford and his constituents that we do our best to help those businesses financially.

We have done a great deal and I know that the support has been welcome where it has been received. I hope that it will serve the purpose of providing that bridge across this period. However, it is not yet enough. That is why Kate Forbes wrote to the Chancellor of the Exchequer yesterday outlining the need for consideration of further support.

I believe that that further support must be provided. I do not believe that it is yet possible to specify precisely how that support will lie, but it is well known that many tourism businesses in Scotland, which are dependent on making most of their money between May and October, will need help to get through to next spring. That is an incontrovertible fact. That fact then dictates the level of support that will be required to prevent those businesses from going to the wall and prevent us from losing the benefit of the skills of the chefs, the staff and the workforce involved and ceasing to be the vibrant, successful and attractive nation that so many people in the world enjoy visiting.

**The Deputy Presiding Officer:** I am sorry—I know that this issue is very important—but can we have shorter answers and shorter questions? We will not get through everybody this way.

**Peter Chapman (North East Scotland) (Con):** Cabinet secretary, the tourism industry will be delighted that a date for reopening has now been given. However, we know that there will be huge challenges for people in travelling to their chosen destinations. Travel on trains and buses is hugely

constrained and places are probably less than 15 per cent of what would normally be available.

Even more worrying is travel to the islands, where ferry capacity will be hopelessly inadequate to allow tourists to travel in decent numbers. How can the cabinet secretary reassure the industry that people will be able to safely travel to enjoy a holiday in July?

**Fergus Ewing:** I am pleased that there is some support from the Conservative Party for the measures that we have announced today and the conditional indicative date of 15 July. I share the member's concerns that public transport will, of necessity, be constrained because of the requirement to comply with social distancing. The need for that measure is a view that is shared across these islands.

The fact that we have made this announcement today—and that I am working with my colleagues Michael Matheson and Paul Wheelhouse—means that we can use this time to make the necessary practical arrangements to do our very best to meet the challenges that Mr Chapman has described, which are very real challenges. They cannot be magicked away so we must simply work hard with all the relevant bodies, including CalMac Ferries, to do the very best that is possible in a very short space of time. That work will be absolutely critical over the coming days and weeks.

**Alex Neil (Airdrie and Shotts) (SNP):** I welcome the cabinet secretary's statement. We need to do two things—we need to help businesses and to create demand at the same time. On the latter point, will the cabinet secretary consider formally requesting the UK Government and, if required, the European Commission, to allow a suspension of value added tax for the tourism and hospitality sector for at least a year to facilitate it getting back on its feet?

**Fergus Ewing:** There is a strong case for a suspension or reduction of VAT. In fact, I raised that with the UK Government just yesterday in one of a series of calls that I have had with Nigel Huddleston, the UK tourism minister. I have to say that he is a very constructive person to deal with on a factual basis, and he understands the damage to tourism. I understand that he has made 15 asks of the chancellor and that he is going to share those asks and the answers with us, or so he said yesterday in our phone call. It will be interesting to see both those documents. I hope that we continue to have an open and constructive dialogue and that, in these exceptional times, we consider VAT reduction, as other countries including Germany and possibly Ireland have done.

**Colin Smyth (South Scotland) (Lab):** The cabinet secretary will be aware that some unspent

funds remain from the rates-based grants schemes that he referred to. Will the Government consider allowing councils to retain those unallocated resources from the property grant schemes and use them for a flexible local discretionary grant scheme similar to the scheme that is up and running in local authorities in England? That would allow councils to support businesses that have so far lost out on grants, particularly in the hospitality sector.

**Fergus Ewing:** As I understand it, it is not yet possible to determine to what extent there will be an underspend of the grant funds, although I hope that that will be clear shortly. However, it is right that money that is intended to provide mitigation of financial hardship for businesses in tourism should be used for that. Whether it is bed and breakfasts, hotels, visitor attractions, coach companies, which provide a vital service, or wholesalers, who provide a vital service to the on sector, all of them should have access to some kind of financial bridge in the current period. Any spare money that is available should be used primarily for those purposes.

**Rona Mackay (Strathkelvin and Bearsden) (SNP):** Many of my constituents who own caravans on sites or mobile caravans have contacted me to ask whether they can start using them. Those people argue that they would not mix with other households and would adhere to all the Covid-19 health advice. Can the cabinet secretary say when that might be possible?

How can MSPs and the tourism industry support building of confidence in communities so that they are ready to welcome back tourists when the time is right?

**Fergus Ewing:** That case has been well made by businesses and individual owners of static or fixed-unit caravans on caravan sites for precisely the reasons that the member states. They have a strong case, but the issue is with travelling to and from caravan sites. We have suggested a date of 15 July, because that is when we anticipate that the general travel restrictions can be lifted. Only at that point can accommodation be opened up, whether it is hotels, self-catering accommodation, caravans or B and Bs. We recognise that, for some self-catering accommodation and fixed-unit caravans, it is perhaps easier to comply with social distancing rules than it is for other types of accommodation, but the need for general travel restrictions to be lifted trumps those particular concerns and means that all accommodation providers should aim towards 15 July as the date for opening.

On the second point, there is a need for a marketing campaign. Many members of the public are worried about people coming into their areas, particularly in parts of Scotland that have been

perceived as not being affected by the virus. To assuage those fears, it is vital that the Scottish Government has a marketing campaign. That will aim to put those fears to rest, to say that safety is paramount and to explain all the work that we have been doing in respect of the overarching guidance that we aim to publish on 18 June. All that work is being done and it will be published—I hope that it will be effective.

**John Finnie (Highlands and Islands) (Green):** I thank the cabinet secretary for his statement and I welcome the provisional and conditional nature of the progress that has been outlined.

The cabinet secretary will be aware that CalMac Ferries has been operating its essential lifeline timetable with significant restraints, at 17 per cent of passenger capacity and 91 per cent of car deck capacity. A shoulder timetable would take four weeks to turn around in a transition to a full timetable, which we are some way off—*[Inaudible.]* Can the cabinet secretary assure our resident island population that the understandable wish to restart the—*[Inaudible.]*—will not in any way disadvantage those who are relying on the existing essential lifeline timetable service?

**The Deputy Presiding Officer:** Did you manage to get that, cabinet secretary? It was quite difficult to hear. If you did not hear it, I will perhaps ask Mr Finnie to submit it in writing so that you can answer it.

**Fergus Ewing:** I am sorry, Presiding Officer. I could not hear the last sentence, which contained the question.

**The Deputy Presiding Officer:** I ask John Finnie to repeat the last sentence with the question, please. The sound was a bit poor.

**John Finnie:** Can the cabinet secretary assure our resident island population that the understandable wish to restart the tourism industry will not in any way disadvantage the people who rely on the existing essential lifeline timetable service.

**The Deputy Presiding Officer:** That is fine. Thank you very much.

**Fergus Ewing:** I apologise to Mr Finnie, as I did not catch the last sentence.

We can provide that assurance. Obviously, the ferry service is vital for residents, just as it is a vital means for tourists to visit our islands, and we are working very hard to make sure that both groups can be accommodated.

**The Deputy Presiding Officer:** I will let questions run on until 10 past.

**Mike Rumbles (North East Scotland) (LD):** The Liberal Democrats welcome the target date of 15 July, which is immensely helpful to the industry.



Does the cabinet secretary agree that self-catering businesses, by definition, have much less interaction with people than hotel or B and B businesses do? Could they not open a little earlier?

**Fergus Ewing:** Mike Rumbles has made a very fair point. We have engaged with the self-catering sector, particularly Fiona Campbell, throughout, and the point has been made by many, including by Mr Rumbles now, and he is right. It is in some ways easier to protect, and to comply with the Covid guidance and rules, in a self-catering establishment than in certain hotel accommodation.

But—and this is the “but”—the reason why all accommodation providers will be able to open on 15 July, subject to the science being with us, is that, for people to travel to and from a hotel or self-catering unit from elsewhere in Scotland or the UK, the travel cannot be enabled until that phase of tackling the virus. That reason—lifting the general travel restrictions—governs the timing of the decision that we have made. I recognise that Mr Rumbles has made a fair point that some accommodation providers will find it easier to comply with social distancing than others, but none of them will be entitled to operate and provide accommodation unless they can all comply with it.

**Jackie Baillie (Dumbarton) (Lab):** I thank the cabinet secretary for our very helpful discussions with tourism and hospitality businesses in my constituency. Sadly, as many as 1,200 permanent jobs and 800 seasonal jobs may be lost in the national park. Will the cabinet secretary ensure that both Governments work together to ensure that we will have a reshaped job retention scheme in place beyond October? Will he also ensure that someone from the Loch Lomond area is on his task force?

**Fergus Ewing:** I stayed in Loch Lomond for a while, so that might work. [*Laughter.*] That was not the answer that Jackie Baillie was expecting.

I assure Jackie Baillie that yesterday I raised that point with Nigel Huddleston and suggested that a limited refined partial furlough may be required for many businesses to survive until next spring. He agreed in principle that the problem needs to be looked at. There was support from the Welsh Administration, I think, for that argument.

We will give very careful and due consideration to the membership of the task force, as Jackie Baillie would expect.

**Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP):** Any dates for the resumption of tourism will, on the islands, be dependent not merely on ferry capacity but on the public health advice on whether ferries should be used. My constituents

have—to their great credit and also great sacrifice, in many cases—stayed away from the ferry for months. I am sure that the cabinet secretary will agree that their needs will now have to be given consideration when tourism makes its very welcome return.

**Fergus Ewing:** That consideration will be part of the work that we will do. I am acutely conscious of the importance of the ferries to the islands. We have engaged regularly with the Outer Hebrides tourism organisations, as Dr Allan knows, and with many others on the islands. Having holidayed in his constituency myself most years in the past six years, I can testify to the great experience that one always has there, particularly the ferry journey, which is hugely enjoyable. However, it has to be a service for his constituents as well as for visitors.

**Gordon Lindhurst (Lothian) (Con):** Given that tourism accounts for more than 7 per cent of Scottish employment and 5 per cent of our gross domestic product, can the cabinet secretary clarify, for Scottish and other travellers, and travel agents here and abroad, which major tourist sites, attractions and conference centres will be allowed to open on 15 July? What conditions will their opening be subject to if the general reopening date changes?

**Fergus Ewing:** The fact that we are making the announcement today, 10 June, preparatory to resumption on the indicative date of 15 July, means that there is quite a long lead-in time for us to do that work. That is partly why the First Minister and the Cabinet have agreed the approach that I have set out today, given the exceptional circumstances, in which the tourism sector has basically lost all its revenue.

To prepare, VisitScotland will marshal its resources to make sure that the information to which Gordon Lindhurst refers is disseminated widely. As well as visitor attractions, all accommodation providers, restaurants and pubs will be able to reopen on 15 July. The main element that will be postponed is events—the coming together of people in large, mass gatherings—which will happen in phase 4 and not on 15 July. As Gordon Lindhurst rightly says, we therefore have an opportunity to make clear what the offering will be for people who want to come to Scotland on that date, and we will avail ourselves of the time that we have to ensure that that information is widely disseminated.

**David Stewart (Highlands and Islands) (Lab):** One jewel in the crown for tourists is the Highland Wildlife Park at Kincaig. It desperately wants two things: early reopening, such as is planned in England, and financial support. Will the cabinet secretary give urgent consideration to those two matters?

**Fergus Ewing:** My colleague Roseanna Cunningham is looking urgently at the issue of financial support, for which there is a strong case. In England, that case has been accepted. There are strong animal welfare considerations to bear in mind. The Highland Wildlife Park, which I have visited several times with my family, has a wide and attractive collection of different animals, including a very aggressive tiger. We need to think about the animal welfare considerations, as well as the need to reopen.

I stress that our judgment, as part of our cautious approach in Scotland, is that it is not yet right to open all visitor attractions and to have people from all over the country travelling to enjoy them. As I mentioned earlier, that is the predominant reason why reopening cannot happen sooner.

I believe that the lead-in time, the preparation that can now take place and what I hope will be a positive response from my colleague in relation to financial support will provide sufficient assurance to Highland Wildlife Park and other zoological attractions in Scotland for them to continue.

**Stuart McMillan (Greenock and Inverclyde) (SNP):** I welcome the announcement of the new task force. I would be grateful if the cabinet secretary could consider involving somebody from the boating sector in the task force. As he will be aware, it is an important sector for my Greenock and Inverclyde constituency, as well as for Scotland as a whole.

**Fergus Ewing:** Stuart McMillan has championed the issue for several years, and I will give it due consideration. Recently, I had an excellent exchange with representatives of ports and harbours around the country, and a separate one with representatives of the cruise liner sector, which is another important part of the economy. I assured them that, when it is safe to do so, we will welcome them back to Scotland.

**The Deputy Presiding Officer:** Thank you. I apologise to Sarah Boyack and other members who wanted to ask a question, but I had already let the questions run on quite a bit.

**Liz Smith (Mid Scotland and Fife) (Con):** On a point of order, Presiding Officer. The Parliament is about to debate a very important issue, and I am sure that all parties in the chamber will unite in anti-racism. At 10 to 3 this afternoon, we were notified of a change in the wording of one of the amendments to the motion; subsequently, it has been changed again.

As I understand it from my reading of the amendment, it is only a technical rather than a substantial change, but I ask for your guidance on the matter. That took place only minutes before the debate was due to take place, and it could

potentially have had a big impact on members' approach and how they would vote.

**The Deputy Presiding Officer:** Thank you. It would have been helpful if I had had a little notice of the member's point of order, but I understand that it has just happened.

The Presiding Officer made a ruling on the matter. It was a technical change—a manuscript change—and the Presiding Officer took the view that it was acceptable. That is not always the best way to proceed, but it was acceptable in this instance. I hope that that settles the matter.

## Showing Solidarity with Anti-racism

**The Deputy Presiding Officer (Christine Grahame):** The minister has been very patient. At last, I call the next item of business, which is a debate on motion S5M-22004, in the name of Christina McKelvie, on showing solidarity with anti-racism.

15:10

**The Minister for Older People and Equalities (Christina McKelvie):** Let me start with three vital words that everyone needs to hear and that we all need to understand: black lives matter. All across the world, people are standing up and making that point. Cross-party consensus on it is vital, and we will support the amendments to the Government's motion that have been lodged by Labour and the Green Party.

I know that we have all been shocked and appalled by the death of George Floyd in Minneapolis on 25 May. His terrible, senseless death is a tragedy that has reopened the seismic fault lines that exist in US society, where for too long black people have continued to suffer the most appalling inequality, prejudice and discrimination. Large parts of America are standing up and saying, "Not in my name" and, "Enough is enough."

It is absolutely understandable that people should wish to make their voices heard. At the weekend, we saw protests across Scottish cities, with many thousands of people coming together to show their anger and solidarity. However, the First Minister was and continues to be very clear, and I want to make it very clear today, that we strongly oppose and discourage mass gatherings and that people who are seeking to make their voices heard should find alternative means of doing so.

We are at a critical point in dealing with the Covid-19 pandemic, and our hard-won gains with the infection rate reducing must not be lost. Many of us wish to make clear our strong solidarity with the black community, and we should do so virtually or through supporting the charities that are working on the ground to improve the lives of black and minority ethnic people in Scotland and further afield. I encourage everyone to act responsibly while continuing, of course, to make their voices heard. Covid is still with us and people are still dying. The priority must be to protect public health.

I turn to the inequality that black and other minority ethnic communities in Scotland continue to experience. Last year, I undertook a tour of Glasgow—not for the first time—to learn more

about the city's links to the historic slave trade, and I was struck by just how much that terrible stain on our history is still woven throughout the fabric of that great city. Although, today, we are resolutely focused on improving the lives of black and minority ethnic people, we must not forget that we once enabled the terrible practice of slavery.

It is clear to me that the roots of the entrenched structural racism that continues to pervade global society are firmly based in the historic enslavement of black people, mainly from African countries. Racism has allowed white people to determine black people as a subhuman class and treat them as chattels, or property. Reducing black people to that status salved the collective conscience of white people around the world and enabled them to justify their barbaric acts, and we should all take responsibility for that.

We must not gloss over our historical attitudes or actions, nor should we assume that, simply because we live in the modern era, everything is much better. Recent events have demonstrated that that is clearly not the case, and we need to move forward in a way that reflects the reality of the historical oppression of black people and what we need to do to tackle injustice and build true equality.

Patrick Harvie's amendment calls for the establishment of a slavery museum to address our historical links to the slave trade, and it expresses regret about the fact that so many monuments and street names still celebrate the perpetrators and profiteers of slavery.

On the latter point, there are a range of views. Some think that such monuments and signs should be torn down immediately, while others believe that it is important to reflect the reality of the past and that to do otherwise erases the experience and the reality of the terrible inequality and suffering that existed. Our view is that these matters are best considered in a respectful and reflective way that is grounded in the voices and lived experience of those who are most affected by the issues. I give Patrick Harvie a commitment that we will play our part in contributing to that discussion.

On the suggestion of a museum, Patrick Harvie will be aware that the University of Glasgow is taking forward work in that area, following a report published in 2019 by Dr Stephen Mullen that made a number of recommendations. My officials are currently following up on those recommendations directly with the university.

One key area of progress that I would like to highlight is the establishment of a new James McCune Smith learning hub in recognition of the first African American to be awarded a medical degree by the University of Glasgow in 1837.

Another long-term goal is the establishment of a Hunterian exhibition on slavery. We will continue to engage with the university as it takes forward work in that area.

I turn to our broader agenda. The Scottish Government has taken steps to advance race equality and tackle racism—but, to be frank and absolutely honest, we have not gone far enough and we need to make much greater progress.

In 2017, we published a race equality action plan that outlined the actions that we will take during the current parliamentary session to secure better outcomes for minority ethnic communities in Scotland. An update published last year indicated that although progress has been made in some areas, there remains so much more to do. A senior-level programme board has been established to drive the progress that we want to see.

In the past financial year, we allocated more than £2.6 million to fund organisations working to advance race equality. We have taken action to address bullying and discrimination in our schools, and that is a work in progress. We have a working group to implement measures to address the underrepresentation of minority ethnic teachers in Scotland's schools. We are actively working to improve the employment rates for minority ethnic groups in Scotland, and our workplace equality fund has funded initiatives to support minority ethnic people to progress in the workplace and employers to develop a more inclusive workforce.

Black and minority ethnic representation in this place is still severely lacking, and it remains a significant issue that we have never seen a woman from any ethnic minority background in 20 years of the Scottish Parliament. Funding to the Equal Representation coalition has supported it to develop a toolkit to help political parties to improve the diversity of their membership, with a view to addressing underrepresentation not just here, but in other places in the country to which people are elected. Through the First Minister's national advisory council on women and girls, Dr Ima Jackson and Louise Macdonald are taking forward thinking on how we build greater intersectionality into our approach to gender equality.

I look forward to publishing the report on the final year of the current race equality action plan in 2021, including consideration of areas for further action and focus. I welcome further debate and scrutiny in Parliament on the progress that we have made, and I encourage colleagues from across all parties to join me in that.

**Neil Findlay (Lothian) (Lab):** Does the minister agree that we cannot dissociate racism and discrimination from the economic inequality that is engrained and embedded in capitalism, and that

until we address those economic issues, the issues of gender, race and class inequality will remain in our society?

**Christina McKelvie:** I suppose that, yes, we could say that. However, the endemic structural inequality that our minority ethnic communities face now is based in that history. We need to understand where it came from so that we can work out what we need to do to move forward. That can only be done with more representation in Parliament, on our public boards, in our workplaces and at every level of our communities. The people are there; we just need to make sure that we encourage that participation, then we can change some of those structural inequalities.

I mentioned Covid-19 and the importance of continuing to maintain social distancing and stay at home as we work to bring this unprecedented pandemic under control, and I have been very conscious of increasing anxiety about the disproportionate impact of the pandemic upon minority ethnic communities, including those who work in our care system and have become ill or even lost their lives. Pauline McNeill's amendment focuses on that.

I want to reassure minority ethnic communities that we are taking the issue very seriously. The health and wellbeing of our health and social care staff is a key priority and we know that many minority ethnic staff will be feeling anxious about how best to protect themselves and their families. We are taking steps to address that, including setting out guidance for health and social care employers on risk assessment and support for their staff. Work is also under way to improve our understanding of the impact of the virus on minority ethnic groups so that we can take the right action.

To respond further to Pauline McNeill's amendment, I can confirm that we have asked Public Health Scotland to undertake a review of all the available evidence to inform our future action. National Records of Scotland is working towards producing an analysis that is similar to that which was recently published by the Office for National Statistics for England and Wales.

Pauline McNeill's amendment also welcomes the establishment of a new expert reference group that is set to look at the issue. It comprises academics and other experts in the field, and it is chaired by Paul Johnston, the Scottish Government's director general for education, communities and justice and chair of the race equality programme board. A co-chair with academic and lived experience will be asked to take part in that work, and they will be appointed shortly. I hope to announce that appointment very soon. I attended an initial meeting of the expert group this morning, and it was absolutely fantastic

and brimming with ideas. We came up with a clear set of actions, which we hope to give members more information on very soon.

Work to address the issues that have been raised will be progressed by the race equality programme board, which will play an active role in overseeing and supporting cross-portfolio activity to inform and support work in the area.

Mr Yousaf will sum up in today's debate because the work is not just equalities driven; it is a cross-Government piece of work.

As we look further ahead, we will continue to ensure that such equality and human rights issues are at the heart of our response to the impacts of Covid-19 and our recovery from it. We have the overall vision for race equality in Scotland that, by 2030,

"Scotland is a place where people are healthier, happier and treated with respect, and where opportunities, wealth and power are spread more equally."

Our race equality framework aims to ensure that that vision is achieved equally for people from all ethnicities, and to help to build a Scotland in which we all share a common sense of purpose and belonging.

As I draw to a close, I emphasise that point. The inequality that black and other minority ethnic people continue to experience, whether it be health related, hate crime related, economic or societal, continues to be unacceptable and is a fundamental result of the failure to realise the human rights of everyone in Scotland. It can and it must change. I am committed to doing everything that I can to help change it, and I am sure that the whole Parliament can unite behind that ambition.

