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Scottish Parliament

Thursday 24 September 2020

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

First Minister's Question Time

The Presiding Officer (Ken Macintosh): Good afternoon, colleagues. We will begin First Minister's questions shortly, after the First Minister has made a brief statement.

The First Minister (Nicola Sturgeon): I will give a short update on the daily statistics. The total number of positive cases reported yesterday is 465, which is 7.9 per cent of people who were tested. Therefore, the total number of cases is 25,960. The regional breakdown will be provided a little later, as usual, although I can say now that 219 cases are in Greater Glasgow and Clyde, 73 cases are in Lothian and 66 are in Lanarkshire. A large part of the figure for Greater Glasgow and Clyde reflects a significant cluster related to student accommodation at the University of Glasgow. I am sure that we will discuss some of those issues shortly. The remaining 107 cases are spread across nine other health board areas.

There are 84 people in hospital, which is an increase of one from yesterday. There are 10 people in intensive care, which is the same number as yesterday, although I should insert a caveat: due to some technical issues, NHS Lothian figures for intensive care have not yet been taken into account so we have included the Lothian figures for yesterday in the total, and when we know the full up-to-date figure it may change the overall numbers. I regret to report that in the past 24 hours, two deaths have been registered of patients who first tested positive for Covid in the previous 28 days. The total number of deaths under that measurement is now 2,510. I offer my condolences to everyone who has lost a loved one, including everyone whose loss has occurred in the last few days.

We will shortly publish our latest estimate of the R number, which we do every Thursday. The estimate confirms our view that the R number is currently above 1 and possibly as high as 1.6. All those figures demonstrate why we announced tough measures on Tuesday to reduce the transmission of the virus and to get it back under control.

Finally, I urge everyone to stick to the new rules. With some limited exceptions, none of us should be visiting each other's homes at the moment. Outdoors, or in public indoor spaces, we must not meet in groups of any more than six people from a

maximum of two households. Children under 12 are not included in the limits outdoors and young people aged 12 to 17 are exempt from the two household limit—they can meet outdoors in groups of up to six, but should still physically distance from one another. We have also announced new restrictions on hospitality: from tomorrow all such premises will close by 10 pm. Beyond that, we are asking people to limit visits to, and social interactions in pubs and restaurants as far as possible.

Those measures are tough—we all know that—but they are necessary if we are to keep schools open, resume more non-Covid NHS services, keep care homes safe and protect jobs. If we do not act now, the danger is that the virus will continue to spread and even more severe or longer-lasting restrictions will be required later. If we can start to reduce the number of new cases over the next few weeks, we will be better placed for the winter ahead.

I ask everyone to follow the new rules and to download the Protect Scotland app. I urge everyone to remember FACTS: face coverings; avoid crowded places; clean hands and hard surfaces; keep 2m distance; and self-isolate and book a test if you experience any of the symptoms of Covid.

Thank you for giving me the opportunity to update the Parliament, Presiding Officer.

The Presiding Officer: Thank you, First Minister. We now turn to questions. I remind members that I will continue the approach of taking all the supplementary questions after question 7. Members should press their request-to-speak button as soon as possible if they wish to ask a supplementary question.

Universities (Covid-19 Outbreaks)

1. Ruth Davidson (Edinburgh Central) (Con): This week, we have seen major Covid outbreaks in many of Scotland's universities: so far, we are aware of significant spikes in Glasgow, Edinburgh, Dundee and Aberdeen, with more than a thousand students being told to self-isolate. Realistically, we must expect that figure to rise, probably significantly, in the days ahead.

Yesterday, the First Minister said that discussions on what may be required as the situation evolves were continuing. What extra measures are being considered?

The First Minister (Nicola Sturgeon): Discussions with the university sector are on-going. The Minister for Further Education, Higher Education and Science, Richard Lochhead, convened discussions with university principals yesterday and those were on-going last night. I hope that we will set out further measures later

today, about prevention and making sure that all guidance is being properly and rigorously implemented on campus and in student accommodation, that students understand their obligations and that universities are properly supporting students.

The situation at universities is difficult, not least for those students who are being asked to isolate. That raises a welfare issue that I know universities are alive to and take seriously. We will no doubt discuss more about preventative action later.