I move,

That the Parliament understands and shares the deep concern and horror that many feel about racism and racial injustice across the world; expresses and shares the sympathy, grief and anger of so many at the death of George Floyd; stands in solidarity with the Black Lives Matter movement; discourages mass gatherings at this time in the interests of public health and to prevent the spread of COVID-19 and encourages people to find alternative ways to lend their voice to protest peacefully on this important matter; believes that there is a responsibility on us all to identify and dismantle barriers of structural racism that exist in our society and institutions; agrees that it is up to all in society to tackle racism and advance race equality, and believes that racism is a societal evil that we must all stand united against, and work to eradicate.

15:22

**Pauline McNeill (Glasgow) (Lab):** Black lives matter. I am pleased to stand in solidarity with all the parties this afternoon, and I thank the Presiding Officers for making that happen. We are all anti-racist, and we must stand up together and say so.

Among the line of buses and cars at the front of the church that was used for George Floyd's funeral, Savant Moore shared the sentiment that he posted on Facebook in the aftermath of the killing. He said:

"It really took a global pandemic with no sports, no concerts, no vacations to get the world to sit down and have no choice but to watch what's really happening to black people in America with zero distractions."

The killing of George Floyd at the hands of the police has galvanised young people in particular to say, "Enough is enough", when it comes to treatment of black people at the hands of the police in America. It has also drawn attention to the wider inequalities and structural racism that are faced by BME people throughout the world and in Scotland.

Scotland is not exceptional when it comes to racism. That is even more the case when we consider the lack of progress that we have made at every level of our society. I could give many quotations and figures that relate to underrepresentation of BME people in teaching, the civil service and the law at every level. That amounts to failure of our action plans, and we all have to accept that. As anti-racists, we must be clear that we fight against Islamophobia and antisemitism—against any form of racism whatsoever.

I work with women in Arab and Asian communities, who still face direct racist treatment. Women face stereotyping in the jobs market, and they put up with a great deal of criminality in the streets. Amina—The Muslim Women's Resource Centre surveyed 101 Muslim women and found that 64 per cent said that they had experienced or witnessed Islamophobia. A lot of it is just to do with a person's choice of headwear.

Five years on, we still await answers about the treatment of Sheku Bayoh, who died in custody. That has left a shadow over Police Scotland. I know that my colleague Claire Baker will speak to that. The family deserves answers, and I look forward to the report on the inquiry.

We are in a key moment in time, in which we have a reminder of the racists who exist and how organised they are. Football supporters and far-right extremists have vowed to counter Black Lives Matter protests and to keep vigils at war memorials and statues. Ken Marsh, the chairman of the Metropolitan Police Federation, has said that

"We have got the perfect storm ahead of us ... now that we have planned protests and agitators,"

so we need to be live to the threats to our BME community and we need to organise against racists.

Scotland's black and minority ethnic people have come together to publicly demand racial justice, and rightly so. The "Break the race ceiling" campaign was launched on Sunday night. I have just heard about it, but it is certainly a campaign that I would like to work with.

The Scottish Trades Union Congress's black workers committee has done a great deal of work, and many people joined the Scottish Trades Union Congress and Black Lives Matter on Sunday night at their virtual rally. I am sure that those organisations would be the first to say that that can only be the beginning, rather than the end, of the politics around what we need to do and take action on.

On the amendments, I welcome what Christina McKelvie said about the Labour Party's amendment and how important it is, but I also want to address the Government's motion. We agree on the public health message about gatherings. We are keen to support the Green Party's amendment, because its call on the United Kingdom Government to

"suspend all export licences for tear gas, rubber bullets and riot gear"

to the United States is vital. There is no doubt in my mind that those types of equipment are used against black people in America, so I am pleased to support that part of the Greens' amendment.

We cannot erase our past, but we have a chance to change our future by recognising the truth of our history. Many constituents have written to me calling for Scotland's role in colonialism and slavery to be taught more prominently in schools. That is definitely worthy of consideration. The history of African, Caribbean and Asian people and their contributions to Scottish history is often forgotten or relegated to a bit part. We want the opportunity to promote an inclusive history of Scotland.

A recent report from the United Nations Committee on the Elimination of Racial Discrimination recommended that Scotland's school curriculum should contain

"a balanced account of the history of the British Empire and colonialism, including slavery and other grave human rights violations."

It is time to act on that.

As Christina McKelvie said, the role that was played by Scots in the slave trade has only recently been recognised. Scots were in the past known for their cruelty, and were in high demand to run plantations, where the average survival rate for enslaved people was three to five years. We cannot extinguish our past, but we must recognise it. We must join together and make decisions

together about how we will recognise our past, going forward.

I will conclude by addressing the Labour Party's amendment. Figures that were published by the Office for National Statistics last month found that black people are more than four times more likely than white people of the same age to die from Covid-19. That is why the Scottish Government's announcement this week that it will establish a group to study the effects of the virus on minority ethnic communities is so crucial.

I am afraid that, in England and Wales, they got it wrong. The UK Government chose not to publish Professor Fenton's section of the report on BME communities. He had engaged with 4,000 people from BME communities in his research. He made the important point—which Neil Findlay raised in an intervention—that social and economic deprivation plays a very important part in the risk that BME communities face from Covid-19. We do not know that that will be the conclusion of the Scottish Government's study; we will not be surprised if it is a partial conclusion, but we must have the answers in order that we can save and protect the BME community from that horrible virus.

Let this be a watershed moment and let the debate not be merely a gesture. Let us all act together. Black lives matter.

I move amendment S5M-22004.1, to insert at end:

“; welcomes the establishment of the Scottish Government expert advisory group on COVID-19 and the impact on ethnic minority communities, and calls for action now to best support black and minority ethnic (BAME) workers and their families as the health and economic crisis unfolds and for the collection of detailed data through Public Health Scotland on the impact of COVID-19 on BAME groups, to assist in identifying the reasons for differential impacts”.

15:28

**Patrick Harvie (Glasgow) (Green):** I join others in acknowledging the events that have prompted us to have this debate at this time: the extraordinary impact of the Black Lives Matter movement, coming in the wake of the killing of George Floyd—an event that echoed police violence, brutality and racism down the ages.

It took place in the extraordinary context of a public health crisis. That context reminds us that when restrictions need to be enforced for the public good, people need to know that the authorities, including the Government and the police, are acting in their interests and respecting their human rights. Sadly, that is not the case in the United States. Its systemic racist police brutality and voter suppression long pre-date the

Covid crisis, but both have been exacerbated by the current circumstances.

The Black Lives Matter movement, in all its expressions, is necessary and urgent, and it demands our support. At the same time, we all have a responsibility to echo, as the minister said, the critically important public health message. Nothing in my amendment is intended to encourage mass gatherings—I do not encourage them. I remind members that last week, during First Minister’s question time, I said that I hoped that everybody who was considering joining a protest would

“act responsibly and observe social distancing”,

and that

“Perhaps it would be better to do something from home, such as donating to ... community bail funds.”—[*Official Report*, 3 June 2020; c 10.]

I say that again, while praising police forces that have chosen to make low-key and non-provocative responses to protests—unlike in London, for example, where some protesters have been kettled such that they have been unable to observe social distancing, and have been held in one place for six or seven hours, into the small hours of the morning, without food, water or access to a toilet. That response is not appropriate.

As I said last week, people are asking themselves, “What can I do?” As politicians, we need to do the same. I am very conscious that I ask that question of myself as a white politician, in an overwhelmingly white party, in an overwhelmingly white Parliament. However, my amendment sets out some specific actions that we could take. On exports, for example, many of us would like to see an end to the arms industry everywhere, and I hope that we all want to see an end to state violence. Those might be long-term ideals, but as long as the arms industry exists, we must constantly ask ourselves how its products will be used, and by whom.

Clearly, the US is not a safe country to which we should be exporting tear gas, rubber bullets and riot gear. Those are the weapons of oppression in a society in which police forces—which, in some states, were founded as slave-capturing militias—still display deeply institutional racism. Those forces have also become increasingly militarised and have, in some places in recent weeks, begun to behave in a paramilitary fashion, displaying no identification and being subject to no accountability.

In that context, the call to defund the police should be in no way controversial when compared with defunding of education, healthcare and housing, which has been endured disproportionately by black communities.

As for our own history, there is so much to reflect on. The Government response to Covid has included fiscal intervention that has been described as unprecedented. I will take the time to count the full bill: it is now £100 billion and could reach £200 billion. As we look at that, we should reflect on an aspect of the United Kingdom’s slavery history that shocks most of us when we learn of it. When the legal slave trade was finally done away with, the UK Government borrowed for compensation money that was equivalent to £300 billion in today’s terms. That compensation was not for the victims of slavery but for the perpetrators, who had already profited from their brutality. Even the abolitionists thought that the slavers deserved reward instead of punishment for their crimes against humanity.

That is not ancient history. Much of the inequality that we live with today—in wealth, opportunity, political power and privileged education—can be traced back directly to that extraordinary transfer of wealth from the public to the slave owners. That transfer was funded by Government debt that we have been paying off ever since, until just five years ago. Why did I never learn of that at school, or of the other details of the brutal history of slavery and colonialism? What can we do to improve the teaching of that history?

I know that there are different views on monuments and street names, as has been highlighted once again by the removal of Edward Colston’s statue—an action that was taken by people who were deeply frustrated that their previous persistent efforts to achieve that had been blocked. Our actions need not be about tearing down history; they can be about placing history in its proper context. Perhaps the right context for Edward Colston’s statue is the bottom of the docks that he used in carrying out his lethal business.

In Glasgow, whether or not we choose to rename streets or the area that we still euphemistically call the Merchant City, we could institute new memorials—lasting visible and permanent structures to remind people of the history. That is not about tearing down or erasing history, but about finally and truthfully telling history.

I thank colleagues from the Scottish National Party and the Labour Party for taking an approach that has allowed us to unite all our positions. I also thank the Presiding Officer for finding a solution in the form of a technical change, rather than a substantive change, to ensure that all the positions can be supported, so I will support the other two parties’ positions at decision time tonight.

I move amendment S5M-22004.2, to leave out from “across the world” to “equality” and insert:

“and police brutality across the world; expresses and shares the sympathy, grief and anger of so many at the death of George Floyd; stands in solidarity with the Black Lives Matter movement and considers that the UK Government must immediately suspend all export licences for tear gas, rubber bullets and riot gear to the US; recognises that public protest should be conducted safely in the current public health crisis; encourages people to continue to find safe ways to lend their voice to protest against racism in all its forms; believes that there is a responsibility on us all to identify and dismantle barriers of structural racism that exist in our society and institutions; agrees that it is up to all in society to tackle racism and advance race equality; agrees that Scotland should establish a slavery museum to address our historic links to the slave trade; regrets the fact that so many monuments and street names still celebrate the perpetrators and profiteers of slavery, and calls on all levels of government to work to address this toxic legacy”.

15:35

**Brian Whittle (South Scotland) (Con):** I am pleased to open the debate on behalf of the Conservative Party. I thank the Scottish Government for bringing the debate to the chamber and allowing us, as a Parliament, to unite against the scourge of racism.

I asked to speak in this debate, and I speak not as a politician but as a member of a group of friends who have been connected through sport for some 35 years. We have discussed and debated and tried to tackle racism in the world in which we live, where we witness it far too often. On a Zoom call last night, we debated—sometimes quite heatedly—what I should say today, so my speech is as much about what my friends said as what I have to say.

I did not know George Floyd. I do not know who he was, what kind of character he was or what he had or had not done to attract the attention of the police, other than what we have seen and what has been reported. To be quite frank, that does not matter. What matters is George Floyd’s irrefutable right to be treated with the same dignity and respect as every other citizen would expect, irrespective of their background. What we witnessed was the abhorrent treatment of an individual by those who were charged with public protection, which I am sure that all of us still struggle to absorb, and which resulted in his death.

Let us be clear: racism pervades our society, and it is a learned behaviour. People are not born racist; it is absorbed from the society in which we live. I am old enough to remember when casual racism was commonplace across mainstream television programmes, and comedians readily appeared on television using language that we could not countenance now. It was not that long ago. The thing about casual racism is that, much of the time, the perpetrators will not accept or recognise that they are being racist. Nonetheless,

it falls on us all to continually point out racism whenever we hear or see it.

I witnessed blatant racism a long time ago, when I was a wee skinny white Scots boy. I went down to compete in London, and the day before I was invited, along with the team manager, to attend a Coventry-Spurs football match. I was in the car with the manager and his two friends when we came to a road crossing. An elderly gentleman, who I assumed was a Sikh, was waiting to cross the road. The driver indicated to him to cross, but, as the man stepped off the pavement using a walking stick, the driver revved up his engine and edged forward. The gentleman nearly fell over trying to avoid the car, to much laughter from the three companions in the car. The driver once again indicated to the gentleman to cross, and when he moved forward, the driver repeated the revving of the engine. The laughter from the other three in the car grew louder. I sat in the back feeling absolutely shocked—I am ashamed to say that I was shocked into silence. I could not get my head around how anyone could treat another human being like that, let alone how others could find it funny. From that moment on, I wanted to go home. I did not sleep—I ran like a drain the next day, and I just wanted to get back on the plane.

I kept thinking that I should have got out of the car and helped that man across the road, irrespective of the circumstances. I was so ashamed of my inaction that I told the story to Phil Brown only last week, when he phoned me to talk through ideas for how we could respond. Thankfully, he understood how a young, 21-year-old, inexperienced boy could freeze in that situation. I still find myself ashamed, having told the guys only last night. I told myself then that I would not stand by and do nothing ever again.

Any discrimination is about seeking out and highlighting what makes us different. If we truly want to tackle the scourge of racism and discrimination in all its forms, we need to look at what binds us. We need to look at opportunities to share passions and experiences. For me, that was sport. My heroes were people like Jesse Owens and Muhammad Ali—not just because of their achievements, but because of the arenas in which they achieved them, which were overtly racist in the worst way. Jesse Owens won four gold medals in front of Adolf Hitler; he came home a hero and went straight back into a segregated society. Cassius Clay won an Olympic medal for his country but was not allowed to eat in a white restaurant; he threw his Olympic medal into the Mississippi river. They led the way—as did Arthur Ashe in tennis and Tiger Woods in golf—he won the Masters title at a course that black men were normally not allowed to play on. In fact, it was said that a black man could not get into Augusta unless he was waiting tables. That was not long ago.



Tiger Woods now has a locker there, of course. Those were all men who overcame blatant racism and were accepted for their brilliance in their fields. They were pioneers through achievement, and their message is important to me.

Nelson Mandela said:

“Sport has the power to change the world. It has the power to inspire, it has the power to unite people in a way that little else does. It speaks to youth in a language they understand. Sport can create hope, where once there was only despair. It is more powerful than governments in breaking down racial barriers. It laughs in the face of all types of discrimination.”

However, in a blog that I read this morning on social media, a friend of mine, Kriss Akabusi, said:

“I don’t have any answers but my lived experience tells me the current enthusiasm from the world media to talk about #blacklivesmatters will fade soon and all things will remain the same.”

And little wonder. Who remembers Rodney King, back in 1991? The global condemnation and marches were not dissimilar to what we are seeing now, nearly three decades later. What has changed? Busi has to be proved wrong this time. If we want to tackle racism, we should not just point at America. If we want to tackle racism, we should not just point at some eastern European countries with terrible records on racism. We should not even look down south and point. If we are serious about racism, we must look in the mirror and ask whether that is us—and we should never let racism go unchallenged again.

15:42

**Alex Cole-Hamilton (Edinburgh Western) (LD):** What a privilege it is to follow such an emotional and powerful speech from Brian Whittle. I commend him for it. It is entirely right that the Parliament is taking time to discuss what is happening in the context of race relations in America and the wider world.

There are few times in human history where something captured on film is so incendiary that one immediately recognises it for the defining moment it is set to become. The sight of George Floyd choking out the words, “I can’t breathe,” under the knee of a white police officer shortly before he died, was one such moment.

Those words struck a terrible but resounding chord in a country where any one of over 100,000 people lost to Covid-19 might have uttered that same, desperate sentence in an emergency room or care home. They capture the sense of helplessness that the American people must feel as, from a state of effective house arrest, they watch their livelihoods collapse. They also capture a sense of helplessness at history repeating itself again and again.

Police brutality and racism are stitched through the fabric of American history. From the days of lynching to the police attack on a peaceful civil rights march in Selma, Alabama, and from the riots that followed police brutality in Watts to those that followed the on-camera beating of Rodney King, the United States is stained with racial outrage. What makes the Floyd murder different is the response from the White House.

In 1965, in the days after local law enforcement turned on civil rights leaders in Selma, Lyndon Johnson sent in the National Guard to protect activists from local police officers and Ku Klux Klan members, allowing them to march again. Last week, Donald Trump sent in the National Guard to crush the activities of protesters with tear gas and rubber bullets. Taking to Twitter, Trump warned those protesting in their tens of thousands, in dozens of cities across America:

“when the looting starts, the shooting starts.”

Aside from violating Twitter’s rules on incitement to violence, that phrase resonates with America’s racist past. In 1967, Miami’s chief of police, Walter Headley, said exactly those words in the context of the civil rights movement that was on the verge of explosion in Florida, ordering his officers to control any violence with shotguns and live ammunition. Headley said:

“We don’t mind being accused of police brutality.”

Trump knew exactly what he was doing when he typed those words, and who he was speaking to. He can read opinion polls like anybody else, and he can see that he is losing ground to Joe Biden. He has mishandled the American response to Covid-19, and any credit that he had built up for stimulating economic growth has all but turned to ash. He sees all of that, so he is seeding division in an attempt to mask his failings on so many other issues. All this while he reaches for the comfort blanket of his base in the far right. Remember, this is a President who describes white supremacists as “very fine people.” For all the nightmares that 2020 has thrown against humanity, I hope that the coming US election gives us hope for lasting change.

As other members have said, this is not a uniquely American problem. Racism exists in modern Scotland, whether in the unconscious bias of Scottish boardrooms or in the excessive use of force that led to the killing of Sheku Bayoh on a street in Kirkcaldy. It is also evident in the heartbreaking reality that a range of structural factors in our society have left people of colour more and disproportionately exposed to the Covid-19 threat.

Our history and our national wealth are steeped in the blood of the slave trade. The rage that was felt by protesters towards the public

memorialisation of a slave trader, Edward Colston, in Bristol, might just as easily have been felt here in Edinburgh towards Henry Dundas. Dundas is commemorated by monuments in our nation's capital, but he used his influence to delay the abolition of the slave trade by 15 years and more. It should not surprise us to learn about racism in our past but, more often than not, it does. Our schools teach Scottish history, but they speak only of its heroes—of Wallace and Bruce; we never learn about Scots plantation owners such as Dalzel or MacQueen.

In the wake of the Black Lives Matter movement, I have been contacted by constituents of all backgrounds, asking that we change the curriculum to better reflect the history of race and of racism in this country. I support that. In 2019, BEMIS called for a new expert group to be instigated to respond directly to the recommendation from the United Nations Committee on the Elimination of Racial Discrimination that challenges Scotland to integrate learning material on British colonialism and imperialism and its impact, both internationally and domestically, into our curriculum for excellence. I support that call whole-heartedly, and I ask whoever is speaking for the Government, in their closing remarks, to commit to establishing such a group. I also call on the Government to consider the establishment of a museum of empire, so that we can provide a learning point for all age groups among our communities in Scotland. Breaking down systemic racism can happen only when we teach our children to understand what it looks like in the first place.

I return to my remarks on America. What happened to George Floyd two weeks ago was by no means the first such incident of racial brutality in the States and, I dare say, it will not be the last. Speaking in Indianapolis on the night when Martin Luther King was assassinated, Bobby Kennedy spoke these words to a largely African American crowd, and his words prevented any violence there like that which was seen in other cities that night. He said:

“the vast majority of white people and the vast majority of black people in this country want to live together, want to improve the quality of our life, and want justice for all human beings who abide in our land.

Let us dedicate ourselves to what the Greeks wrote so many years ago: to tame the savageness of man and make gentle the life of this world.”

That gentleness will be forever beyond our reach while we fail to value the lives and the contribution made by people of colour in this country and around the world.

15:49

**Linda Fabiani (East Kilbride) (SNP):** Like everyone else in the chamber, I have an inbox full of emails from constituents about what happened to George Floyd in America. What struck me about it was that I was able to look at the two different types of constituents who had written. Some were from my own age group and older; they were aghast that, despite all the stuff that we had seen over the years from the civil rights movement, things had not changed and looked like they were now going backwards. I also heard from young people for whom, perhaps because of social media, this was the first time that they had been hit between the eyes by something as abhorrent as blatant racism—especially when it was institutional—and they want something to be done. Let us look at that as a positive. What is happening in the US is not as positive. The same issues that horrified me as a child in the 1960s are made worse by what, at first, seems like the childish prattle of a US President. However, that masks a vicious rhetoric that is encouraging the police to act as combatants. It is horrible.

Sometimes, on social media, we see things that we do not like. I have been exercised by people saying in response to the Black Lives Matter campaign, “Yeah, but all lives matter.” Of course, all lives matter; all lives are and should be of equal value. However, too often in this world, that is not the case. When we say, “Black lives matter,” it is not to lessen the value of any other life; it is simply to say that black lives matter. Too often, in our society and history, they have not mattered as much as white lives have mattered.

Constituents have written on various issues. George Floyd was the most recent in a long line of people who have been disadvantaged by the US system. They have written about export licences; I look forward to the day when, in an independent country, we can force our Government to stop sending weapons for internal oppression and external aggression. They have written about Sheku Bayoh; I will not say anything about that case because of the public inquiry, but I cannot get my head around the fact that it has taken five years to get to where we are with it. Constituents write about street names and statues and education. I have been looking at the issue of street names and statues; I was pleased that, at the end of last year, Susan Aitken, the leader of Glasgow City Council, announced a major academic study into transatlantic slavery in the city of Glasgow. My first instinct on street names and statues that celebrate the tobacco lords in Glasgow, who I learned about at school, is to tear them down and get them away. However, then I think, “Wait a minute. Does obliterating that evidence hide the original sin? Should such action be taken only when it is linked with enough

education for everybody to understand the past?" I will wait to see the findings of that study; I want to be informed by those who are living with the legacy of what Scotland did.

My constituents have also written about education. Because of my constituency work and my work with the young women lead committee through YWCA Scotland, I am convinced that we must do more in education, not just in what we teach and learn but in how we deal with racism. Whether that racism is overt, casual or unintentional, we must deal with it. The Cabinet Secretary for Education and Skills and the Minister for Older People and Equalities have considered some of what has been presented to them; I am glad to hear today that there is an admission that we have not done enough, that we must act more quickly and that we must do more. I want that work to continue and for it to be linked across Government. I want the messages of that work to be dispersed to every one of us across our society. There must be a message to all of us that we recognise racism, whether it be institutional racism—as was noted by the inquiries into the death of Surjit Singh Chhokar at the beginning of this Parliament—racism in the workplace or in social interaction, racism in the successive UK Governments' immigration and asylum policies or the rhetoric that panders to the worst of the right-wing press. We must recognise it, call it out and add substance to the statement "Black lives matter" that we are all finding easy to say. Let us make it the reality and let us start now.

15:55

**Jamie Greene (West Scotland) (Con):** I thank members for the tone of the debate so far, which is a testament to how we as a Parliament are approaching the subject.

Like many others in the chamber, I know what it feels like to be on the receiving end of abuse and prejudice for who or what you are. However, today is not about my protected characteristic; it is about another. I will open my comments by reading out a statement that has been given to me by a member of staff in the Parliament who is a member of a black and ethnic minority group. He cannot participate because he does not have the privilege that I have to stand here, but he wanted his voice to be heard in the debate, so he asked me to read out a statement. He says:

"Racism isn't, or at least shouldn't, be ... political. I, like many, have endured hate speech, abuse and violence from those who identify with all corners of the political spectrum and those who identify with none.

We've recently seen BAME politicians who have experienced the same kind of prejudice as me denounced, and the validity of their prejudice questioned more by the colour of their rosette than the colour of their skin, or because they don't fit some predefined narrative of what

they're meant to be or say. We're counting on decision makers to be a voice for all of us and long-lasting change depends on the ability of all of us to be valued equally."

In response, I say thank you, and I commit that my input to the debate will respect those sentiments.

I will comment on a theme that has dominated headlines of late, which is the symbolism of Scotland's past. In recent days, Sir Geoff Palmer, for whom I have tremendous respect, made his point eloquently about how we try to right the wrongs of the past. He said:

"if you remove the evidence you remove the deed ... The past has consequences and if we take the past down we may forget the consequences".

I agree. I do not think that we can pull down every statue, change every street name or tear down every town hall or town house that philanthropy built, brick by brick, from the proceeds of trade and exploitation, whether it relates to tea, tobacco, spices or slaves. That is our uncomfortable truth—the buildings and squares that we sit in and enjoy.

We might celebrate or remember the pulling down of a statue today, but a class of schoolchildren in 50 years' time might not. They will not ask, "Who is that man?" and "Why was he so wrong?" We cannot change the past by hiding it from the future. We cannot ask the First Minister to move out of Bute house because it was once the home of John Crawford. Future generations must be able to ask who Dundas, Buchanan, Glassford and Cunningham were in a way that I never did.

Sir Geoff Palmer is right: education lies at the heart of changing attitudes. That iconic image of Glasgow, the Duke of Wellington with a cone on his head, sits in front of the building that houses the gallery of modern art, which was built by William Cunningham, a tobacco lord who made his fortunes from the triangular slave trade. What have we done? We have turned that building into a beacon of light, art, modern ability and social maturity. We did not knock it down. We do not rip statues down; we stick cones on their head, or we stick them in museums. [*Interruption.*] I would like to make some progress.

That is what we do in Scotland. We face our gritty and dark past in the same way that we face darkness today. Whether it is Edinburgh's new town or the mansions that litter the Clyde, these are physical embodiments of the Scottish enlightenment that also serve as reminders of the grotesque history of the wealth on which they were built. [*Interruption.*] I have a lot to get through in a few short minutes.

In my home town of Greenock, there is Jamaica Street, Tobago Street and Antigua Street. Let us face it—they were not named after exotic holidays, were they? In Port Glasgow sat vessels that carried much more than sugar cane on their

journeys between Africa, the Caribbean and the Clyde. Even Greenock's most famous and proud son, James Watt, was accused of profiteering from the slave trade, but his statue still sits in George Square to remind us of his place in the industrial enlightenment. In my view, Scotland's yesterday is part of its today. The fact that it exists all around us is a daily reminder of it all—the good, the bad and the ugly.

As politicians, we are uniquely placed to have debates such as this one. It is easy for us, because we do not need to congregate in parks with placards. We have a voice and we are using it, but we must use it wisely because people will listen and act on the things that we denounce and that we permit.

The Government must make clear to people that it will not permit future mass gatherings of protest in the current pandemic, if that is its view. We need no reminder of the concerted efforts that we have made jointly in this Parliament to encourage people to follow health advice.

A debate such as this would be put to poor use if it was used to be partisan and pigeonhole. It would miss the point. However, I do not think that we have missed it. My opportunity today was not to say that black lives matter, but to make black lives matter. That starts at home.

"No blacks, no Irish, no dogs"

has been replaced by

"No fats, no femmes, no Asians".

Racist signs have been replaced by racist memes. Let us all get our house in order. We cannot purport to fight for the rights of one minority while ignoring the plight of another.

One man died unequal. It is only when another is born equal that we will know that our job here is done. I, for one, will show unity in that message today.

16:01

**Keith Brown (Clackmannanshire and Dunblane) (SNP):** Many members have talked about the horror of watching the footage that has come out of the United States recently. There are almost no words to describe the slow murder of George Floyd, an African-American man, at the hands of a white policeman, in broad daylight and—even more chillingly—watched on passively by a number of the policeman's white colleagues.

The reaction in the US and across the world has seen demonstrations calling for justice, and that is gratifying to see. However, I have been struck by the number of times on television—on CNN or in our own media—that black people, having been

asked what should happen next, have reacted by saying, "Why are you continually asking us?"

An American woman—an athlete, who had also served 20 years in the US Air Force—replied to a white interviewer by saying, "What are you going to do about it?" She is still in the same situation as before of having to educate her son on how to behave when he goes out in the morning in case he comes across a policeman and behaves in the wrong way, according to that policeman. She said that she has been saying that for many years—as have other black people—and that it is time for white people to change their behaviour and say what they are going to change, rather than continually confronting black people.

I am sure that I am not the only one who has been left reflecting on how best we can show solidarity with those who are fighting against that injustice, and how we can use what is termed as our white privilege to help.

Many in this chamber have been active for many years—as I have been—in anti-racism activities. Most of us will, of course, not fall into the trap of imagining that racism is something that happens over there. We recognise that we also have to address our own prejudices and the racism that poisons our society in Scotland, and that we have to use that white privilege to challenge it.

Most of us will be familiar with Angela Davis's words. She said:

"In a racist society, it is not enough to be non-racist, we must be anti-racist."

I question whether even that is enough. Surely we have to continually challenge whether the anti-racist activities—the values that we say that we hold to—are actually affecting progress in society. The evidence seems to be that they are not. Self-examination means that every one of us has to have the courage to face up to Scotland's colonial history and to take substantive action to dismantle the structural inequalities that have followed.

As a white boy growing up in Edinburgh, I first encountered racism—this is a bit like Linda Fabiani's reference to young people on social media—in the TV series "Roots". It was a different world to me; I had never seen anything like it. People at my school reacted with absolute horror—with the traditional Scottish response of "That's not right." It was the first time that we had come across racism on that scale.

I suspect that one of the reasons that the protests across the US have resonated so strongly here is that we recognise that we have not yet sufficiently begun to address our own racial history. By and large, I think that we are right to say that Scotland is a welcoming and inclusive

country, but we are not immune from racism or bigotry. That becomes obvious when our constituents are abused or attacked on the streets.

I am very proud to say that in the wee county that I represent—Clackmannanshire—we have more Syrian refugees per head than virtually anywhere else in Scotland. However, I cannot pretend that they have not been subjected to racism since they have come to this country. Racism can also be subtle, whether it is placed on a plinth or reflected in a street name.

We are making our speeches today in a Parliament that is 21 years old, but which has had only four black and minority ethnic members. Speaking about ideals of inclusivity and diversity is just a comfortable vanity if we do nothing to build on the progress that we have made to achieve the further progress that we need to make to ensure that Scotland is a just country for us all to live in.

When I last checked, an online petition calling for colonial history to be included in curriculum for excellence had gathered almost 14,000 signatures. The petitioner argues that:

“This will be an excellent start to a new generation of anti-racist, unprejudiced adults in Scotland, along with helping our black peers to feel acknowledged and accepted in Scottish schools. Without education, prejudice cannot end.”

I agree. We have learned in recent weeks that we must do more to tackle racism. It is right that our children should learn that, for almost 100 years, one third of colonial governors were Scottish and that Scotland sent disproportionately large numbers of soldiers to fight British colonial wars.

We must also mention those who can inspire us. The list is long and includes Martin Luther King, Steve Biko and Nelson Mandela. I want to finish by mentioning someone from my constituency, William Burns Paterson, who was first brought to the attention of Parliament in 2002 by the former Presiding Officer, George Reid.

William Burns Paterson travelled from my constituency to America, aged 17, in 1867. He worked his way around the country, ending up in Alabama. After the abolition of slavery, former slaves were keen to learn, but the Government in the US made no provision for that education. William Burns Paterson began to teach the men whom he worked with. He and his wife, Maggie Flack Paterson, are recognised as the founders of what was called the Alabama State Normal School for Colored Students, which went on to become Alabama State University. The college of arts and science has a William Paterson hall, named in his honour, and the school of music, Tullibody hall, is named after his birthplace.

As members can imagine, due to the mores of the times, Paterson’s endeavours were fraught with difficulties. Tensions rose against what was seen as a centre of racial integration and black education and his school was burned to the ground. He had to fight for, and won, state funding for his school and he had several run-ins with the Ku Klux Klan. Let us not pretend that Scotland had no relationship with the Ku Klux Klan.

William Burns Paterson’s positive legacy lives on. His birthday, 9 February, has been celebrated every year since 1901 as Alabama State University’s founder’s day.

As people look for inspiration, we can look to some of the names that we know and love: Martin Luther King, Nelson Mandela, Steve Biko and many others. There are also examples of the opposite of what they have done. Brian Whittle mentioned Rodney King. If we are to ensure that we find inspiration, we must not just say that black lives matter; we must change our society to make sure that black lives matter.

16:08

**Anas Sarwar (Glasgow) (Lab):** I welcome the debate, but it is actions that matter, not words. Unless I feel uncomfortable saying the words, and unless members feel uncomfortable hearing them, we will not be telling it like it is.

It should not take events on the other side of the world for racism to be a mainstream issue in Scotland or the United Kingdom. George Floyd’s death happened two weeks ago; Sheku Bayoh’s happened five years ago. We should not think of this in isolation. There is a global phenomenon of politicians who seek to use nationalism and populism to other minorities, in order to gain democratic and economic power.

It is far too easy for us to think that this is about Donald Trump. Racism did not start with Donald Trump and it will not end with Donald Trump. Trump is a symptom; he is not the cause.

I say to people of all political parties and to every member in the chamber that it is easy to take the knee and to tweet and post about how black lives matter when it is trending on Twitter. It is easy to say the words when the whole world is talking about the issue, but it is what we do that matters. To every leader of every political party, and to every leader of every institution and organisation, I say, “Thank you for your solidarity. It matters. It is important. But we will judge you on the action you take and the decisions you make.”

I know, from my experience of speaking out, that people are accused of playing the race card. The leadership of the Scottish Police Federation accused me of playing the race card. I have been

told that I am playing a game. People on “my own side”—I put that in inverted commas—have briefed journalists that I am playing a game; they have claimed that it was some kind of master plan. This is not a game; this is life, and it is life for far too many of our fellow citizens in this country.

I say to every colleague and every member of all political parties in the Parliament that if they base their condemnation or their solidarity on the politics, or the perceived politics, of the perpetrator or the victim, they are part of the problem, not part of the solution. They must question themselves, as well as question the wider issue. I hope that that point is taken in the intended spirit.

I welcome the Government motion, but I am disappointed that there is not more action in it, because it is actions, and not just words, that will make a difference. I will share some examples. In Scotland, every chief executive of every council and every Government department is white. Every director of a department is white. Every principal of our colleges and universities is white. Every headteacher is white. Every chair of a public sector body is white. Every High Court judge is white. Every prisoner governor is white. Every editor of a news organisation is white. Why? Is it because we do not have the talent? Is it because we do not have the ability? Is it because the opportunity does not exist, or, worse yet, is it because people do not think that they are wanted or welcome? Those are the fundamental issues that we should be addressing.

Representation in this Parliament has been mentioned. In the entire history of Scotland, we have elected only three BME MPs to Westminster, two of whom were from one family. In 20 years, we have elected only four BME representatives to the Scottish Parliament. All four were from Glasgow. They were male and Muslim, and they had a Pakistani background. None has been from a different gender or a different race. To be blunt, quite often they were elected despite their political parties, not because of their political parties.

In the motion and in all the amendments, I want to see action—action on representation in all the institutions across our country; action on education, so that we can teach our true history; and action on rebalancing our employment, industries and labour market.

Some things are bigger than party politics. Some things are bigger than the yes or no question, or the leave or remain question, or the Labour versus SNP versus Tory question. Fighting for an equal society in which no one is discriminated against because of their background is one of those bigger issues.

Silence is no longer an option. Colleagues, stop picking and choosing. There is no hierarchy of prejudice. Let us have actions, not words.

16:13

**Clare Adamson (Motherwell and Wishaw) (SNP):** It is a privilege to speak in this important debate. We hear that phrase often. However, today, I am also a bit ashamed of that privilege.

The international outcry and protest following George Floyd’s murder at the hands of the police—those who should have been his protectors—reminds me and everyone in the chamber that our privilege is at the expense of the rights and opportunities denied to others, because we live in an unequal and unfair society.

I thank Councillor Graham Campbell for giving me the opportunity to sit in on a call on Monday evening with contributors from Scotland’s BAME community, who told us about their lived experiences of racism. It was harrowing, disappointing and hard to hear, because it meant that I have failed that community. We all have. We have failed it by not doing enough to tackle racism or to take the action that Anas Sarwar talked about. The contributors asked us to listen and to understand; most important, they asked us to act.

For me, the most shocking revelation was that casual name calling, abuse in the street, and the actions that Brian Whittle so passionately described earlier—all of which are overt, easily recognised forms of racism—were to be expected. I find that chilling.

However, what caused most harm and frustration to those involved in that call was the systemic, institutional racism that is born of the privilege and unconscious bias that hurt them the most. More than one family had had to change the school that their children attended, because they experienced lack of understanding and support when their children were subjected to racial abuse. Such behaviour is appalling in itself, but the failure of the schools and education authorities to address it adequately was devastating for those families.

Those people’s experience was that their isolation and uniqueness in the workplace or on boards made them feel like tokens, and that their contribution and value was merely as part of a tick-box exercise. Again, Anas Sarwar spoke about that. I have it written down to say, “Just google chief executive officers, then google diversity officers, and it is laid bare in the images that appear.”

People also talked about their employers’ workloads and caseloads being distributed not according to employees’ professional expertise,

but on the basis of their association with a client group on the basis of their race. We need to do better, and we need to take action now.

I was very reluctant to say anything in the debate about my experience, because it is not about me or where I am in our society. However, I want to share with members an experience that showed me some of the possibilities offered by another country's endeavours in recognising the appalling acts that have been perpetrated on minorities in its recent history. With the Presiding Officer, I visited Canada, where we attended a visit to the legislature in Winnipeg and were given a tour of the Canadian museum for human rights. Establishing a museum that recognises that aspect of our history has been called for here.

Among the Canadian museum's goals are that it

"fosters an appreciation for the importance of human rights, spurs informed dialogue and invites participants to identify the contemporary relevance of past and present human rights events, both at home and abroad."

It also

"exemplifies Canadians' commitment to freedom and democracy and aims to ignite an informed, ever-evolving global conversation"

in our world, and it seeks to offer

"a credible and balanced learning resource".

Visiting the museum was a profound experience for me—very much so because man's inhumanity to man is there laid bare so that we have to examine it. To see displays on all the major instances of genocide that have happened in the world on one floor filled me with a sense of despair about the human condition. They included material on Rwanda, Srebrenica, the Holocaust and the Holodomor, the last of which has not yet been recognised by the UK Government as an instance of genocide.

However, the museum covers even more. It includes themes that I think that we should adopt in whatever action our community decides to take, with consultation, to address the issues in our own society. Our approach should be about witness and lived experience, and the accurate capturing of ethnic minorities' stories and first-hand experiences. It should be about truth—the acceptance of the true horror of what our past has been and the detriment that it has caused to certain communities. However, the greatest theme should be education. The Canadian museum offered many tools to help younger and older children to address the othering behaviours that we all have, such as unconscious bias. There was even an opportunity for them to take part in mock civil rights court cases examining what had happened in Canada. Those are all excellent examples of how we can educate people and effect reconciliation.

In Scotland, we do things differently. Our National Theatre of Scotland is known as a theatre without walls. If we are to build a museum of human rights, I want it to be one without walls. We have to take our message on racism into every community and every school, and whichever approach we adopt must be accessible throughout Scotland and to everyone. We are now in the 21st century and this is the age of the internet of things. Let us not simply remove plaques but replace them with interactive information and signposting to the history of our streets. Let us develop maps that tell the stories and the history. Let us move forward and take the right action, so that we can truly say that we have listened and that black lives matter.

16:19

**Ruth Davidson (Edinburgh Central) (Con):** I thank the minister for holding the debate and I agree whole-heartedly with the motion. I hope that we all share the deep concern and horror that so many feel about continued racial injustice across the world and that we all stand in solidarity with those calling for change, that we all recognise at this time of global pandemic that we must be cognisant of public health issues and that we recognise too the responsibility on us all to identify and dismantle the barriers of structural racism that still exist in our society.

However, it is not the motion that I wish to focus on. Rather, I want to develop the proposal that has been made by many and which is included in the Green amendment: that a slavery museum be established in Scotland. Like many in the chamber, I have watched demonstrations following the death of George Floyd spread from city to city across the US and then across the world and I have read the placards and listened to the speeches of those drawing a direct line through history from the forced abduction and deportation of black Africans for sale and slavery through to the myriad of injustices faced daily by black and minority ethnic people in western culture today, whether that is in Scotland, America, Australia or anywhere else.

I have watched as campaigners have toppled statues and I have listened as professors have argued that instead of tearing them down, we should add context and, in truth, I feel ill-equipped to enter parts of this debate. How can I—not just white but with properly Celtic skin—know what it is like to be the only black face in a room? I cannot and I do not. Yes, I have been abused and othered for being a different type of minority, but I have never had that minority status be the first thing that people notice on first meeting me. I have never had people look at my name on a CV and make an assumption about my ethnicity and I

have never been told to go home when I live 2 miles down the road. I do not have that lived experience, so I would prefer to listen to those who do and to their suggestions for what to do next—what practical and, if necessary, legislative changes will make things better—rather than charge in here, in all my whiteness, with some 10-point plan.

However, I believe very strongly in the responsibility on us all to be honest about the path that led us here, even if we ourselves may not be the people to pronounce on the next fork in the road. We need to be clear-eyed about our history, both in the context of the current Black Lives Matter campaign against police violence and in the wider context of our nationhood and what it is built on. We need to be rational enough to recognise that this is not some binary issue but one of immense complexity, with hundreds of strands threading the globe down the years.

It is possible to acknowledge and condemn our country's part in American slave ownership while recognising that the model of policing in Scotland in 2020 is not the same model of policing that has been adopted in a number of police departments and states and by elected sheriffs across the US. We can do that while still scrutinising stop and search figures and prison population data and investigating deaths in custody.

I am not a historian by any manner of means, but I have always had an interest in history and, although I majored in literature at university, my minor subjects were Scottish and American history. I believe that we have a duty to learn about our past beyond battle dates and kings and queens and that that should include darker periods of human history. I have been to the Cherokee nation reserve; I have walked part of Andrew Jackson's trail of tears; I have led groups to genocide memorials in Bosnia; and I have reported from massacre sites in Kosovo.

I think that one of the most arresting experiences that I have ever had is visiting Bergen-Belsen with a group of British Army officers when I was a young reporter; the only other people there were German school groups. A number of the pupils, when faced with such horror—horror that was carried out in their community and their country—were visibly upset and I remember the self-consciousness that I felt about being with uniformed personnel, which compounded the pupils' sense of horror and shame as they tried to process it. It affected me deeply and I have thought about it oftentimes since. I have also thought about how important it is not just that such horror is taught in countries that liberated camps such as Belsen but that blameless German schoolchildren turn their faces to see it, too.

That is why I support the idea of a slavery museum in Scotland. We need to turn our faces to our own history and our own past. Too often, we are ignorant and uninformed. Sometimes, we are taught or we choose to believe a different truth. A strain of opinion has formed that empire was imposed upon Scotland—that it was something that was done to us in someone else's name, not something that Scots were active participants in and proponents of. If we are to be clear about that line through history and those threads down the decades and across the oceans, we do not get to rewrite our own past and wash away the dark parts.

A third of Jamaican plantations were owned by Scots. Half of the East India Company's regiments were raised north of the border. As has been said, in Henry Dundas, Scotland produced a politician who was pivotal in delaying abolition. We need to know that history and we need to own it.

Others have mentioned Sir Geoff Palmer, Scotland's first black professor, who for years has been a clear voice on adding context to street names and monuments to tell that history. He says:

"My view is you remove the evidence, you remove the deed".

As an aside, I point out that he said that in talking to BBC Scotland, which is based at Pacific Quay, as it is now called, or Plantation Quay as it used to be called. To recognise the structural inequalities that still exist, we have to face up honestly to the cruelty that was enacted on an industrial scale, and although that was by individuals, it was with the entire apparatus of nation states behind it.

As I said, I do not have the lived experience of black and ethnic minority Scots who have experienced prejudiced hate and discrimination, and I will listen to and be led by those who have that experience on what practical changes can be enacted to move us forward. However, I can say with confidence that ignorance about our past does not help to challenge and confront some of those structural inequalities that are built into Scotland today. That is why I support a museum of slavery in Scotland. If we ever need some form of cross-party scoping committee to get one started, I will gladly ask the permission of my leader to be considered as our party's representative.