It can be difficult for people to grasp, but the fact that a number of positive cases have been identified—I agree that we expect that number to increase—and that a number of students are being asked to isolate, shows that test and protect is working. There is more that we can do to prevent cases, but nevertheless, the essence of test and protect is making sure that when people have symptoms, they are tested—and students are being tested—they are identified if they are positive and advice is given to their contacts to isolate. That is difficult when numbers are as they are, but it shows that that system is working and we must continue to have confidence in that.

Difficult though it is, and it is really difficult for students, we must ask them to follow all the advice to not socialise outside their households and for universities to make sure that all the guidance on campus and in student accommodation is being followed.

Ruth Davidson: Calls have been made previously, notably by Willie Rennie, for all international students to be tested. However, the circumstances now being faced at many of our universities clearly suggest that action is needed beyond that to halt the spread of the virus in the institutions and into the wider community.

We know that the Scottish Government's plans for walk-in testing centres included university sites, but we also know that only two of the planned 22 centres have opened, and that that number will rise to half by the end of October. The figures from the last few days show that we cannot wait over a month to get those centres up and running; we need them now. Will the First Minister tell us what action she is taking to accelerate that programme?

The First Minister: That programme is under way and it is an important part of our testing capacity, although it is not the only part, which I will come on to in a moment. As members know, the St Andrews centre is already open, as is the one in the centre of Glasgow. Bookings opened today for the new walk-in centre in Aberdeen and they will open tomorrow for a centre in Edinburgh. New sites are being identified for Dundee. A second Glasgow centre will open on 2 October and another will open in Stirling on Monday 5

October, and others will follow after that. It is important to say that there is also mobile testing capacity. There has been a mobile testing unit at Abertay University in the last day or so and there is one at the Murano street student village at the University of Glasgow, where, as of now, a lot of the positive cases are.

An important point to make—I am never complacent in saying such things—is that there is no issue at the moment with students who are symptomatic getting tested, and quickly, and getting the results. For example, yesterday the Glasgow walk-in centre tested almost 300 students and still had some capacity at the end of the day. We continue to make sure that the right things are done, and I give an assurance that testing capacity is available and is being accessed and utilised.

We continue to consider the clinical advice on asymptomatic testing, not just in universities but more generally. It is very important to stress that if someone who does not have symptoms tests negative on one day, that does not take away their need to self-isolate, particularly if they have been in contact with positive or potentially positive cases, because they could be in the incubation period and could test positive a day or so later.

The most important thing is testing people with symptoms and identifying, contacting and giving the right advice to their contacts. I am confident that that is being done, although we continue to monitor that very carefully with universities.

Ruth Davidson: I agree with the First Minister on the importance of contact tracing. In the spring, she stated the Government's intention to recruit 2,000 contact tracers by the end of May. At the time she said,

"It's really important we have the capacity in place and the ability to increase that capacity in future should we need it."

This week, however, we learned that fewer than half—only 874—of those tracers are actually in place across the country. Does the First Minister agree that, given the situation we see at our universities, those tracers are needed more than ever, and can she tell the chamber when they will now be delivered?

The First Minister: I addressed the issue at some length when I did the daily update yesterday. I appreciate that people see information and draw conclusions from it. However, it is not true to say that we do not have enough contact tracers.

Earlier in the summer we said that health boards were going to create a pool of 2,000 contact tracers, from within their own resources, who would be available to be called on should demand require it. That pool is there.

We are also permanently recruiting to replace that pool of contact tracers over time, so that it is more permanent. However, health boards have the capacity that they need now. Some health boards that have outbreaks come under strain, and that is why we also have the national contact tracing centre. That is there so that health boards that face outbreaks and need additional support can pass some of their case load on to the national centre for additional support. It is not the case that the capacity that is needed is not there: it is there. We are simply going through a process of redeploying and replacing one capacity with another. Health boards have in place not only the capacity that they need for demand right now, but they have also all been asked to put in place—and have in place—the ability, if necessary, to double their capacity in the space of 24 hours.

Again, I want to assure people that those who are working in contact tracer roles are working really hard and under pressure. We have testing capacity that is standing up to the demand, and we have contact tracing capacity that is standing up to the demand. The performance of our contact tracers is way above other parts of the UK when measured by the percentage of index cases and contacts that they are identifying. The system is working but it is going to come under increasing pressure, and that is why we are working hard to ensure that we build the resilience that is required into it.