16:26

**Ruth Maguire (Cunninghame South) (SNP):** The police violence in the United States, which was evidenced most recently in the murder of George Floyd, is reprehensible. That was one sickening incident in the litany of violent horrors that we see from across the Atlantic on our televisions. However, anyone watching in horror



here from 4,000 miles away and thinking that Scotland is not racist, or that our institutions and structures and our Scottish society are fair and equal, would be wrong.

International solidarity is crucial, but if we are really honest, it is also pretty easy. In welcoming the debate, the Coalition for Racial Equality and Rights stated:

“Racism will not end with passing motions in Parliament. Without long-term commitments to anti-racist actions and policies, we will not be able to reduce and ultimately eradicate racism in Scotland.”

**Neil Findlay:** I agree with the member that things will not change by passing motions. The past few days have shown us that doing things in the establishment way and in a polite way does not take us any further forward. The change has been driven by direct action on the streets—that is the lesson that we have to learn.

**Ruth Maguire:** My colleague Neil Findlay has made his point well.

Intercultural Youth Scotland shares helpful dos and don'ts on its Twitter page. It highlights the real danger that engaging in empty gesturing about racism ends up being performative and a quiet way to continue systematic racism. Reflecting on its words and on the words of Anas Sarwar, I say that a hashtag or a picture while taking the knee are not the same as enacting meaningful lasting change. To quote Intercultural Youth Scotland directly, it says:

“Racism is not only valid or worth addressing when there is a worldwide focus on it. It is important that organisations consider their actions continuously, including evaluating their own positions before recent events, actions during it and their plans for when the media focus dies down.

Organisations making token efforts during a time of crisis is not true ally ship. Especially when a lot of these organisations have too frequently stayed silent when these issues have been brought to their attention in private.”

The Equalities and Human Rights Committee has a current inquiry into race inequality that looks specifically at employment. The call for evidence is open until 30 June, and we would very much welcome views and opinions from those with direct experience. Lived experience will best help us to hold to account public authorities, including the Scottish Government and the Scottish Parliament. The real and urgent challenge for us is in taking sustainable and meaningful action at home here in Scotland. That will involve difficult conversations, listening and acting and, in some cases, just being quiet and stepping aside to let the voices that we find so easy to ignore speak their truth.

I will focus my remarks on party-political representation, for a couple of reasons. The first is that the Parliament simply has not focused on race

and racial inequalities enough and it is clear that we are not diverse.

Secondly, party-political representation is something that each and every one of us in this chamber can change. No hiding and no excuses—we all have a direct influence over our party's policies and internal workings. We can change things and we can do so before the next election.

I cannot “pass the mic” to a black or minority ethnic sister in this Parliament because there is no one here to pass it to. That is not good enough, but neither is just saying so. Our apologies, sympathies, tears and declarations of solidarity are not enough. There needs to be action and my party is fortunate that we already have an example of what to do to rebalance the overrepresentation of white men and increase representation of an underrepresented group.

Before the most recent Scottish parliamentary election, the SNP acted to increase women's representation in our party and that action worked. Those mechanisms and that action had to be hard fought for on the conference floor and followed up with meaningful changes to practice. I thank Nicola Sturgeon for her strong leadership in driving forward changes that had previously been deemed too hard or unnecessary because things would eventually balance out. I also express gratitude to Tasmina Ahmed-Sheikh for her meaningful, supportive and successful work as the women's officer through the women's academy, conference and mentoring.

The argument that many of us made at the time—about not being prepared to simply wait to see improvements in women's representation move at glacial speed—stands here today. With similar mechanisms and structures, we can overcome the structural barriers in the way of BME women—women whose talent we are missing from this chamber.

We must have a Parliament that is more representative of the citizens whom we serve. That is the thing: diversity is not just about fairness to the excluded group; it produces better results, too. I might not be able to “pass the mic” in the chamber, but I can draw colleagues' attention to the great online list of women of colour experts and commentators in Scotland. As the curator Talat Yaqoob said,

“If you need a speaker or someone for media interviews - use this, if you know someone who should be on it - share it. If you're a WOC - pls be on it!”

16:32

**Daniel Johnson (Edinburgh Southern) (Lab):** I am pleased to speak in this debate, but I do so very mindful of the fact that I am speaking as a

white man. I will share my reflections on what has happened over the past few days.

The words “I can’t breathe” have been uttered before in this debate. Those simple visceral words have certainly echoed around the world, and they have been circling around my mind over the past few days. Along with those words is the thought: not again. There is an unpleasant sense of horrific déjà vu.

It has taken me back to the events of almost 30 years ago, watching the horrific pictures of the riots that followed the court case surrounding Rodney King when—let us remind ourselves—there was clear video evidence, 14 police officers were implicated, only four were charged, three were later acquitted and, on the final charge, the jury could not arrive at a verdict. Not long after those events there was the Stephen Lawrence case and the Macpherson inquiry, and we appeared to make progress. Perhaps we, collectively, and I, as an individual, developed a false sense of security that maybe the world and Scotland had become a better place.

However, the simple answer—which has been reflected by many speakers—is that better is simply not good enough. In the struggle and fight against racism, our biggest enemy is complacency. As I have listened to the speakers this afternoon, I have been struck by thoughts and observations. I found Brian Whittle’s speech very moving; he said that we must make the fight against racism a personal one and reflect on situations that we have faced and what we could have done differently, and must do differently in the future. Anas Sarwar said that sentiment is, frankly, not good enough; it is actions that count. I add the observation that this fight is simply never done; we must continue to ensure that those actions are taken and those advances achieved.

That is why we must look at the situation here, at home, in the UK and in Scotland, in particular.

The prison statistics show that a person is twice as likely to be a prisoner if they are from an ethnic background. Although that is not necessarily true in Scotland, there are still issues that we need to face. Why have we been waiting for five years for the inquiry into Sheku Bayoh’s tragic death? Why do we not have disaggregated data on hate crime? If we do not know who is suffering those injustices, and what backgrounds they come from, how can we tackle them? That is the call that BEMIS has made. I repeat that call this afternoon, and hopefully we will also hear it from the Cabinet Secretary for Justice later.

If there is one key concept that we have learned from the Macpherson report, it is the concept of institutional racism. Racism is not something that is perpetrated only by people; it is perpetrated by

organisations through their practice and culture. Perhaps how we perpetrate and continue racism through culture is a point on which we in Scotland need to closely reflect.

I was very struck by the comments of Christina McKelvie and others about the legacy of racism that surrounds us all. The euphemistic term “Atlantic trade” was used when ships sailed from Glasgow to sell goods that we made here in Scotland to Africa. The same ships were then loaded with people to be traded on the other side of the Atlantic, and the goods that were bought, whether tobacco or sugar, were brought back here to be turned into other goods. A third of Jamaican plantations were owned by Scots, and the wealth that was accumulated through the 18th and 19th centuries surrounds us all. The Georgian grandeur, whether in the new town of Edinburgh or the west end of Glasgow, in which we all have a degree of pride should really be a mark of shame and something on which to reflect.

It should not have taken the situation and recent events in the US for us to think about whether certain statues are still appropriate in this day and age, and whether they need plaques to acknowledge their meaning and the full horror of what they stand for.

I remember doing a school project about the Water of Leith and noting the number of tobacco and sugar mills that stood on the banks of the river. Not once did I think about where that tobacco or sugar came from—I did not make the connection. We must ensure that such links are always made when we reflect on our history. The calls for reform of the curriculum for excellence are well made, and that is why I have written to the Deputy First Minister and Cabinet Secretary for Education and Skills. It is critical that people understand the legacy of slavery and racism that surrounds us all, the wealth that it accumulated and how it has perpetuated inequality and injustice in society, and in Scotland in particular, today.

The fight against racism is not a fight for other people or in other places. It is our fight, and we must start by understanding Scotland’s historical role in racism. That is why we need reform of education.

I started my speech with the words of George Floyd, and I will end with the words of Al Sharpton at George Floyd’s funeral. He said that George Floyd’s death

“was not just a tragedy, it was a crime.”

16:38

**James Dornan (Glasgow Cathcart) (SNP):** Like everybody else, I share the horror of what we have seen over the past few days. Watching

somebody being knelt on for the best part of nine minutes is galling—it highlights just how long nine minutes is. At George Floyd's funeral, Al Sharpton asked everybody to be quiet for eight minutes and 47 seconds, which is an awfully long time. If a person does not know that they are doing something wrong for that period of time, there is something psychiatrically wrong with them. The gentlemen who had his knee on Mr Floyd's neck deserves every possible punishment.

The unfortunate thing is that what happened did not come as surprise to any of us here. It did not come as a surprise to people my age, who can remember what happened in 1968. Possibly the only good thing—although there is nothing good about it—is that the reaction has not been what happened in 1968, and it could have been. In 1968, the whole of America was burning because people had had enough. That might be a glimmer of hope for how we move on.

However, just today, I saw that a policeman in New Mexico has been done for manslaughter for kneeling on somebody and saying, "I will choke you out." And so he did—the poor man died, and the police officer has been charged with manslaughter. That goes to show just how prevalent such things are. I knew that it went on to some extent, but if I had not seen on television some of the things that we have seen in videos recently, I would have thought that people were exaggerating. We have seen people being beaten on the streets and, even though there were cameras on the people doing the beating, they expected to get away with it because they have got away with it for so long.

It is good that social media has played a part in the response, and I suspect that the fact that there is little on television—there is no American football or other things—has allowed the cameras to highlight what has been going on. We have seen Al Sharpton behaving in a really responsible manner. I watch CNN a lot—that may be why I am so tired when I come into Parliament in the morning—and I have seen some really powerful discussions on it during the night.

The protests have been a powerful start to try to regain what America lost a long time ago and has to get back. However, as everyone has said, we in the UK are not immune. We have seen similar things happen on numerous occasions. The Sheku Bayoh case has been going on for five years, which is far too long. There is no doubt about that.

When I knew that I would be speaking in this debate, I called my friend, a Pakistani man in his 50s from Birmingham who now stays up here. I said to him, "I can't speak about this—I'm a white guy and I've never been through any of it." I asked him, "What was it like growing up as a coloured

boy in Birmingham?" He said, "It's like living in a goldfish bowl, because everything you do is looked at differently from what anybody else does." He said that the first time he was ever called a black B was when he was five years of age—and it was by a police officer. How does someone go from experiencing a police officer calling them that at five years of age to having respect for the authorities?

My friend said that it is not that different down there. He has been up here for 12 years and he said that his sons, who are now adults, have been through similar things, and his grandchildren maybe a bit less. He does not say that things are perfect up here, because they are not. We have our racists and people who just cannot get beyond what people thought centuries ago. However, he said that he thinks that, up here, there is at least a will and a desire to change, which to me is very encouraging. Not everything that he said to me last night was encouraging—he is a good friend of mine and it was pretty hard to hear some of the things that he said.

Just after we spoke, he sent me a video. Someone said earlier in the debate that it was common to see certain things in the 1970s, such as some of the names that people were called. The video that he sent me was an episode of "Love Thy Neighbour" called—seriously—"The One with the Paki". I did not play it. He said, "That's what we had to put up with all the time." That is a second-hand account of someone's experience and what it must be like to live with such things. I just do not know how I could compare my experiences with that.

Interestingly, when I asked my friend what he thought was the reason for his experience, he said that part of it is the whole empire thing. He said, "We were taught that we were lesser, and the ruling class still can't see beyond that."

Sorry—I got waylaid there. I stood up to talk about Glasgow, and I know that I am running out of time. As far as the statues, street names and so on are concerned, we have to be very careful. If I got my way, I would get rid of the statues—well, I would not get rid of them; I would put them in museums, because I am a history fan. The first thing that I do when I go to a foreign city is to go and see the history—the statues and museums. However, there has to be an explanation of what statues represent. I do not want to see statues of people who do not deserve to be there but are lording it over us, and a museum might be the best place for them.

In Glasgow, I think that we should have plaques, as opposed to removing signs showing street names, until such time as we look at whether we want to change street names in the city. If, for one reason or another, we are going to take away what

has been there, we have to be very careful about what we replace it with. We do not want to replace it with something that is newsworthy just now but might not be in 10 years' time or whenever, because the new name would just have to be replaced with something else. We should make sure that a lot of thought goes into that—a lot of thought already is going into it, and that is good.

There has been a lot of talk about a museum of slavery. After I got elected to the council, I tried to set up something like Ellis island—although not that many people signed up to it—to show who made Glasgow. A museum that showed the history of Glasgow and the people who came to the city might well be the sort of place where we could have a museum of slavery—something that gives us an indication of the past, in both its shining glory and its desperate shame, which is what the slave trade was.

**The Deputy Presiding Officer (Lewis Macdonald):** We move to the closing speeches.

16:46

**Patrick Harvie:** I will begin my summing up by talking about the issue that James Dornan just touched on: the idea of a museum of slavery. There has been significant support for such a museum from a number of members across the chamber, and members have recognised the work that is going on. In her opening speech, the minister recognised the work that, I hope, will lead to such a museum. Tonight will be the Parliament's first opportunity to express a view and agree to a motion that calls for that. I hope that we agree to that, and that that will add momentum to make sure that we progress towards the idea of having a place where we can reflect on and learn about that history, whether it is at the Hunterian, in what is currently called the Merchant City, or elsewhere.

James Dornan and Linda Fabiani both said that they would want the decisions to be informed by proper thought, analysis and the research that is being conducted, which is absolutely right. The intention of my amendment is to say that these issues—particularly street names—need to be addressed without being prescriptive about how they should be addressed. It should not be for this Parliament to tell local councils what they should do with this street name or that statue. Those are local decisions, and they should be taken with thought and consideration—not just consideration of they mean today, but consideration of whatever replaces them would mean tomorrow, in the next decade and in the next generation, so that all people are confronted with the truth. That is what this is really about.

I think that it was Jamie Greene who said that he was against ripping down statues and who mentioned the Glasgow museum of modern art. I do not think that anyone has proposed ripping down the GOMA, and I am sure that he was not intending to suggest that. However, we need to ask ourselves whether such buildings, statues and street names really serve as a reminder of our history. Do they? I suspect that far more people know something about who Edward Colston was after the events of the past few days than they did before.

It is interesting to reflect on the fact that the inheritors of the people who put Edward Colston on a pedestal had been blocking attempts—reasonable, modest attempts—to give a bit of context to the statue. In many ways, the Society of Merchant Venturers is an inheritor and manager of the economic wealth that came from slavery, and it had many slavers, including Colston, as members. The organisation actively argued against a change to the inscription—it tried to water down the reality of history. That is the erasure of history: the watering down of attempts to recontextualise these monuments.

The same arguments have been made in relation to Edinburgh and the Dundas statue. With many others, colleagues in my party have been part of the campaign to have something as modest as plaques or inscriptions from which, as Mr Dornan said, tourists who look at our history when they come here will learn the reality and the truth, rather than thinking that such people were in any way admirable.

In some ways, it is those who placed the monuments in the first place who seek to oppose change and the honest telling of history. It is notable that, in Bristol, one of those who worked with the Society of Merchant Venturers to oppose change was, and still is, a sitting councillor. Councillor Eddy described Colston as a “hero”. We need to reflect on the fact that not only are those monuments still there, but the ideas behind them are still in our society.

Ruth Davidson gave us an interesting and honest reflection on her view of these issues, particularly in the context of the US history of genocide against indigenous people, and Scottish and UK history. We need to recognise that, as she said, inequality that still exists needs an honest reflection of history. However, it also needs an honest reflection on the political ideas that are still current in our society. On-going white supremacy is unchallenged far too often. For example, in this country we have seen elected politicians being briefly suspended and happily reinstated, despite having made provocatively racist comments.

Anas Sarwar's speech will have impressed everybody who heard it. He challenged all of us—

it is an important challenge—when he said that our words are not enough and that actions are what counts. That was reflected in the letter from the Coalition for Racial Equality and Rights to the First Minister that Ruth Maguire mentioned. I think that that letter, which sets out a clear demand for action, has been copied to all parties. CRER has also highlighted the on-going delay in getting a public inquiry—although it has now been established—into the death of Sheku Bayoh, which is to be the subject of a “Disclosure” documentary on the BBC tonight.

Those actions are absolutely necessary. I hope that in that list of actions will be one that says that all parties should resist any temptation to use the Hate Crime and Public Order (Scotland) Bill as a dog whistle to those who do not want to see their own prejudice challenged in our society.

There are many actions that we all need to take, but today’s words have meaning, and I am pleased that we will unite, as much as we can in the Parliament, on the proposals that come from the Government, the Labour Party and the Greens.

16:52

**Claire Baker (Mid Scotland and Fife) (Lab):**

This has been an important debate. Our chamber time is limited during the pandemic, but the Black Lives Matter movement has focused minds on an issue that is too often marginalised in Scotland. It is important for us to demonstrate our support and commit to action.

We have heard powerful speeches that have reflected on our history and how Scotland’s cities and its wealth have been built, and speeches that have highlighted the inequalities in our society and the need for us to take responsibility and challenge racism where it exists. We must not accept that all things stay the same, and we must redouble our efforts in Scotland and apply pressure around the world for change.

We often pride ourselves on presenting Scotland as an open and welcoming place to live and work in. Evidence can be found to support that, but that results in our intentionally or otherwise downplaying or hiding the racism that exists. In 2010, the Scottish public were asked whether Scotland would lose its identity if more black and Asian people moved here. Forty-five per cent of the respondents said yes. Perhaps we are less open and welcoming than we like to think we are. Institutional racism and structural inequality exist in Scotland, and we need to recognise them, highlight them and commit to addressing them on a continuing basis.

Anas Sarwar set out the blunt facts. In education, 1.4 per cent of teachers are from black

or ethnic minority backgrounds. That was raised at First Minister’s question time today. Black and minority ethnic police officers account for only 1 per cent of Police Scotland’s workforce, and figures from 2018 show that 55 per cent of the minority ethnic population were in employment compared with 75 per cent of the white population.

As others have said, the Parliament lacks diversity. We have only elected four members of the Scottish Parliament from ethnic minority backgrounds, and not a single woman from an ethnic minority. Last year, the Coalition for Racial Equality and Rights published an overview of race inequality in Holyrood, which showed a marked fall in how often race was discussed over the lifetime of this Parliament. This debate has been an opportunity to highlight how and where structural racism exists, but we need continuing action to address it. If we want to be an open and welcoming place to live and work, we have to act and not just talk. The letter that MSPs received from the Coalition for Racial Equality and Rights sets out five achievable actions for the Government and the Parliament, which are now overdue. We must commit to their delivery.

Like everyone else, I have been contacted by many people about the killing of George Floyd in Minnesota and the Black Lives Matter movement. I have condemned the approach that has been taken by President Trump in response to the anti-racism protests in the US. The language and actions of the President, the use of military force to quell protests and his statements glorifying violence are at odds with the protection of human rights and democracy.

We are also reflecting on our own recent history in similar cases, and we must challenge racial injustice and discrimination in Scotland. The past weekend marked five years since Sheku Bayoh was buried following his death in police custody. Sheku Bayoh’s family started 3 May 2015 trusting the police, having faith in the justice system and feeling as if they were part of Fife in Scotland. I first met them a week after Sheku died, and it was the most powerful meeting that I have had with a family during my time as an MSP. They felt disbelief at what had happened, how events had unfolded and how they had been treated. This was a grieving family whose world had been turned upside down, and they were then feeling that they were entering the fight of their lives. They have shown immense fortitude and strength.

I am not in the confidence of the Crown Office, but the evidence that I have seen makes it very difficult to accept the decision not to bring any charges in relation to Sheku Bayoh’s death. The public inquiry that has been announced will cover the events leading up to and following his death and, critically, will investigate whether they were

affected by his race. Police accountability and the impartiality of investigation are core to our justice system. If they are found to have been compromised, we must take action. I hope that the long-awaited inquiry into the circumstances surrounding Sheku Bayoh's death will provide answers for his family.

The Sheku Bayoh case does not stand alone. There have been other fatalities and poor investigations. We must also address long-standing matters regarding race-related crime. In Scotland, there are more race-related murders per capita than in the rest of the UK. Although the number of charges has declined, racial hate crime remains the most commonly reported hate crime in Scotland.

I know that I am short of time, Presiding Officer. I repeat the point that Daniel Johnson made about the information that has been provided by BEMIS and its call for improved reporting of hate and race-aggravated crimes. I look forward to the cabinet secretary's reflections on those points in his closing remarks.

16:58

**Annie Wells (Glasgow) (Con):** This has been an emotional debate, with many great contributions. The Scottish Conservatives stand with all parties in showing solidarity with anti-racism.

I welcome the debate because, as with so many difficult topics such as tackling the drugs crisis, we do not, as a Parliament, talk about them often enough. The Coalition for Racial Equality and Rights has highlighted that debates about race in the chamber are rare and that, outside the Equalities and Human Rights Committee, the issue rarely comes up in our committees. I absolutely include myself in that criticism. The events of the past few weeks have caused all of us to stop and consider whether we are doing enough to combat racism each and every day and whether we are making sure that the voices of minority groups are truly heard.

The events over the past few weeks should inspire uncomfortable thoughts and conversations. We should question whether we are really part of the solution and not contributing in some way, even subtly or inadvertently, to the problem. It is not enough to not be racist—that is the bare minimum that we should expect of ourselves. We should go further and look at the rooms that we sit in and the structures that we are part of and question whether they are really inclusive.

It is not talking Scotland down to consider whether and how the country is racist. It is not tarring everyone in Scotland as a racist to consider whether the country and our institutions are racist.

It does not mean that every white person must be ashamed; it means that they have a duty to consider what things are like for others. It is very naive to say that we ourselves are not racist—or that other places are worse, so there is no issue here. We have to understand, and come to terms with, the fact that some people's experiences are so different from ours that their whole world view is different.

Robert Kennedy once said—I will paraphrase, because he used a term that we would not now use—that the law to us is a friend that preserves our property and our personal safety, but, for black people, law means something different. We have a long way to go before the law means the same thing to black people as it does to us. That is the challenge—a society where people are treated equally—and it is huge.

Some people feel helpless, as though they cannot do anything to make the situation better for black people and for everyone who suffers discrimination. However, they can. They can act in their own lives and in their own spheres.

The UK Chancellor, Rishi Sunak, said this week that

“a better society doesn't happen overnight – like all great acts of creation, it happens slowly and depends on the cooperation of each of us toward that common goal.”

Each and every one of us should use the opportunity of the Black Lives Matter movement to question ourselves. That is not easy. A lot of people will say that their family has not benefited from slavery, or that they are not racist and will want to leave it at that. A lot of people, especially around where I live in Springburn, will think that they have their own vast problems, and that it is not up to them to change things. However, the simple truth is that black people are not treated the same in Scotland, Britain or America. Too often, black lives do not seem to matter as much as white lives. That is apparent not only in extreme examples such as the tragic case of George Floyd; it is clear when we see that more black people are dying from coronavirus; and it is clear in the employment gaps between races, and in racial differences in the poverty rates. Injustice is not only about death; it is about everyday discrimination.

We cannot be complacent. Our country is not equal. Can anyone honestly say that a black child in Scotland is treated the same as a white child? I would love to think so, but I just do not buy it. Kids are called names in the playground. People are told to “go back home”. It does not have to end the way that it did for George Floyd for it to ruin a life or at least crush someone's spirit.

I had a fair few struggles growing up. I did not have an easy time. However, it was still much

easier for me than it would have been if I was black or from a minority background. A black person would have heard so much worse than the names that I was called. That is still true. Such things still happen, and we do not help anyone by saying that they do not happen as often as when we were kids or, even worse, by pretending that Scotland is a utopia where racism is not a problem. Now is not the right time for mass gatherings, but it is a very good time to listen to the experiences of others.

No one should dismiss the Black Lives Matters movement because of the actions of a few idiots with spray paint and a lighter. It was disgraceful to see police officers being attacked. As our Prime Minister said, those actions were

“a betrayal of the cause they purport to serve.”

In Glasgow, as everywhere, there is an emotional debate about the symbolism of street names and statues. We should hear every side out. Statues should not be hauled down or covered in graffiti, but maybe some things will need to change, after a peaceful and democratic debate—because our values have changed. We can still be very proud of parts of our history, and of the same great Scottish and British figures who have moulded so much of the world, while acknowledging that some actions were awful, and recognising that revered figures had serious flaws.

One of our councillors in Glasgow, Ade Aibinu, has suggested that we turn those statues into places of learning, where unvarnished history is presented. We should explore that idea. Another suggestion that came up today was that we establish a slavery museum in Scotland. That should also be considered.

The Green amendment dilutes the stronger public health message in the Government’s motion, and the Scottish Conservatives will therefore abstain on that amendment at decision time. However, we will vote for the Government’s motion and the Labour amendment, and we stand with all parties in showing solidarity with antiracism. The Scottish Conservatives are ready to listen, to be better at understanding and to stand alongside black and ethnic people in Scotland in the fight for equality.

17:05

**The Cabinet Secretary for Justice (Humza Yousaf):** Before I come to the substance of my speech, let me make two points. First, I should say that my party will vote for both the Labour and Green amendments. With regard to the Green amendment, I reiterate what was said by my colleague Christina McKelvie and by Patrick Harvie: we urge people to protest using digital

means and other methods that do not include mass gatherings outdoors.

Secondly, a number of members have mentioned the need for disaggregated data on hate crime. I agree with the points that they made. I recently raised the issue and had a good discussion with BEMIS and some other equality organisations. If it was not for the pandemic, Police Scotland would have brought forward work on that. I will re-engage with Police Scotland on when we can produce disaggregated data, because—as members have pointed out—it is hugely important that we have it.

I will start and end my speech in the same way—by saying that I am angry. I am angry that in 2020 we are once again confronted with scenes of horrific racial injustice. I am angry that in 2020 we are still dealing with overt racism, subtle racism, institutional racism and structural racism. Whatever form it takes, it is still racism.

Members may well think that as time has moved on, racism has declined and manifestations of overt racism are no longer commonplace. I am afraid that that is not the case. I do not have to cast my mind back particularly far—I suspect that the same is true for Anas Sarwar—to remember somebody calling me “Paki”. Do not even start me on my Twitter timeline, which is—to be frank—a cesspit of racism.

I am angry because, in this day and age, we are still telling people of colour to “go home”. Brian Whittle, in a really excellent speech, said that he remembers a bygone era when he would see casual racism on the TV. He does not have to go back to a bygone era; I heard it just yesterday. I watched a video clip of the social commentator and author Afua Hirsch speaking on a panel that was chaired by LBC radio presenter Nick Ferrari. She explained her view that we need to confront the racism of figures in British history. Nick Ferrari’s response was to ask, “If you don’t like Britain”—which is her home—“why do you stay?” He would simply not have asked that question if a white person had been sitting in her chair, but people of colour are still fair game when it comes to racism.

Forget the racial jibes and the slurs that we still have to put up with; racism is literally killing minorities, as we have all seen, and as members have all said today. However, as every member has mentioned, racism does not exist only in the United States. The events in the US force us to hold a mirror up to ourselves and to confront the racism that exists here: the unconscious, the subtle, the overt, the institutional and the structural racism. On all those fronts, Scotland is not immune.

This is the part where we should all begin to feel uncomfortable, because we have to accept the reality and the evidence that is in front of us, that Scotland has a problem of structural racism. As members have said, we can take the Parliament as an example. More than 300 MSPs have come to and gone from this Parliament—our nation's Parliament. In 20 years, there has not been a single black member of the Scottish Parliament, to our shame; there has not been a single woman MSP of colour, to our shame; and the only four ethnic minority MSPs have all been Scots Asian males.

Take Anas Sarwar and I. We are hardly even diverse between us. We are both male, we were both born and raised in Glasgow's south side, we are both in our mid-30s, we went to the same private school, we are both middle class and our fathers even come from the same region in Pakistan. His father happens to be the governor of the region; my dad did not quite get there.

The Conservatives, Greens and Liberal Democrats have never had a single person of colour in their MSP ranks in 20 years of devolution. I do not say that to point the finger; I say it because we have to make change. They have never had a single non-white MP from Scotland in their history.

To my colleagues in the Government, I say that we know that we are not immune, either. Some people have been surprised or taken aback by my mention on my social media that at 99 per cent of the meetings that I go to, I am the only non-white person in the room.

Why are we so surprised when the most senior positions in Scotland are filled almost exclusively by people who are white? Take my portfolio, for example. The Lord President is white, the Lord Justice Clerk is white, every High Court judge is white, the Lord Advocate is white, the Solicitor General is white, the chief constable is white, every deputy chief constable is white, every assistant chief constable is white, the head of the Law Society is white, the head of the Faculty of Advocates is white and every prison governor is white.

That is not the case only in justice. The chief medical officer is white, the chief nursing officer is white, the chief veterinary officer is white, the chief social work adviser is white and almost every trade union in the country is headed by white people. In the Scottish Government, every director general is white. Every chair of every public body is white. That is not good enough.

I do not doubt that across the private sector, black and minority ethnic people are similarly underrepresented at senior levels. That is a collective failure that includes every single one of

us. I hope that we are sitting uncomfortably, because those should be uncomfortable truths for us all.

So, do not just tweet "Black Lives Matter", do not just post a hashtag and do not just take the knee. As people of colour, we do not need your gestures. Yes—solidarity is helpful, but what we need from you is action and for you to be anti-racist by your deeds. Do not just tell us how you are not racist—I take that as a bare minimum. You must be anti-racist.

Many members have rightly mentioned Sheku Bayoh in the debate. I will start by saying how much I, too, admire the dignity of the Bayoh family, which Claire Baker referenced in her speech. They have shown great dignity on their long journey for answers. They have every right to be angry about how long they have been fighting for those answers. Because the public inquiry is established, I will obviously not prejudice it. I will simply say that when the state is faced with such tragic circumstances, we have a choice: we either attempt to hide the truth or we go in search of the truth. I hope by instructing the setting up of a public inquiry, we have demonstrated that the Scottish Government seeks the truth in that matter.

There is no black MSP in the Parliament. In a debate about Black Lives Matter, there is not a black voice here, to our shame. I want the last words in the debate to belong to George Floyd, but before I read out his last words, I ask every member here to imagine that these words came from your brother, your father, your son, your cousin or your nephew, while they had a police officer's knee on their throat for eight minutes and 46 seconds. Here are George Floyd's last words:

"It's my face man  
I didn't do nothing serious man  
please  
please  
please I can't breathe  
please man  
please somebody  
please man  
I can't breathe  
I can't breathe  
please  
(inaudible)  
man can't breathe, my face  
just get up  
I can't breathe  
please (inaudible)  
I can't breathe, shit  
I will  
I can't move  
mama  
mama  
I can't  
my knee  
my nuts  
I'm through  
I'm through



I'm claustrophobic  
 my stomach hurt  
 my neck hurts  
 everything hurts  
 some water or something  
 please  
 please  
 I can't breathe officer  
 don't kill me  
 they gon' kill me man  
 come on man  
 I cannot breathe  
 I cannot breathe  
 they gon' kill me  
 they gon' kill me  
 they gon' kill me  
 I can't breathe  
 I can't breathe  
 please sir  
 please  
 please  
 please I can't breathe"

Presiding Officer, I hope that we are all angry. That should be our overriding emotion when we are confronted with racism. I hope that every single one of us takes that anger and uses it to recommit ourselves as anti-racist. Let us be judged by our deeds, Presiding Officer—by our deeds, and not just our words.

## Disclosure (Scotland) Bill: Stage 3

17:16

**The Presiding Officer (Ken Macintosh):** The next item of business is stage 3 proceedings on the Disclosure (Scotland) Bill. In dealing with the amendments, members should have with them the bill as amended at stage 2, the marshalled list and the groupings of amendments. I remind members that, as usual, the division bell will sound and proceedings will be suspended for five minutes for the first division of the afternoon. The period of voting for that first division will be 30 seconds. Thereafter, there will be a voting period of one minute for the first division after a debate.

### Section 29—Review of removable convictions by the independent reviewer

**The Presiding Officer:** The first group consists of minor and drafting amendments. Amendment 1, in the name of the Minister for Children and Young People, Maree Todd, is grouped with amendments 2, 3, 20, 21, 27, 28 and 30 to 34.

**The Minister for Children and Young People (Maree Todd):** The amendments in this group are minor and drafting amendments, and they do not make any policy changes. They are required, as a consequence of amendments made at stage 2, to provide consistency in drafting between provisions.

Amendments 1 to 3 bring the drafting of sections 29(2), 29(3) and 31(5) into line with that of section 28(2), so that they refer to a review of “the inclusion of” the removable conviction, rather than to

“a review of the removable conviction”

itself or to

“a review ... of the details of a removable conviction”

Amendments 20 and 21 are minor consequential changes to section 73, adding a reference to a provision inserted at stage 2. They simply mean that the persons referred to in new section 45B(4) of the Protection of Vulnerable Groups (Scotland) Act 2007 are to be notified when ministers have decided to extend the scheme member's participation in the scheme for the discretionary membership period.

Amendments 27 and 28 make technical adjustments to the wording of section 82, which gives effect to amendments to the PVG act to bring that section into line with the drafting approach of other provisions that amend that act.

Amendments 30 to 34 are minor adjustments to the list of offences in schedule 2. They are

consequential on amendments made to the offence lists at stage 2. In particular, there is no longer a paragraph 1 in schedule 2, which is a consequence of amendments made at stage 2. References to that paragraph in paragraphs 111 to 115 in part 3 of schedule 2 are redundant and need to be fixed. Amendments 30 to 34 correct those now obsolete references to paragraph 1 with references to paragraph 2, which is now the first paragraph in the schedule.

I move amendment 1.

**Jamie Greene (West Scotland) (Con):** I thank the minister for coming back to the chamber with those amendments, which reflect much of the conversation at stage 1, the committee's stage 1 report and feedback from the stage 2 proceedings. As we go into the stage 3 debate, I will speak further on the wider bill but, at this point, members from these benches will not comment further on groups 1, 2, 3, 5 and 6. We will support all Government amendments that are placed before us at stage 3. However, subject to comments or speeches that are made throughout the debate, we might interject as appropriate, specifically around group 4. The Government can enjoy our support for all the amendments today.

*Amendment 1 agreed to.*

*Amendment 2 moved—[Maree Todd]—and agreed to.*

#### **Section 31—Independent reviewer: information and representations**

*Amendment 3 moved—[Maree Todd]—and agreed to.*

#### **Section 34A—Disapplication of provisions of section 4 of the Rehabilitation of Offenders Act 1974**

**The Presiding Officer:** Group 2 is on level 2 disclosures. Amendment 4, in the name of the minister, is grouped with amendments 5 to 19.

**Maree Todd:** Section 34A was inserted into the bill by way of amendment at stage 2. It is modelled on section 8 of the Age of Criminal Responsibility (Scotland) Act 2019. Section 34A lifts the protections against the normal duty to self-disclose information about spent convictions that is afforded by section 4 of the Rehabilitation of Offenders Act 1974. That is so that someone who has applied for a review, under section 25, of the inclusion of

“a spent childhood conviction or children’s hearing outcome”

has to answer questions and provide honest and accurate information about that conviction or outcome for the purposes of the review. Our intention is to ensure that an individual who seeks

review of the inclusion of a removable conviction, whether by Scottish ministers under section 28 or a review by the independent reviewer under section 29, is still required to answer honestly any questions that they are asked by ministers, the independent reviewer or a sheriff regarding the circumstances of their convictions, even after they are spent.

Amendments 4 to 19 cater for reviews of the inclusion of removable convictions in section 34A, bringing removable convictions into line with childhood convictions and children’s hearing outcomes in that section. Amendment 5 is the main amendment that achieves that. The other amendments in the group are technical, consequential amendments to the drafting and structure of section 34A, to reflect the reviews of the inclusion of removable convictions.

I move amendment 4.

*Amendment 4 agreed to.*

*Amendments 5 to 19 moved—[Maree Todd]—and agreed to.*

#### **Section 73—Failure to apply for renewal of Scheme membership**

*Amendments 20 and 21 moved—[Maree Todd]—and agreed to.*

#### **Section 74—Compulsory Scheme membership**

**The Presiding Officer:** Group 3 is entitled “PVG Act: power to require organisations to stop using individuals for regulated roles without scheme membership”. Amendment 22, in the name of the minister, is grouped with amendments 23, 24 and 29.

**Maree Todd:** Amendments 22 to 24 are technical amendments to ensure that there is consistency of approach in relation to the parliamentary procedure to which regulation-making powers are subject.

At stage 2, section 74 of the bill was amended to insert a new section 45DA into the PVG act, creating a new power in connection with the mandatory scheme. Section 45DA(1) provides Scottish ministers with the power to make regulations to require organisations to stop using individuals for regulated roles without scheme membership. It is an offence under section 45DA(3) for an organisation to fail to comply with such regulations.

Section 45DA closely follows the approach in section 35(2) of the PVG act, which provides Scottish ministers with the power to make regulations in respect of stopping organisations from using barred individuals for regulated work.

Although section 45DA is based on section 35(2), there is a mismatch in the parliamentary procedure to which those regulations are subject.

By virtue of section 100(3) of the PVG act, any regulations that are made under section 45DA(1) are subject to the negative procedure. However, when read with section 100(4), regulations made under section 35(2) of the PVG act are subject to the affirmative procedure. That issue was highlighted in the supplementary delegated powers memorandum that was for the attention of the Delegated Powers and Law Reform Committee. Accordingly, amendments 22 to 24 have been lodged to resolve that inconsistency by making regulations that are made under new section 45DA(1) also subject to the affirmative procedure. I believe that that is the appropriate level of scrutiny, given that regulations that are made under that section relate to offence provisions.

Amendment 29 also relates to new section 45DA. Proposed new section 47G of the PVG act, which is to be inserted by section 85A(3) of the bill, ensures that Scottish courts have clear jurisdiction over the new offences that are inserted by the bill into the PVG act. That applies in circumstances in which work is done outside Scotland that would be a regulated role if it were carried out in Scotland, or in which an organisation that is based outside Scotland sends someone to do a regulated role in Scotland.

Amendment 29 adds section 45DA into new section 47G to ensure that the offence of an organisation failing to comply with regulations that are made under section 45DA can be prosecuted in Scotland. The amendment ensures that there is consistency between all the new offences that are inserted into the PVG act by the bill.

I move amendment 22.

*Amendment 22 agreed to.*

*Amendments 23 and 24 moved—[Maree Todd]—and agreed to.*

### After section 75

**The Presiding Officer:** We turn to group 4, although I foresee a problem. Group 4 is on the PVG act: review and report on application of scheme to elected representatives and political activity. Amendment 39, in the name of Alex Cole-Hamilton, is the only amendment in the group. Alex Cole-Hamilton is not here, and no other member wishes to move the amendment on his behalf. *[Interruption.]* Mr Cole-Hamilton has arrived just in time.

**Alex Cole-Hamilton (Edinburgh Western) (LD):** It gives me great pleasure to apologise to the chamber for a second time today. I had no

idea that we would rampage through the earlier groups so quickly. I had to return an important telephone call, but I give my sincere apologies. *[Interruption.]*

**The Presiding Officer:** Let us hear Mr Cole-Hamilton.

**Alex Cole-Hamilton:** Members of the Education and Skills Committee will be familiar with the policy intention behind my amendment 39. Nobody else is allowed to be alone with children or vulnerable adults without a basic check being done first, but there is nothing legally to prevent MSPs from doing that. In fact, they and other powerful figures in politics are explicitly excluded from the provisions. That is wrong. There cannot be one rule for politicians and another for everybody else.

At stage 2, I was disappointed that the amendments that I lodged to change the position were not agreed to. I understand colleagues' objections, but I hope that, in amendment 39, I have found a way through that might generate more support. Despite the way that the votes ultimately fell at stage 2, I was encouraged by committee members' comments. There was overall agreement that the matter should be looked into.

Gail Ross agreed that

"it is anomalous that people in positions such as ours, with the powers and responsibilities that we have, are not subject to PVG checks or something similar."—*[Official Report, Education and Skills Committee, 11 March 2020; c 15.]*

Iain Gray said that the principle seemed "worthy". Ross Greer said that he appreciated what I was "trying to achieve" and asked for a "wider debate" to ensure that sensible questions can be given "satisfactory answers". Jamie Greene told me that he shared my concerns and said that, to

"do the proposal full justice",

we needed

"a due process of scrutiny."—*[Official Report, Education and Skills Committee, 11 March 2020; c 16.]*

I hope that they and other members can see what I am seeking to do with amendment 39. In the current context, the approach in amendment 39 is the least burdensome that I can think of and achieves the objective of a proper discussion.

17:30

Ministers would have until the end of June 2021 to establish an expert working group, which could involve doing as little as deciding on its chairperson. Amendment 39 would not place any deadline on when the working group would report. Once it reported, ministers would have a year to

reflect on that and report back to the Parliament, thereby giving enough time for further evidence to be taken or for consultations to be done, if that was deemed necessary.

I apologise again for my tardiness.

I move amendment 39.

**Daniel Johnson (Edinburgh Southern) (Lab):** I begin by offering some personal advice: if someone is moving an amendment, it sometimes helps for them to sit through all the stage 3 proceedings. However, I will move on.

I had a number of concerns about and criticisms of the amendments that Alex Cole-Hamilton lodged at stage 2. My concerns were principally because the bill aims to simplify the system of PVG checks and prevent there being a simple, transferable passport that enables individuals to have unsupervised access to children. The focus on protected roles rather than protected work is very clear and useful, and his suggestions clouded the issues.

Furthermore, it is problematic to assume that someone has unsupervised access to children by dint of being an elected politician; that is a very dangerous proposition. However, I recognise that the position and office that we hold might lead others to assume that we might be allowed such access, which might lead unscrupulous individuals to infer that we do. Consideration is required, and therefore Alex Cole-Hamilton's proposals at stage 3 are reasonable.

Whether MSPs should be subject to record checks is an appropriate suggestion, as is looking at whether proposals could be brought forward—

**Alex Cole-Hamilton:** I heard what Daniel Johnson said about it being very unlikely that members would have unsupervised contact with children. I also heard sedentary mutterings from members around the chamber that they never have unsupervised contact with children or vulnerable adults. However, that is the moral test that members set themselves and the moral threshold that they decide is appropriate.

I am not suggesting that anybody in the chamber would take such a risk. However, the provisions in my amendment are not about upstanding, law-abiding members of the public. We have to recognise that there are bad apples in politics—as there are in every walk of life—who might use their position of power to gain access to children or vulnerable adults. There is no legal, constitutional or procedural impediment in the Parliament to prevent us from having unsupervised contact with children or vulnerable adults, and I believe that the only safeguard that we can put in place is to have the same checking

and disclosure system that we use for all other positions of authority.

**Daniel Johnson:** I thank Alex Cole-Hamilton for that intervention. However, I think that he somewhat repeated his initial proposition, which I find deeply problematic. It is not that there is no impediment; we simply should not have unsupervised access to vulnerable adults or children by dint of our being MSPs. That is quite simple and straightforward, and for him to repeat his point is somewhat dangerous.

Nonetheless, Alex Cole-Hamilton's point about bad apples was well made. Our position is such that people could infer that we have such a right and, in that narrow regard, I think that his proposal for a working group to be created, a report compiled and propositions looked at is appropriate.

I am happy to support amendment 39.

**Jamie Greene:** I do not want to dwell on the arguments that we had at stage 2. Amendment 39 is different, and I give credit to Alex Cole-Hamilton for that. I also give him credit for bringing the issue back at stage 3 for the benefit of those who did not sit through the debate at stage 2.

I was a new member of the Education and Skills Committee during stage 2. Indeed, the bill was the first piece of legislation that I considered as a member of the committee. We had a very comprehensive debate on the issue, which we looked into in great detail. Across the committee, there was sympathy with the rationale behind what Alex Cole-Hamilton was trying to achieve—he picked up on that in his comments. There are circumstances where the proposed measures might have a beneficial outcome, but there was consensus that the bill is not the right mechanism to deliver the outcome that he seeks.

Amendment 39 is a substantial amendment, so it deserves our scrutiny in the chamber today. It asks ministers to set up a working group that will report back to ministers, after which ministers will report back to Parliament on their plans. I do not distrust ministers, but my problem with that approach is that it puts into the hands of politicians—indeed, into the hands of the politicians in whichever political party is in government—the power to recommend an alteration to the franchise in relation to who can be a member of this Parliament. Fundamentally, that puts the power into the hands of the wrong people.

I do not think that the amendment will have the outcome—it is a valid one—of dealing with the issue that Alex Cole-Hamilton is trying to address. Politicians are put in all sorts of circumstances in our constituency offices and in the course of our business—Daniel Johnson spoke at length about that and made some important observations in

committee. I do not see how the amendment will deliver what Alex Cole-Hamilton is trying to achieve, but I am happy to give way to him if he wants to clarify that.

**Alex Cole-Hamilton:** I appreciate Jamie Greene's kind words about what is my second attempt with these provisions. My issue with his remarks is that he suggests that the findings of a working group would somehow alter, as he describes it, the franchise relating to the people from whom we elect our parliamentarians or other elected members. That is certainly not the intention of the amendment; in fact, I do not think that it would be lawful to do that.

My amendments at stage 2 were about ascertaining whether a prospective candidate or a sitting parliamentarian was on the list of people who are barred from working with children or vulnerable adults. The working group might recommend that the Parliament has a duty to ensure that such people never have unsupervised contact—not that they should be barred from standing for elected office. That is an important distinction, which Jamie Greene has not recognised in his remarks thus far.

**Jamie Greene:** What is the point of such disclosure if it is not to prohibit any individual from standing as a candidate or becoming an elected member?

The second part of the amendment defines the legislation that Mr Cole-Hamilton would want ministers to introduce; it refers to

“a Bill for an Act of the Scottish Parliament”.

It also defines an “elected representative” as

“a member of the House of Commons, a member of the Scottish Parliament,”

or

“a councillor of a council.”

If we agreed to amendment 39, we would be encroaching on other pieces of legislation and, indeed, legislatures over which we have no control, so for that reason we will not support the amendment at the late stage at which it was introduced.

However, we commend Alex Cole-Hamilton for valiantly trying to bring the issue back to our attention. I am sure that the Government will reflect on it. I hope that we will hear more today about how the Government will approach the issue; if we do, the Government will have the support of all parties.

**Iain Gray (East Lothian) (Lab):** Mr Greene was right that, at stage 2, there was a pretty comprehensive examination of the ideas that are encompassed in the amendment that Alex Cole-Hamilton has brought forward today.

Committee members identified a number of significant problems. One was the problem that Daniel Johnson referred to regarding the questionable or debatable idea of the appropriateness of the ways in which parliamentarians should go about their work. There were other problems, such as questions about the procedures that would have to be put in place for what would happen if something was disclosed in a PVG submission. There is a real danger that the position of ministers might be compromised by their having privileged access to information on MSPs in their own party or other parties. To be fair, the minister made it very clear that that was not a position in which ministers wanted to be placed.

Mr Greene also touched on one of the other problems with Alex Cole-Hamilton's proposals: their breadth. They were not just proposals about MSPs, because they also encompassed councillors, many of whom, although not all, are members of the PVG scheme—for example, if they are on a council's education committee. The proposals had not been discussed with councillors, who had not been consulted about them.

The amendment also covers members of Parliament. There was some debate in the committee as to whether that would stray into an area beyond our constitutional powers. Mr Cole-Hamilton argued that it would not, but I did not find that convincing.

Perhaps most difficult of all, the proposals strayed into mentioning party officials—a term that was poorly defined—and then on to candidates. There were genuine questions about how the democratic right to stand for election might be compromised.

**Alex Cole-Hamilton:** I am grateful to Mr Gray for giving way, and I will not take up much more of Parliament's time.

My stage 2 amendments were clumsily drafted and Mr Gray has rightly questioned them. However, does he agree that the issue comes down to the potential for people in powerful positions—such as the chair of a selection committee, a local party chair or agent who has the power to make or break political careers—being able to use their power with nefarious intent? Does he recognise that that is, at present, a power that otherwise goes unchecked?

**Iain Gray:** I do not accept that Mr Cole-Hamilton's amendment is the legal mechanism by which to deal with such a situation.

I have to accept the quotation ascribed to me by Mr Cole-Hamilton. I can see, with regard to MSPs—and only MSPs—that there may be a principle here: why should there be a requirement

that we place on so many others but which is not placed on us? For that reason alone, we are prepared to support further examination of the proposals, although we do so in the full knowledge that those doing that examination may also struggle to reach an appropriate resolution to the problems that the committee identified.

**Clare Adamson (Motherwell and Wishaw) (SNP):** As convener of the Education and Skills Committee, I take this opportunity to thank my colleagues for their diligence throughout the stage 2 proceedings on the bill.

I agree with much of what has been said today. We all support the intent behind the amendment. Nobody in the chamber has a monopoly on giving our communities and the wider public confidence that they are protected in the best way possible by the disclosure system. However, to suggest that amendment 39 solves the problem that Mr Cole-Hamilton has raised would be misleading and could lead to confusion that there is some sort of protection that has not been provided.

I hope that there is another mechanism by which we can take the issue forward, but I do not think that that should happen through the bill.

**Maree Todd:** I recognise Alex Cole-Hamilton's strength of feeling on the matter and I commend his persistence on such an important issue. It is also clear that he has reflected on the debate at stage 2 and has sought a solution.

However, I still do not think that the bill is the appropriate mechanism for what needs to be achieved. As members will be aware, at stage 2, Mr Cole-Hamilton lodged related amendments, which were intended to bring MSPs within the scope of regulated roles and the mandatory PVG scheme and which the members of the Education and Skills Committee debated and overwhelmingly voted against. They noted that, although the amendments were well intentioned, the issue was one for the whole Parliament to reflect on so that it could reach a consensus on matters that extend beyond the remit of the bill. It was clear at stage 2 that the bill is not the vehicle to bring about the changes that Alex Cole-Hamilton seeks. That remains my view.

17:45

The new proposals in amendment 39 would require the Scottish ministers to commission an expert working group to consider safeguarding in relation to elected representatives and political parties in the context of the disclosure system. Ministers would then be required to lead on deciding what legislation or other options could be brought forward in response to the expert group's report.

Although I agree about the merits of creating a working group to look at the child protection issues around elected members, I do not think that it would be helpful to place the solution in the context of the bill and the disclosure regime. I agree with Jamie Greene that that would afford Parliament too little breadth of involvement, as the solution may lie in oversight of MSP conduct more generally and not simply in disclosure—I think that Labour Party members made the same point. Alex Cole-Hamilton made the point that the disclosure system is the only solution to the problem that he presents, but I profoundly disagree with that. The disclosure system is simply one part, albeit an important one, of the measures that exist to protect children and vulnerable adults from harm in Scotland.

Situating any review within the disclosure framework could limit the range of solutions that may flow from the working group's recommendations. For instance, any legislative solution would simply take us back to the significant constitutional issues that I set out in response to Alex Cole-Hamilton's stage 2 amendments on the issue. Alternatively, in an attempt to overcome the constitutional issues, the legislative response would in essence be toothless. Further, any legislative response in the context of disclosure would still have to overcome a number of practical issues, such as to whom a disclosure relating to an MSP would be made.

In respect of amendment 39, I would like to draw a few observations to members' attention. If amendment 39 and the Government's amendments 35 and 36, on the term "elected representative", are accepted, that would result in two different definitions of the term in disclosure legislation.

Proposed new section 92A(10)(a), which amendment 39 would insert into the Protection of Vulnerable Groups (Scotland) Act 2007, provides that the meaning of "elected representative" includes

"a councillor of a council",

but amendment 36, in my name, proposes the removal of that phrase from the bill. If my amendment was accepted, some councillors would continue to be within the scope of the scheme.

It is important to note that any proposal on elected representatives that was brought forward in response to the report of the working group to be set up under amendment 39 would likely encounter difficulties in finding a legislative solution, given that the definition of "elected representative" in proposed new section 92A(10)(a) would still include members of the House of Commons.

Alex Cole-Hamilton referred to a review one year on from royal assent being given to the bill, but I wonder whether he is aware that his amendment would amend the Protection of Vulnerable Groups (Scotland) Act 2007 and so would change measures that came in back in 2008. That muddle somewhat illustrates my point. Although the intention of the amendment is good, its execution is not.

As I said, amendment 39 is not the right solution to the undoubtedly important issue that it seeks to address. However, given the importance of the safeguarding issue, I want to offer an alternative solution that is wider in scope than the bill can provide for.

The Scottish Government proposes to commission and fund an independent review, to be chaired by ministerial appointment. The independent review, like the working group that Alex Cole-Hamilton proposes, would consider the issue of safeguarding in relation to elected representatives. The review could then make recommendations to the Parliament and the Government, as it sees fit. However, the remit of the review could be much wider than simply looking at the disclosure system, so any recommendations could be of further reach and could be more effective. A wider range of voices could contribute and solutions outside disclosure could be considered.

**Alex Cole-Hamilton:** I am grateful to the minister for her remarks and I am encouraged by her offer. My original proposal suggested that a review would be instructed after a year. Obviously, the minister cannot bind the hands of a future minister or Government, so will she commit to Parliament that, if she is to commission such a review, it would be done before the Parliament rises for dissolution?

**Maree Todd:** I can certainly commit to working at pace on the issue. However, given that we are on an emergency footing and responding to the Covid pandemic, I cannot commit to doing what Mr Cole-Hamilton asks for. I am as keen to make progress as he is, and to do so at pace.

I thank Mr Cole-Hamilton for his role in progressing this important safeguarding matter, but I invite him to not press his amendment and instead to accept the offer of a Government-commissioned independent review. I urge members to reject the amendment if it is pressed to a vote.

**Alex Cole-Hamilton:** I am grateful to all the members who have contributed to the debate and offered their considered reflections. The reality is that people are shocked that such basic safeguards in respect of MSPs do not exist already. A lot of the people whom I have spoken

to, as well as people in the media, believe that those safeguards exist already, but they do not.

People have seen the inquiries that expose the danger of self-policing. They know that some people who work in politics use their status to manipulate, target and exploit vulnerable people—that goes for my political party as much as it does for any other. Other workplaces and sectors have made huge leaps forward in creating safeguarding cultures, and it is time for politics to start taking the issue as seriously as they do.

Parents should know that young people on work experience are with someone who can be trusted, no matter what. Carers should know that vulnerable adults who are attending a surgery are not going to be left with somebody who has not undergone any independent vetting whatsoever. *[Interruption.]* Again, I hear people from a sedentary position telling me that such things do not happen. They might not happen with them—they may not have nefarious intent—but they cannot speak to all the political classes and all their agendas.

I was disappointed with the reluctance that I encountered at stage 2, so I worked up amendment 39. I have taken heart from what the minister has said, although I am concerned that she is writing a cheque that will not be cashed in this parliamentary session. I very much hope—

**Iain Gray:** Does Alex Cole-Hamilton not agree that the minister's offer is a good one? Even if his amendment is agreed to and becomes part of the bill, the truth is that, after the election, a future Government could decide to completely ignore any recommendations that the working group might make. It seems to me that the situation is not significantly changed by what the minister has said.

**Alex Cole-Hamilton:** I was coming on to that point. I agree with Iain Gray, and as such I will not press my amendment. I am grateful for the movement that the Government has offered and I look forward to the establishment of the review.

*Amendment 39, by agreement, withdrawn.*

### **Section 76—Meaning of “protected adult”**

**The Presiding Officer:** Group 5 is on the PVG act: meaning of “protected adult”, definition of “domestic abuse” and consequential amendments. Amendment 25, in the name of Maree Todd, is grouped with amendment 26.

**Maree Todd:** Amendments 25 and 26 relate to the meaning of “protected adult” for the purpose of the Protection of Vulnerable Groups (Scotland) Act 2007. At stage 2, amendments were made to the definition of “protected adult” to ensure that it is appropriately scoped and that sufficient coverage

is provided by the PVG scheme. Included in the group was an amendment to make explicit in the bill that, in relation to a regulated role with adults that involves the carrying out of the activities that are mentioned in paragraph 16 of part 2 of schedule 3 to the 2007 act, an individual aged 18 or over who

“is homeless”,

or

“has experienced, is experiencing or is at risk of experiencing domestic abuse, is a protected adult.”

Although that amendment was moved and agreed to, I did not move the amendment that would provide a definition of “domestic abuse”. Prior to stage 2, Scottish Women’s Aid expressed concerns that the definition that was lodged could be unduly narrow compared to people’s common understanding of domestic abuse. Accordingly, I instructed my officials to further engage with Scottish Women’s Aid on the matter, with a view to bringing forward another amendment at stage 3. As a result of that engagement, amendment 25 offers a revised definition of “domestic abuse” for the purpose of the broader definition of “protected adult”. I take the opportunity to thank Scottish Women’s Aid for its feedback and support on the matter.

In amendment 25, proposed section 94(2A) of the PVG act provides that “domestic abuse” means

“behaviour (whether or not amounting to a criminal offence) that ... is perpetrated between partners or ex-partners, whether in the home or elsewhere or by means of electronic or other forms of communications, and ... involves any form of physical, verbal, sexual, psychological, emotional or financial abuse of one of the partners or ex-partners by the other.”

Proposed section 94(2B) of the PVG act makes clear that an individual is a person’s “partner” if they are

“married to each other, ... civil partners of each other, ... living with each other as if they were married to each other, or ... otherwise in an intimate relationship with each other”.

“Ex-partner” is to be construed accordingly. For consistency, subsection (2B) mirrors the definition of “partner” and “ex-partner” in section 11(2) of the Domestic Abuse (Scotland) Act 2018.

Including a definition of “domestic abuse” in the bill gives certainty to those who use the PVG scheme. That is of particular importance given the offences that are connected with the mandatory scheme that is introduced by the bill. Having a definition of “domestic abuse”, as with having a definition of “homelessness”, means that we will not inadvertently criminalise people who should not be included the scheme. It improves safeguarding by leaving no room for doubt about who should be a scheme member.

When read with the activities mentioned in paragraph 16 of part 2 of schedule 3 to the PVG act, the bill ensures that advocacy support services for those who report domestic abuse are covered by the PVG scheme.

Amendment 26 is technical in nature. It contains consequential amendments to provisions in section 94 of the PVG act that define certain terms for the purposes of the definition of “protected adult” to ensure that those definitions continue to work in the light of amendments that were made at stage 2 to the “protected adult” definition. The provisions in amendment 26 were part of the amendment that was lodged but not moved at stage 2.

I move amendment 25.

**Iain Gray:** I acknowledge the work that was done by the minister and her officials to engage with Scottish Women’s Aid to address this point. I know that Scottish Women’s Aid is content with amendment 25, which the minister has moved.

Scottish Women’s Aid has some continuing concerns, which it hopes will be addressed during the development of regulations and guidance. I would like the minister to commit that the engagement will continue in order to reach a resolution.

**The Presiding Officer:** Before I call the minister, I want to double-check that Mr FitzPatrick pressing his button was a mistake. *[Laughter.]* It is just a button. I call Maree Todd to wind up on the group.

**Maree Todd:** Mr Gray is correct. Scottish Women’s Aid has expressed on-going concern about the definitions in schedules 3 and 4, and we will take action to address that. Further engagement will be undertaken on a range of matters that require non-statutory solutions or might require secondary legislation. If necessary, further changes to the schedules can be made under secondary legislation using the existing powers in the PVG act.

*Amendment 25 agreed to.*

*Amendment 26 moved—[Maree Todd]—and agreed to.*

### **Section 82—Removal of references by court**

*Amendments 27 to 28 moved—[Maree Todd]—and agreed to.*

### **Section 85A—Offences outside Scotland**

*Amendment 29 moved—[Maree Todd]—and agreed to.*

### **Schedule 2—List B offences**



*Amendments 30 to 34 moved—[Maree Todd]— and agreed to.*

**Schedule 3—Schedule to be substituted for schedule 2 of the PVG Act**

**The Presiding Officer:** Group 6 is on regulated roles—definition of “elected representative”. Amendment 35, in the name of the minister, is grouped with amendments 36 to 38.

**Maree Todd:** As debated earlier in the proceedings, Alex Cole-Hamilton lodged an amendment at stage 2 on elected representatives, which specifically sought to bring MSPs and MPs into the scope of the PVG scheme. Mr Cole-Hamilton’s new amendment, which proposes the creation of an expert group to consider safeguarding in relation to elected representatives and political parties, was subject to debate in a separate grouping, and I will therefore limit my comments on it.

The amendments in group 6 relate to the definition of “elected representative” that was provided for in schedules 3 and 4 to the bill. Both schedules deal with the change from “regulated work” as defined in the PVG act to “regulated roles” with children and protected adults, respectively.

Within the schedules, reference is made to an “elected representative” in a number of the activities that give rise to regulated roles with children and adults. They relate to the ability to directly influence decisions about the safety and welfare of a child; the ability to directly influence the operational delivery of education, medical or care services for children; and the ability to directly influence the operational delivery of medical or care services for protected adults.

Where those activities are a necessary part of an individual’s role and there is the opportunity to have contact with the child or protected adult, those who undertake them must participate in the scheme, except where they are an elected representative—that is, a member of the House of Commons, a member of this Parliament, a member of the European Parliament who was elected in the United Kingdom or a councillor of a council.

As it is drafted, the bill therefore excludes from the PVG scheme members of councils who, as a necessary part of their role, have the ability to directly influence decisions or the operational delivery of education, accommodation, social services or healthcare services. That is an unintended departure from the current arrangements under the Protection of Vulnerable Groups (Scotland) Act 2007.

Under the 2007 act, councillors who are members of certain committees or joint

committees that are concerned with the provision to children or protected adults of education, accommodation, social services or healthcare services are eligible to join the PVG scheme. Indeed, many councils across Scotland make use of those provisions. During stage 2, members of the Education and Skills Committee recognised the unique role that such councillors have in influencing such services and confirmed the appropriateness of some councillors being members of the PVG scheme.

In making the change from regulated work to regulated roles, we have inadvertently removed councillors on those committees from the scope of the PVG scheme. Amendments 36 and 38 have been lodged to preserve the status quo and ensure that councillors on the committees that I mentioned are required to be PVG scheme members.

I want to be clear that, with the amendments, PVG scheme membership is required only for members of committees who have the ability to directly influence decisions or the operational delivery of education, accommodation, social services or healthcare services to children and protected adults. Barred individuals will not otherwise be prevented from being elected as councillors or holding positions on committees that do not deal with the provision of services to children or protected adults. That is because of the narrow framing of the activities in paragraphs 7, 9 and 25 of schedule 3 and paragraph 17 of schedule 4, which make reference to the exclusion of elected representatives, meaning that only councillors with the ability to directly influence certain services for children and protected adults will be within the scope of the scheme.

I mentioned earlier the stage 2 debate and the constructive discussions on elected representatives. During that debate, it was recognised that, despite both being elected representatives, there is a clear difference between MSPs and councillors due to their roles and responsibilities. Daniel Johnson helpfully noted:

“Councillors may require PVG checks not by virtue of their role as elected representatives or the fact that they may hold surgeries, such as we do, but because they are responsible for administering many of the social work and education institutions, organisations, systems and schemes that have direct responsibility for looking after, caring for and supervising children in local authority areas.”—[*Official Report*, 11 March 2020; c 17-18.]

Amendments have been lodged to remove “councillor of a council” from the definition of “elected representative” in recognition of that difference and the importance of preserving the status quo under the existing legislation.

Amendments 35 and 37 remove references to members of the European Parliament who were elected in the UK from the definition of “elected representative”. Following the United Kingdom’s withdrawal from the European Union on 31 January this year, those references are obsolete, and accordingly they should be removed.

I move amendment 35.

*Amendment 35 agreed to.*

*Amendment 36 moved—[Maree Todd]—and agreed to.*

#### **Schedule 4—Schedule to be substituted for schedule 3 of the PVG Act**

*Amendments 37 and 38 moved—[Maree Todd]—and agreed to.*

**The Presiding Officer:** That concludes consideration of amendments.

As members will be aware, at this point in the proceedings, I am required under standing orders to decide whether, in my view, any provision of the bill relates to a protected subject matter—that is, that it modifies the electoral system and franchise for Scottish parliamentary elections. In my view, the bill does no such thing, so it does not require a supermajority at stage 3.

I am conscious that some members have been here throughout the afternoon, so we will take a short break. I suspend the meeting for two minutes.

18:04

*Meeting suspended.*

18:09

*On resuming—*

### **Disclosure (Scotland) Bill**

**The Deputy Presiding Officer (Linda Fabiani):** The next item of business is the stage 3 debate on motion S5M-21976, in the name of Maree Todd, on the Disclosure (Scotland) Bill.

We are already late in starting, so if members would like to finish, as discussed, for seven o’clock—or even earlier—it is entirely in their hands as to how they manage their contributions.

18:10

**The Minister for Children and Young People (Maree Todd):** I am pleased to open the stage 3 debate on the Disclosure (Scotland) Bill. First, I thank the members and clerks of the Education and Skills Committee for their sincere and constructive scrutiny of the Bill. I also thank stakeholders for their input throughout the process. I am particularly grateful to those who have been able to engage with us amid the uncertainty of the past three months. The bill is important and I am glad to be able to progress it at this time. That would not have been possible without their engagement before and throughout the parliamentary process.

Safeguarding the most vulnerable in society is at the heart of what Disclosure Scotland does, and that has been at the forefront of my mind in these challenging times. The system that we have today is in direct response to the tragic Soham murders of August 2002; we must never forget why the service is so important.

Part 2 of the bill delivers a range of reforms to the protecting vulnerable groups scheme. It strengthens that service to protect the public from those whose past conduct makes them unsuitable to carry out roles with children and protected adults. We will introduce a mandatory PVG scheme for people who carry out such regulated roles. There is overwhelming public support for such a measure, to close the current gaps in the scheme, and I am pleased to deliver the provision.

We will also provide stronger protections to those who engage the services of another in a personal capacity—for example, to those who arrange self-directed care—by ensuring that their employees are included in the PVG scheme. That complements the adjusted referral arrangements for Police Scotland, and new referral powers for local authorities, to support a safer Scotland.

This Government is committed to policies that balance public protection with the right to move on from past offences. As I have said before, those are not contradictory aims; both can be achieved.

Last year, the Parliament passed the Age of Criminal Responsibility Act 2019 and the Management of Offenders Act 2019. Part 1 of the bill further delivers on those aims by making vital reforms to state disclosure. Together, all three pieces of legislation provide a transformed disclosure system that can better account for individual circumstances.

As a Government, we want to offer opportunities for everyone to flourish. That includes creating a strong, sustainable workforce, and making sure that no one faces unnecessary barriers to opportunity. Disclosure Scotland will continue to identify people who, given their past behaviours, are unsuitable for regulated roles, and will ensure that they are legally prevented from carrying one out. However, we must also allow people whose history is no longer relevant to move on.

We must give particular consideration to those who were involved in the justice system during childhood. That is especially true for care-experienced people, who are still disproportionately represented in the system. It is widely recognised that having a criminal record can significantly impact on future life chances and outcomes. Since becoming Minister for Children and Young People, I have heard powerful testimony from young people who have had to overcome significant trauma and who should not be haunted by mistakes that were made in their childhood. We have to do more—not only to prevent such experiences from happening in the first place, but to limit the damage that is done in the long term to individuals, families and communities. Those children must not be left behind.

Throughout the bill's progress, we have heard evidence of care-experienced young people self-excluding from roles that ask for disclosure. Whether they exclude themselves due to childhood mistakes or uncertainty around how to navigate disclosure, the bill will transform their access and allow their voices to be heard.

Under the bill, there will be no disclosure period for the vast majority of childhood convictions as they will be immediately spent under the Rehabilitation of Offenders Act 1974 in Scotland. Public protection will be served by provisions that draw a line around only the most serious criminal behaviour in childhood. That most serious behaviour will remain eligible for state disclosure and a duty will remain on the individual to self-disclose it, when asked by an employer, while it is unspent.

I am absolutely committed to ensuring that the reforms in the bill are clearly communicated to young people and those who support them. I recognise that, even with the reforms, the disclosure system can be intimidating and difficult

to understand. I look forward to working with our stakeholders to ensure that everyone is able to access their rights.

The Education and Skills Committee recommended at stage 1 that the bill include guiding principles for decision making. Working together, we have ensured that those are included and apply to decisions under the bill, the Protection of Vulnerable Groups (Scotland) Act 2007 and the Age of Criminal Responsibility (Scotland) Act 2019. That will provide helpful legal clarification on how decisions are made.

Once again, I am very proud to be moving the motion on the bill at stage 3. At the heart of every justice reform that the Government has introduced is our absolute belief that people are capable of change. Over the past three months, tens of thousands have volunteered to support their communities in these incredibly challenging times. Some of them may even have committed offences in the past, but today they are positively contributing to our national effort. The bill maintains and strengthens the safeguarding offered by state disclosure. However, it also recognises that people should be able to move on from their past. I move,

That the Parliament agrees that the Disclosure (Scotland) Bill be passed.

18:16

**Jamie Greene (West Scotland) (Con):** I thank members for their patience this evening. We have got to a stage at which the legislation has been appropriately amended and can be passed. I was new to the Education and Skills Committee during the bill's passage, and I thank Liz Smith for dumping the bill on my desk on my first day of taking over the education brief.

It was clear during stage 1, and from the events leading up to the production of the committee's stage 1 report, that the legislation was complex and that its effects and consequences required detailed analysis. That complexity is demonstrated by the large number of technical and tidying up amendments at stage 3, which show how difficult it was even for those drafting the bill to get it into a good place.

I will not comment much about our previous discussions on what the legislation will achieve. It is, however, important that we thank those who gave evidence to the committee and that we reflect on the importance of the bill. The whole point of the disclosure process since it was first established has been to protect children. The Parliament has made great strides in doing so through legislation in various guises. The bill will add to the collection of legislation on which I think that we will all have been proud to have worked

during this parliamentary session. I also thank the minister for steering the bill through Parliament and for reflecting on some of the feedback that members gave.

The legislation is important because, as the minister said, we are on the cusp of a revolution in volunteering. As a result of the coronavirus, many people are helping out and getting involved in the third and voluntary sectors. It is important that we strike the balance between protecting children's safety and welcoming people into the system.

I lodged an amendment at stage 2 about people under the age of 16 who are keen to engage in the voluntary sector. At issue was whether they would require vetting. We had a good debate about that. It is important that we invite and encourage everyone and anyone who wants to get involved to do so, but the process behind that needs to be robust, transparent and accessible.

At stage 1, the committee raised concerns about moving to a digital-only system and whether that would work for all groups and organisations. The Government has reflected on that. In the current situation, we want to encourage people into environments in which they will interact with children and vulnerable people. For example, there is talk about getting retired teachers into the education system quickly and efficiently. We also want to encourage people into social care—we know that that sector requires more people—the third sector, nurseries and other environments where disclosure checks are important. How do we do that? How do we use the disclosure system to ensure that the large numbers of people who are coming forward are able to access services quickly?

The only other point that I want to pick up on in my brief comments is what has changed in the bill. During the stage 3 amendments, the minister commented on Alex Cole-Hamilton's suggestions about how we further protect those who we have to, including anyone who is involved in political life. The minister briefly mentioned setting up an independent review—I believe that that was the language that was used. That is very welcome, but I ask the minister to write to the Parliament or the Education and Skills Committee with more detail on that. Now is not the time to go into that, but I invite the minister to do that so that all members can read more about what the remit and timescales of the review will be and the expectations around it.

I will end my remarks in the interests of time. I thank members for their input on the bill. It has been a pleasure to work on my first piece of education-related legislation in the committee. I know that the committee's hard work will continue as we look to improve outcomes for all children throughout Scotland.

18:20

**Iain Gray (East Lothian) (Lab):** I draw members' attention to my entry in the register of members' interests, which says that I am the chair of the Hibernian Community Foundation.

In our stage 1 debate on the Disclosure (Scotland) Bill, I spoke a little bit about it being the latest stage of a road on a map of protection legislation that goes all the way back to the start of the Scottish Parliament and the Adults with Incapacity (Scotland) Act 2000, which was the first such legislation that we passed. The road on that map has passed through things such as the protection of vulnerable adults legislation, and this evening brings us to the end of this bit of the road. Although it was a bit bumpy at stage 2, we have reached a pretty good place. The minister and her officials have tried carefully to respond to the concerns of the committee and the witnesses, and that has been good to see.

I have made a point about how wide-ranging such bills are. Early on in the committee's evidence taking, it was revealed to us that there are 1.5 million members of the protecting vulnerable groups scheme, so it is certainly legislation that affects many of our citizens. That was, of course, one of the reasons why there was a move in the legislation to having membership renewable every five years. The committee considered practical issues around that—for example, repeat fees and people having to remember that they have to renew their membership of the scheme—but the important thing is that the approach enables Disclosure Scotland to work more efficiently and effectively to monitor members of the scheme by enabling it to not have to monitor a significant number of members who are not using their PVG scheme membership. That is quite important and effective.

The early acts are all good examples of how having our own Parliament allowed us much more readily to catch our legislation up with other legislation, the modern world and other changes. We should not be surprised that, having set the disclosure scheme in place, we have come to a point at which it is necessary to clarify, simplify and modernise it. It had to take account of other legislation that we have passed, such as the Age of Criminal Responsibility (Scotland) Act 2019 and the Management of Offenders (Scotland) Act 2019. At stage 2, a great deal of work went into trying to ensure that that happened, and we have got there now.

That will not, of course, be the end of the process. For example, the Government recently recommitted itself to the incorporation of the United Nations Convention on the Rights of the Child, which may well mean a legislative change that will come back to some of the measures on

children and childhood offences. That would in turn mean that we would have to come up with another iteration of the scheme.

There is more immediate and quite important work—and not only the setting up of the group that was promised to Alex Cole-Hamilton earlier on. In the discussions, there were concerns—Jamie Greene mentioned this—about the fact that anyone under 16 could not be a member of the scheme, as that might make it difficult for people under 16 to volunteer at all. I think that the Government has committed to monitor that and ensure that that is not the case.

Similarly, the Children and Young People's Commissioner Scotland expressed concerns about the impact of the legislation on care-experienced young people. I think that the Government has also committed to monitor that; I hope that it will be able to do so, perhaps as part of the care review implementation.

There is some immediate work to be done there, but the biggest piece of immediate work is for Disclosure Scotland. As colleagues will remember, when the original scheme was introduced, there was a period when it took quite a long time for disclosure checks to come through, which caused great difficulty for many voluntary organisations and workplaces. Disclosure Scotland made us promises that it could make the legislation work. Let us hope that it is right. I think the legislation is now a place where Disclosure Scotland should be able to make it work. We will certainly support the bill at decision time.

18:25

**Ross Greer (West Scotland) (Green):** I start by reminding members that I am a current member of the PVG scheme, through the Church of Scotland.

Rehabilitation and reintegration into society for people who have committed offences in the past is a key part of creating a more just and safe society, but it must be balanced with safeguarding vulnerable people against those who might still pose a risk.

Getting that balance wrong has serious consequences. A system that is too punitive creates cycles of reoffending, because people with past convictions face obstacles to mainstream employment and are instead pushed to the periphery of society. That is still very much part of the reality here in Scotland, despite our efforts. There are no shortage of examples of more punitive systems, in which reoffending rates are even worse.

Being too lenient, however, could leave people, especially vulnerable people, at risk, so we would be failing in our duty to safeguard their wellbeing.

The disclosure system must balance those issues and set out robust procedures for when past convictions should be disclosed. Over time, the system has become pretty complicated. Its legal framework stems in large part from the Rehabilitation of Offenders Act 1974, but since then a significant volume of further legislation and statutory instruments by the United Kingdom Parliament and then the Scottish Parliament, as well as court cases, have created new rules and schemes.

As a PVG scheme member, I certainly welcome the bill's aim of simplifying and strengthening the system. That is not an easy task, as the Education and Skills Committee saw at stages 1 and 2. Although the committee was broadly supportive of the aims of the bill, a number of issues were raised about aspects of the current system and about proposed changes that required to be addressed.

I was not the only one to express concerns about the impact of barring under-16s from PVG membership—which Iain Gray and Jamie Greene mentioned—while still permitting them to engage in regulated work, and simultaneously making it an offence for anyone aged 16 or over to engage in regulated work without PVG membership.

Currently, several hundred under-16s are engaged in such roles, mostly on a voluntary basis. My primary concern was that organisations—often small voluntary groups—might understand the message to be that under-16s could no longer engage in such voluntary work or that, even if they were technically allowed to, the legally safest option for the organisation would be to avoid that.

Another concern that is worth noting again is that the small number of under-16s who present a risk and are barred by ministers from working with vulnerable groups could slip through the net, were the PVG scheme not to apply to them.

I appreciate the Government's position that having under-16s in a continuously monitored scheme is disproportionate and that, in any case, they should not be engaging in regulated work without an adult present who is a PVG scheme member. I also understand that other disclosure products are available. The argument was finely balanced for me, but I am content with the Government's commitment to monitor the impact of the changes on young people's participation in volunteering, and to communicate clearly the other available disclosure products. I note that the introduction of the offence of engaging in

regulated work without PVG membership will not apply to those young people.

I acknowledge that the literal handful of under-16s who are barred and who pose a risk should be monitored by other statutory services, thereby preventing their engaging with vulnerable groups. However, as I said at stage 1, reliance primarily on overstretched social work departments is far from perfect, particularly when individuals may move between local authorities, which is when communication between services often breaks down.

The other substantive concern that I raised at stage 1 related to the two-part test for level 2 disclosures, to be established at a later date following consultation of stakeholders. Although I appreciate the importance of such consultation, the arrangements could have left parts of the system dealing directly with balancing privacy and safeguarding, without any parliamentary scrutiny. I am pleased that the Government lodged amendments at stage 2 to address that issue by providing further provisions on how the test should be applied.

I also welcome the changes that have been introduced to address other issues that MSPs and organisations including Scottish Women's Aid raised at stages 1 and 2.

The Scottish Greens welcome the steps to simplify and strengthen the disclosure system. We thank the bill team, the committee clerks and those who contributed evidence for working towards a set of proposals that we are happy to support.

18:30

**Beatrice Wishart (Shetland Islands) (LD):** This debate concludes my first full experience of scrutinising legislation in the Scottish Parliament since I was elected last summer. I record my thanks to the Education and Skills Committee's clerks and the legislation team, who guided me through the process. I also thank my committee colleagues for their support. I have seen that ahead of any legislative reform a power of work goes on behind the scenes. That is even more impressive in the current context, so I pay tribute to all those who are somehow keeping Parliament ticking in these extraordinary times.

In the stage 1 debate, I said that

"the bill has the potential to make genuine, positive changes to the disclosure process."—[*Official Report*, 16 January 2020; c 73.]

I will focus on a couple of the specific ways in which the bill will, after it is passed today, do that.

The bill will make it possible for people to apply for and receive disclosures digitally, which is an

important and significant step for the future. It has taken a pandemic to prove that parts of Scotland's administration are pointlessly reliant on paper, which is no longer the way that the world works. Offline alternatives are obviously still needed, and I still have some concerns about information technology capacity, given that 1.2 million people might need to apply for PVG membership as the renewal system gets under way. However, I am hopeful that if the disclosure system can maintain accessibility and make the move a success, it will create a precedent that other systems can follow.

The bill also makes sensible changes to the PVG scheme. The move to renewable five-year membership, which will be mandatory for people in regulatory roles, puts the scheme back in line with reality. Disclosure Scotland says that 20 per cent of those who are currently included in the scheme do not need to be in it, which means that hundreds of thousands of people are being monitored for no reason. Ending lifetime membership should address that pointless intrusion and the needless burden on Disclosure Scotland.

I am also glad that the bill will end automatic disclosure of childhood offences that are committed between the ages of 12 and 17. Mistakes that people make in their early years should not prejudice their adult life chances. Scotland still has some way to go, as we strive towards incorporation of the United Nations Convention on the Rights of the Child, but I welcome each move that is made in that direction.

As I said, the bill will make good changes to the disclosure system, but I cannot finish without mentioning the amendments that my colleague Alex Cole-Hamilton lodged at stages 2 and 3, which seemed to be completely in line with the bill's policy aims. It is clear that politicians fit within the scope of the bill's definition of people who hold "power or influence", and that situations can and do arise as part of an elected representative's role in which such power or influence could be used improperly. It is not enough to say that it should not be used in that way; the point is that it could be.

Although Alex Cole-Hamilton did not press amendment 39, I hope that, given his work to raise the issue, and the welcome announcement by the Minister for Children and Young People that there will be an independent review to look at the safeguarding issue, there will be a change in the future. On that hopeful note, I say that I am happy to support the bill today.

**The Deputy Presiding Officer:** We move to the open debate, with speeches of four minutes. We are already quite well over time, so brevity would be appreciated by everyone.

18:33

**Clare Adamson (Motherwell and Wishaw) (SNP):** I thank colleagues who have already covered many of the points that I wanted to make about the Disclosure (Scotland) Bill. I am very thankful to our clerks and to all those who took part in the bill process at stage 1.

I remember an evening event at Parliament, in Queensberry house, that went on quite late. People had travelled from far and wide to take part in a focus group. That would almost be unheard of now, but it happened just before we went into lockdown. It would no doubt happen via Zoom, nowadays.

The current crisis has delayed proceedings a little, and it seems to be a long time since we last discussed the bill in the chamber, but—as many members have said—it is now in a good place.

The work that has been done by stakeholders, the bill team and the Government is evident from the ease with which the bill has gone through stage 3 this afternoon, and from the consensus on it that has been expressed by members from across the chamber.

I would like to highlight one aspect that came to light in the evidence that was heard by the focus groups. The bill's progressive nature can be seen from its approach to the impact on young people of disclosure of convictions that they accrued when they were younger. We heard emotional evidence from those who took part in the focus groups. Robert Dorrian asked us to recognise adolescence as

“a unique phase of life by ending the automatic disclosure of convictions accrued while aged between 12 and 17 years and introducing an assessment by Disclosure Scotland acting on behalf of Ministers as to whether convictions ought to be disclosed”.

One of the people who attended from Who Cares? Scotland informed the committee that although people who have been in care make up only an estimated 0.5 per cent of Scotland's population, they make up 33 per cent of our youth-offender population and 31 per cent of the Scottish adult prison population. Those figures should make us all stop and think about what we are doing systemically in the care system that leads to such a situation. As Ross Greer rightly said, it is important that those young people had the opportunity to take part in the process of consultation on the bill.

Of course, we are now in the Covid era. If anything, the bill is now more important than it was before, because we want to harness the energy and willingness to volunteer that people have shown recently. We are in a good place to ensure that that can be done effectively in the future, through the bill.

I again thank everyone who has contributed to the process.

**The Deputy Presiding Officer:** We seem to have lost Jeremy Balfour—I hope, just temporarily. In the meantime, I call Daniel Johnson.

18:37

**Daniel Johnson (Edinburgh Southern) (Lab):** Thank you, Presiding Officer. I am sorry—you caught me off guard there.

There are only 23 minutes left before we all want to be out of here, so I will try to be brief. I will simply remark on the fact that the reasons for our having the bill are important ones, as was set out by the minister and Iain Gray.

As Ross Greer said, the bill deals with the balances that exist between rights and responsibilities and between obligations and expectations I will add one more to the many reasons that others have already set out for the legislation's importance. Giving people the ability to see information about them that is being disclosed at job interviews is a welcome development, because foreseeability is an important issue.

The main line of questioning that I pursued throughout stage 2 and during the evidence that the committee took at stage 1 was on the two-part test. One of the most important concerns that was raised then was about whether information that would not be disclosed in relation to a criminal conviction could be disclosed if it formed part of what is known as “other relevant information”—or ORI. Such principles being in the bill helps greatly. The guidance that will be made on them will clearly be hugely important in ensuring that such information is safeguarded, and that information that would not be disclosed as relating to a criminal conviction is not disclosed simply because it involves other relevant information.

The General Teaching Council for Scotland plays an important role in regulating members of the teaching profession. It has been in touch with me to state its concern that information that it needs in order to understand and assess whether people are right and proper candidates to be in that profession is simply not reaching it, from either Disclosure Scotland or Police Scotland, both of which have cited reasons relating to the general data protection regulation.

It is somewhat ironic that PVG information is required to gain accreditation in the first place. However, if there is new information about a police investigation, and even if Disclosure Scotland is made aware, the details would not be passed to the General Teaching Council, nor would the police alert it. That is an issue that requires some

urgent attention. The Information Commissioner for Ireland has said that that information should be shared, and my understanding of GDPR legislation is that information sharing is permissible when it comes to child protection. I urge the Government to look at that.

18:40

**Rona Mackay (Strathkelvin and Bearsden) (SNP):** I am happy to speak in the stage 3 debate on a bill that is incredibly important to the Scottish Government's ability to protect the most vulnerable in society. In a nutshell, if passed today the bill will modernise and improve proportionality in the disclosure system, balancing public protection with the right to move on from past offences. It is a progressive and necessary bill. Significant amendment and improvements have been made in its journey from stage 1, and I thoroughly recommend that it is passed. As we have heard, it is a detailed bill with many parts and I commend the minister and her officials for getting it into such a good place.

The Law Society and COSLA support the development of a simplified regime for disclosure in Scotland, balancing an individual's right to privacy with protection of the public interest, and acknowledge that the current disclosure regime is complex and difficult to navigate. As Daniel Johnson said, the two-part test was greatly debated in committee. The Scottish Government and Disclosure Scotland have outlined the approach on statutory and non-statutory guidance and the Law Society is keen to contribute to that work.

One of the most vital parts of the bill relates to childhood offending; children should not serve a lifetime sentence of discrimination and unemployability for offences in childhood, many of which were a result of adverse childhood experiences. The bill will end automatic disclosure of convictions that were accrued between the ages of 12 and 17.

For adults, the fundamental aim of the disclosure regime is to balance public protection with the right to move on from past offences. A theme of the policy discussions is how care-experienced young people can be particularly susceptible to becoming involved with criminal justice agencies, as the minister and the convener articulated. One care-experienced witness, Robert Dorrian, said that

"care-experienced individuals often self-exclude, which cannot be quantified ... Our members have told us that childhood convictions have prevented them from moving on from their past."—[*Official Report, Education and Skills Committee*, 13 November 2019; c 6.]

That needs to change and the bill is an opportunity for that change.

The bill will simplify and modernise the disclosure system, with applications being made online. With digital applications and disclosures, the process is expected to be faster. However, the committee welcomed reassurances from Disclosure Scotland that non-digital means of seeking disclosures will remain.

I am delighted that amendment 25 defined the meaning of domestic abuse and I thank Women's Aid for its involvement in that. Alex Cole-Hamilton's amendments to the bill were withdrawn, but I was pleased to hear of the working group proposal that was outlined by the minister.

The bill is hugely progressive and will strike the balance between protection and allowing people to move on with their lives. I am happy to support it at stage 3.

**The Deputy Presiding Officer:** I am afraid that we have not been able to get Mr Balfour back—oh, he has arrived just in the nick of time. We have not made up all the time that I was hoping for, but never mind.

18:43

**Jeremy Balfour (Lothian) (Con):** I apologise, Presiding Officer. I will keep my comments brief; technology let me down there.

Unlike other members who have spoken so far in the debate, I come to the bill new. I read with interest the stage 1 debate and the amendments that were lodged at stage 2.

I come to the bill with a real interest; I am a current member of the scheme and I think that I hold three different certificates for volunteering that I do. One of the important aspects of the bill, which was pointed out by the Law Society of Scotland, is that the current regime is complex and difficult to navigate. I welcome the changes that the bill will bring about, because they will make the scheme easier. There is a difficult balance to get right: we want to protect children and vulnerable individuals in every circumstance but at the same time we want to encourage as many people as possible to come into volunteering.

As others have said in the debate, since the present crisis started, there has been greater awareness of what volunteers can do. We want to ensure that that continues. The bill has got the balance right. It will encourage people to volunteer, and it will make sure that they are the appropriate individuals.

I welcome the comments by the minister and others today about giving people a second chance. That is an important principle. We all make decisions that we live to regret. In particular, individuals make decisions in their youth that they



live to regret. That can hold them back from being able to volunteer and give back to their communities, and the bill has done a great deal to rectify that.

I know that you want to move on, Presiding Officer, and I know that many of you have had a long day. Let me tell you, it is no more comfortable sitting on a chair at home than it is sitting in the chamber, so I will stop there. I welcome the bill and look forward to its enactment.

**The Deputy Presiding Officer:** Thank you, Mr Balfour. I am glad that you finally managed to join the debate.

We move to the closing speeches. We are not too bad for time—you have up to four minutes, Mr Gray.

18:45

**Iain Gray:** I hear the “up to four minutes”, Presiding Officer. We find ourselves in the twilight of a wet Wednesday, in a sparsely populated chamber, in the middle of a deadly pandemic, and, indeed, in the shadow of a powerful debate on racism that ranged across the globe and across the centuries and dealt with matters of good and evil and life and death for far too many people. At this stage, it really is the truth to say that less is more.

However, I want to say this. We should be proud of our Parliament and pleased with ourselves for doing this today. Passing the bill is a symbol of something very important. The purpose of the disclosure regime is to make two things possible in safety. The first is the professional caring and nurturing of the vulnerable—teaching, caring, helping children and supporting people with disabilities. The second is all the volunteer-supported activity in our communities, which adds so much richness to our lives and opens so many doors that our young people would otherwise never even get to stand in front of—youth clubs, Scouts, the Boys Brigade, every kind of sports club that we can think of, and more besides. Those are things that create joy in our lives, and disclosure is about ensuring that they can happen in the confidence of safety from any who would pervert them for their predatory purpose.

Those are the very things that Covid has closed down. Caring has become a front-line battle, and the fun and companionship of sport and clubs has closed down all together. Hibernian Community Foundation, which I chair, usually runs children’s community football and holiday camps across the whole of the south of Scotland. We do not expect that to start again for a very long time, but start again it will. Taking the time today to pass the bill, even if much of what it effects is in abeyance, signals our hope, confidence and determination

that those activities, which enrich our normal lives with joy and fun and caring, will be back. Children will play and learn again, and people will meet together again to socialise and support each other—and they will do so in safety.

That is not a bad night’s work.

**The Deputy Presiding Officer:** I do not think that your card is in properly, Mr Halcro Johnston. In fact, it is not in at all. It is not as if we have all the time in the world here. *[Laughter.]*

18:49

**Jamie Halcro Johnston (Highlands and Islands) (Con):** My apologies, Presiding Officer. I thank all my fellow speakers for giving me so much time to expand on the points that I want to make today.

Increasingly, organisations—from businesses to those in the public sector—are faced with difficult questions about safeguarding vulnerable people and how they accommodate people who have previously been convicted of crime. There has always been a delicate balance to maintain, and it reaches to the heart of our justice system. A great deal has been said about the sometimes competing interests of retribution, rehabilitation and reparation.

In more practical terms, we know all too well the problems that are faced by institutions when vulnerable people, especially children, have not been adequately safeguarded. Too many lives have been destroyed and too many people still carry the scars—physical and mental—of abuse that could have been prevented. It is right that the needs of victims and those who are at risk come uppermost in our considerations, but we must recognise the broader needs of society and those who have criminal convictions. That is what the minister dubbed

“the right of people to move on from their past behaviour.”—*[Official Report, 16 January 2020; c 55.]*

Criminal behaviour carries—in many cases, quite properly—a stigma. However, once a person is released into the community, we cannot expect them to find constructive rehabilitation if they cannot contribute through employment but also, if appropriate, through other means, such as volunteering.

The bill is welcome. It streamlines a complex system and helps users to navigate it more effectively. Some of the work at stage 2 has also improved the bill. The need for effective rehabilitation for people who committed offences as children is even more pressing. The broad direction of travel seems to have been widely welcomed.

The bill places weighty powers in the hands of the Scottish Government to decide what is reasonable in any particular case. Such powers must clearly be used sensibly, with consideration given not only to what is serious but to whether something presents a serious future risk. Undoubtedly, a number of the provisions will have to be monitored once they are implemented. That is not a criticism of the Government's bill but simply an acknowledgement of the difficulties that are inherent in this area of law.

The bill makes sensible changes to a vital system that provides protection for some of the most vulnerable in our society. There are a great many provisions in the bill, and it would be impossible to touch on them all, despite their importance. However, what is necessary is that the principles and purpose of the systems that the bill creates and modifies are foremost in our minds. The proposals make a number of substantial improvements. Conservative members will support the bill.

**The Deputy Presiding Officer:** Given how things have gone, I ask the minister to speak for a wee bit longer than her allotted time. [*Laughter.*] It would be useful if you could take us to just before decision time.

18:52

**Maree Todd:** Thank you, Presiding Officer. I am hastily replacing all the pages in my speech.

I thank all members for their contributions today. Again, I thank the Education and Skills Committee for its detailed scrutiny of the bill. The bill is technical, and it has been difficult for all of us to understand its drafting and detail. However, the meaning of the bill is very clear; it serves a powerful purpose in our society.

I thank the bill team, which has been mentioned several times by members from across the chamber. It has, indeed, done a sterling job of working with stakeholders and parliamentarians to ensure that we understand the detail of the bill. If members will indulge me for one moment, I note that the bill team leader has a significant birthday today. I hope that he is watching at home with a wee glass in hand, so well done Kevin Lee and happy significant birthday.

The passage of the bill will not be the end of the journey. It is the vehicle by which to provide greater protection, opportunity and flexibility to people and businesses in Scotland. As I set out previously, the Scottish Government will consult widely on disclosure fees before the regulations are laid for the Parliament's consideration. I understand all the more acutely at this time how important that will be to individuals and to different sectors. We have a long-standing commitment to

waiving fees for volunteers on the PVG scheme who are with qualifying voluntary organisations, and that will continue under any revised arrangements. As a temporary measure, we have also removed the fee on applications for key workers and volunteers who are contributing to Scotland's response to Covid-19.

Engagement does not end with the bill. If the bill is passed, as I hope it will be this evening, we will continue to learn from stakeholders and the many communities with an interest in the bill. We will work in collaboration with them to find out more about what works best, and we will welcome scrutiny and challenge.

Daniel Johnson mentioned the General Teaching Council for Scotland, which I will use as an example. It is vital that we work with stakeholders to get things right for them. It is vital that we are able to share certain information with regulators for the purpose of safeguarding, which is why my officials have engaged with the GTCS and other regulatory bodies on that matter.

After the GTCS raised concerns with Disclosure Scotland, it reviewed the practice and made changes so that when Disclosure Scotland notifies the GTCS that a teacher is being considered for listing it will always state the source of that information. That will allow the GTCS to use its powers to ask for the information from the organisation that owns it. Recent improvements have focused on better communication between the GTCS and Disclosure Scotland about such cases.

**Daniel Johnson:** Will the minister reflect on the point about the police, which the GTCS said are also part of the issues that it faces in obtaining the information?

**Maree Todd:** I am certainly happy to work to continue to improve the information-sharing relationship, because it is important. I have to make clear that if new information is added to a scheme member's record that results in the scheme member being placed under consideration for listing, regulatory bodies and employers would be notified.

Disclosure Scotland has developed a new information technology system and it now controls that by itself, rather than being dependent on an external supplier. That has enabled it to quickly implement solutions in response to Covid-19. That would have been significantly more challenging under the previous system. Its ability to quickly change the system allows Disclosure Scotland to make positive, sustainable improvements, which will enhance its ability to deliver the bill and protect vulnerable groups. The bill's implementation will build on the existing new system at Disclosure

Scotland, and the estimated costs that are set out in the bill's financial memorandum remain valid.

It is important to highlight the significant work that has been undertaken at Disclosure Scotland in response to the Covid-19 crisis. The requirements of home working and the national imperative to get health and care workers checked without delay required Disclosure Scotland to rapidly deliver change; its response has been phenomenal. Stakeholder feedback about the changes that it has made has been incredibly positive, and I thank everyone at Disclosure Scotland who has made that possible during these unprecedented times.

Although, of course, Disclosure Scotland needs to be in a position to implement the provisions, stakeholders must be ready, too. Digital delivery is only one aspect of implementing these provisions. Some elements of the bill will alter how organisations approach their recruitment practices, and we need to ensure that those organisations are confident about their new rights and responsibilities before the provisions of the bill come into force. True to our approach from the outset of reviewing Scotland's disclosure system, we will work closely with the stakeholders to map out the steps from the current situation to the post-bill services.

The transition from regulated work to regulated roles must be handled very carefully, at a pace that stakeholders are comfortable with. Stakeholders have been very clear about wanting to do this in a collaborative and iterative way. These changes will not happen overnight. It is not only Disclosure Scotland that needs to be ready; stakeholders must be ready, too.

We are committed to developing better training and guidance, which will be co-designed with stakeholders to ensure that it is more targeted and suits the needs of our users—including children, young people and those who support people with convictions. This bill shows that we are absolutely focused on protecting the most vulnerable people in our society, but also that we recognise that people can—and do—change. It offers a more responsive and individualised approach to disclosure. Together with other recent acts, including the Management of Offenders (Scotland) Act 2019 and the Age of Criminal Responsibility (Scotland) Act 2019, it will transform the situation for Scotland's children and young people, so many of whom have been marginalised and stigmatised because of state disclosure.

At stage 1 of the Age of Criminal Responsibility (Scotland) Act 2019 we heard moving testimony from Lynzy Hanvidge.

Unfortunately, Lynzy's story is not unique, and care-experienced young people are more likely to

have interactions with the criminal justice system. In recognition of that, the provisions of this bill—building on the Age of Criminal Responsibility (Scotland) Act 2019—have been developed. I believe that they will have a transformational impact on the life chances of someone like Lynzy. The bill provides that some of the barriers to a better future can be removed.

I am delighted to commend the bill to Parliament.

## Point of Order

**Sarah Boyack (Lothian) (Lab):** On a point of order, Presiding Officer. At First Minister's question time this afternoon, Richard Leonard raised concerns regarding the provision of personal protective equipment for front-line national health service and social care staff. During his exchange with the First Minister, he spoke about concerns that staff have raised directly with him. He said:

"Staff tell me that their PPE is sub-optimal and that they are still being instructed to use PPE that is out of date, including critical equipment such as FFP3 respiratory masks. Will the First Minister give NHS and care staff a guarantee that PPE guidance and supplies will be enhanced, that out-of-date PPE will be withdrawn immediately, and that regular and routine testing will be rolled out without further delay?"

While Richard Leonard was raising those concerns on behalf of our hard-working front-line staff, the Cabinet Secretary for Health and Sport, Jeane Freeman, shouted, "Lies! Lies!" about those concerns.

Presiding Officer, not only do I believe that it is unfortunate that the Cabinet Secretary for Health and Sport used unparliamentary language in the chamber, I am concerned that such behaviour and response to legitimate questioning will act as a barrier to the many hard-working NHS and social care staff coming forward in the future to raise concerns.

Presiding Officer, what action can you take to ensure that those on the front line can have their voices heard in this chamber through elected members, without accusation from a cabinet secretary that the information that they have provided is lies?

**The Presiding Officer (Ken Macintosh):** I thank Ms Boyack for giving me advance notice of the point of order. I was in the chair throughout those proceedings and I did not hear any discourteous remarks shouted across the chamber. However, I remind all members from all parties to treat each other with respect, not to make remarks from a sedentary position and not to use unparliamentary language. The concerns that Ms Boyack has raised are now on the record, and I hope that she will be satisfied with that.

## Business Motion

19:02

**The Presiding Officer (Ken Macintosh):** The next item of business is consideration of business motion S5M-21999, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, setting out a business programme.

*Motion moved,*

That the Parliament agrees the following programme of business—

Tuesday 16 June 2020

2.00 pm Time for Reflection

*followed by* Topical Questions

*followed by* Ministerial Statement: Greenhouse Gas Emissions Statistics for 2018

*followed by* Scottish Government Debate: Fiscal Implications of COVID-19

*followed by* Legislation Consent Motion: Corporate Insolvency and Governance Bill

*followed by* Committee Announcements

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

Wednesday 17 June 2020

12.20 pm Parliamentary Bureau Motions

12.20 pm First Minister's Questions

2.30 pm Parliamentary Bureau Motions

2.30 pm Ministerial Statement: 2019-20 Provisional Outturn Statement

*followed by* Ministerial Statement: Justice Sector Response, Recovery and Renewal

*followed by* Ministerial Statement: Mental Health – Transition and Recovery

*followed by* Stage 3 Proceedings: Animals and Wildlife (Penalties, Protections and Powers) (Scotland) Bill

*followed by* Legislation Consent Motion: Domestic Abuse Bill

*followed by* Legislation Consent Motion: Private International Law (Implementation of Agreements) Bill

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

*followed by* Approval of SSIs (if required)

6.00 pm Decision Time

Thursday 18 June 2020

12.30 pm Parliamentary Bureau Motions

12.30 pm First Minister Statement: COVID-19 Next Steps

2.00 pm Portfolio Questions:  
Constitution, Europe and External  
Affairs;  
Economy, Fair Work and Culture;  
Education and Skills

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

3.20 pm Decision Time

Tuesday 23 June 2020

2.00 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Topical Questions (if selected)

*followed by* Scottish Government Debate: Local  
Government Finance (Scotland)  
(Coronavirus) Amendment Order 2020

*followed by* Stage 3 Proceedings: Civil Partnership  
(Scotland) Bill

*followed by* Committee Announcements

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

Wednesday 24 June 2020

12.20 pm Parliamentary Bureau Motions

12.20 pm First Minister's Questions

2.30 pm Parliamentary Bureau Motions

2.30 pm Stage 1 Debate: Social Security  
Administration and Tribunal Membership  
(Scotland) Bill

*followed by* Financial Resolution: Social Security  
Administration and Tribunal Membership  
(Scotland) Bill

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

*followed by* Approval of SSIs (if required)

5.00 pm Decision Time

Thursday 25 June 2020

2.00 pm Portfolio Questions (Virtual):  
Health and Sport

2.30 pm Portfolio Questions (Virtual):  
Communities and Local Government

3.00 pm Portfolio Questions (Virtual):  
Social Security and Older People—*[Liz  
Smith.]*

*Motion agreed to.*

## Parliamentary Bureau Motions

19:02

**The Presiding Officer (Ken Macintosh):** The next item of business is consideration of four Parliamentary Bureau motions—S5M-22000 and S5M-22001, on designation of lead committees, and S5M-22002 and S5M-22003, on approval of Scottish statutory instruments.

*Motions moved,*

That the Parliament agrees that the Environment, Climate Change and Land Reform Committee be designated as the lead committee in consideration of the Welfare of Dogs (Scotland) Bill at stage 1.

That the Parliament agrees that the Local Government and Communities Committee be designated as the lead committee in consideration of the Travelling Funfairs (Licensing) (Scotland) Bill at stage 1.

That the Parliament agrees that the Local Government and Communities Committee be designated as the lead committee in consideration of the Travelling Funfairs (Licensing) (Scotland) Bill at stage 1.

That the Parliament agrees that the Scottish Animal Welfare Commission Regulations 2020 [draft] be approved.—*[Liz Smith]*

## Decision Time

19:03

**The Presiding Officer (Ken Macintosh):** The first question is, that amendment S5M-22004.1, in the name of Pauline McNeill, which seeks to amend motion S5M-22004, in the name of Christina McKelvie, on showing solidarity with anti-racism, be agreed to.

*Amendment agreed to.*

**The Presiding Officer:** The next question is, that amendment S5M-22004.2, in the name of Patrick Harvie, which seeks to amend motion S5M-22004, in the name of Christina McKelvie, be agreed to. Are we agreed?

**Members:** No.

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

**Bob Doris (Glasgow Maryhill and Springburn) (SNP):** On a point of order, Presiding Officer. Not all the consoles are working, so the votes are not going to be recorded. Just before decision time, there was a flashing light on several of the consoles; they do not appear to be working, so how can we record—

**The Presiding Officer:** Mr Doris, your microphone is not on. Will you pause for a second?

For the record, Mr Doris just expressed concern that we are not confident that all the terminals are working. The vote that has been recorded shows a majority for the amendment, by 50 votes to 11. We will have a short pause while I consult the clerks and decide whether to carry on.

**Bob Doris:** Presiding Officer—

**The Presiding Officer:** We will resume after a short suspension, Mr Doris.

19:05

*Meeting suspended.*

19:06

*On resuming—*

**The Presiding Officer:** Thank you, members. Mr Doris, do you want to make another point of order, or shall I just explain what is happening?

**Bob Doris:** I apologise, Presiding Officer. My microphone is not working. I have tried three consoles and none of them is working, so I cannot raise a point of order.

**The Presiding Officer:** Mr Doris, I wonder whether you could produce your card—there we are. *[Laughter.]*

**Bob Doris:** I appreciate the complexities—*[Inaudible.]* I wanted to express my support for the amendment, but I was unable to do that. I tried three different consoles, each of which informed me that I was already logged into three consoles. I cannot explain that, Presiding Officer, and neither can you—I do not expect you to be able to explain it, but I expect my vote in support of the amendment to be registered in the Parliament.

**The Presiding Officer:** Indeed.

For members' information, my console is showing the members who are present. Only four votes were not registered, but it is important that members who make the effort to come to the Parliament and want to signal their support for motions or bills get the chance to do so.

Therefore, I will run the vote again. The question is—

**Clare Adamson (Motherwell and Wishaw) (SNP):** On a point of order, Presiding Officer. The consoles have not cleared; they are still showing the previous vote.

**The Presiding Officer:** Okay. We will pause while the consoles are cleared, and we will run the vote again.

I believe that, when we run the vote again, the consoles will clear and members will be able to cast their votes. If the consoles do not clear, we will examine the proceedings.

I ask members to cast their votes now on amendment S5M-22004.2, in the name of Patrick Harvie, which seeks to amend motion S5M-22004, in the name of Christina McKelvie.

**For**

Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Findlay, Neil (Lothian) (Lab)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Iain (East Lothian) (Lab)  
 Harvie, Patrick (Glasgow) (Green)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Johnstone, Alison (Lothian) (Green)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)

MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, 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)  
 McAlpine, Joan (South Scotland) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Sarwar, Anas (Glasgow) (Lab)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 Wightman, Andy (Lothian) (Green)

#### Abstentions

Bowman, Bill (North East Scotland) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 Greene, Jamie (West Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Whittle, Brian (South Scotland) (Con)

**The Presiding Officer:** The result of the division is: For 52, Against 0, Abstentions 11.

*Amendment agreed to.*

**The Presiding Officer:** The names of all those who voted will be available in the business team office—the chamber desk—several minutes after decision time. If members are concerned that their vote was not registered, I ask them to contact me by email later this evening. However, for the record, it is noted that Mr Doris cast his vote for the amendment.

The next question is, that motion S5M-22004, in the name of Christina McKelvie, on showing solidarity with anti-racism, as amended, be agreed to.

*Motion, as amended, agreed to.*

That the Parliament understands and shares the deep concern and horror that many feel about racism and racial injustice and police brutality across the world; expresses and shares the sympathy, grief and anger of so many at the death of George Floyd; stands in solidarity with the Black Lives Matter movement and considers that the UK Government must immediately suspend all export licences for tear gas, rubber bullets and riot gear to the US; recognises that public protest should be conducted safely

in the current public health crisis; encourages people to continue to find safe ways to lend their voice to protest against racism in all its forms; believes that there is a responsibility on us all to identify and dismantle barriers of structural racism that exist in our society and institutions; agrees that it is up to all in society to tackle racism and advance race equality; agrees that Scotland should establish a slavery museum to address our historic links to the slave trade; regrets the fact that so many monuments and street names still celebrate the perpetrators and profiteers of slavery; calls on all levels of government to work to address this toxic legacy; believes that racism is a societal evil that we must all stand united against, and work to eradicate; welcomes the establishment of the Scottish Government expert advisory group on COVID-19 and the impact on ethnic minority communities, and calls for action now to best support black and minority ethnic (BAME) workers and their families as the health and economic crisis unfolds and for the collection of detailed data through Public Health Scotland on the impact of COVID-19 on BAME groups, to assist in identifying the reasons for differential impacts.

**The Presiding Officer:** The fourth question is, that motion S5M-21976, in the name of Maree Todd, on the Disclosure (Scotland) Bill at stage 3, be agreed to. As the motion concerns legislation, members should cast their votes now.

#### For

Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bowman, Bill (North East Scotland) (Con)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Carlaw, Jackson (Eastwood) (Con)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Crawford, Bruce (Stirling) (SNP)  
 Davidson, Ruth (Edinburgh Central) (Con)  
 Denham, Ash (Edinburgh Eastern) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fabiani, Linda (East Kilbride) (SNP)  
 Findlay, Neil (Lothian) (Lab)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Iain (East Lothian) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Harvie, Patrick (Glasgow) (Green)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Johnstone, Alison (Lothian) (Green)  
 Kerr, Liam (North East Scotland) (Con)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lyle, Richard (Uddingston and Bellshill) (SNP)  
 MacDonald, Angus (Falkirk East) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 Macdonald, Lewis (North East Scotland) (Lab)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, 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)  
 McAlpine, Joan (South Scotland) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (SNP)  
 Russell, Michael (Argyll and Bute) (SNP)  
 Sarwar, Anas (Glasgow) (Lab)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Todd, Maree (Highlands and Islands) (SNP)  
 Wheelhouse, Paul (South Scotland) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wightman, Andy (Lothian) (Green)

**The Presiding Officer:** The result of the division is: For 63, Against 0, Abstentions 0.

*Motion agreed to,*

That the Parliament agrees that the Disclosure (Scotland) Bill be passed.

**The Presiding Officer:** The motion has been agreed to, and the Disclosure (Scotland) Bill is passed. [*Applause.*]

The next question is, that motions S5M-22000 to S5M-22003 inclusive, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, be agreed to.

*Motions agreed to,*

That the Parliament agrees that the Environment, Climate Change and Land Reform Committee be designated as the lead committee in consideration of the Welfare of Dogs (Scotland) Bill at stage 1.

That the Parliament agrees that the Local Government and Communities Committee be designated as the lead committee in consideration of the Travelling Funfairs (Licensing) (Scotland) Bill at stage 1.

That the Parliament agrees that the Health Protection (Coronavirus) (Restrictions) (Scotland) Amendment (No. 3) Regulations 2020 (SSI 2020/164) be approved.

That the Parliament agrees that the Scottish Animal Welfare Commission Regulations 2020 [draft] be approved.

*Meeting closed at 19:12.*



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

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