Ruth Davidson: How we react to the spike will influence how big it becomes. None of us want to see restrictions placed on students because this is such an important time for young people. The new people that students meet and the experiences that they have when they are a student can shape their entire life.

However, it is clear from the figures that have emerged this week that an increase in infection rates is being driven from within the student population. In Glasgow, around half of all cases that have been identified have been identified within the University of Glasgow. There is a clear concern that the virus could spread, particularly given the number of students who travel to uni from neighbouring areas and then return home.

The First Minister has previously accepted the need for routine testing across care homes. Will she now examine the case for such routine testing across Scotland's university campuses?

The First Minister: We will always examine the case for that. People will have heard me say many times about care homes what I am about to say, which is informed by the clinical advice that the Government takes. Routine testing has a part to play, particularly in highly vulnerable situations like care homes, and it may have a part to play in other settings. However, we have to be very

careful that we do not allow routine testing to be seen as some kind of pass out of all of the other obligations. When people who do not have symptoms are tested, there is a risk of false assurance coming from negative tests. Testing does not remove the fundamental importance of following all the right advice, such as self-isolating when you are asked to, ensuring that you are not interacting with people that you should not be interacting with and following all of the FACTS advice.

Although my university days were a long time ago, I can imagine how awful this is for students. My nephew has started university in Edinburgh and is living in the halls of residence—we all hear stories from relatives. We do not want our young people to be living with this, but it is really important that students recognise the risk to themselves and others, and that they follow all the guidance. Do not have house parties or socialise outwith your own household group; make sure that you have the Protect Scotland app downloaded on to your phone; and make sure that you follow all the FACTS advice. That is my appeal to every student across the country.

Universities (Covid-19 Outbreaks)

2. Richard Leonard (Central Scotland) (Lab): There are multiple Covid-19 clusters in universities across Scotland, hundreds of students self-isolating, students waiting for tests and front-line university staff at risk of catching and spreading Covid-19. Is that what the First Minister expected to happen when she gave the go-ahead to students to return to university this academic year?

The First Minister (Nicola Sturgeon): These decisions are not easy for any of us. Let us reverse that question and say that we had decided to keep all students away from university. In the days when we thought that we might not be able to get children back to school full-time, Richard Leonard and others said that we should try to normalise education. I suspect that, had we been in a position where we had said that no students could be at university, Richard Leonard might have asked here today—perfectly legitimately—what we were going to do to get education back for young people.

We have to find the right, safe balance in order to provide as much education as possible for our young people while keeping them safe and minimising the risk. That is why guidance is in place around blended learning on campus and around all the things that universities and colleges have to do. The guidance that exists in student accommodation—about not mixing between households, not having parties and so on—is really difficult. It is tough stuff for everybody.

We deal with this virus in all sorts of aspects of our lives; we cannot magic it away. The decisions that we take to minimise the risk of it in one way pose risks elsewhere, and no harm-free options are available for any of us right now. That is why we all have to accept the responsibility of playing our part and, unfortunately, students are part of that. We need to ensure that people know what to do and abide by the rules, that we give students the support that they need and that they have access to testing, as they do.

It is absolutely right that questions should be asked of me around all the issues about testing. I appeal to members across the chamber to not inadvertently—I stress “inadvertently” because I know that nobody is trying to do this—undermine confidence in the test and protect system, because it is really important that we tell people to get tested if they need to. The capacity is there and it is really important that people take up that opportunity for the greater good.

Richard Leonard: This situation was predicted, as was the spike in demand for testing before the schools returned. The First Minister keeps saying that test and protect is working well. However, this morning on BBC Radio Scotland, the director of Universities Scotland, Alastair Sim, said that, despite discussions with both Governments, neither was able to provide sufficient testing capacity.

He said that

“there just wasn’t enough kit available at the beginning of term to enable that for everybody.”

That is basic: the failure to test is a failure to contain the virus, which will cost people their health, their hopes and in some cases even their lives. From day 1 of the pandemic, we have had the same failure to anticipate, to plan and, above all, to test. Why was the First Minister not better prepared?

The First Minister: I accept criticism and scrutiny; I actually welcome it. If there is a failure, it is at the heart of Richard Leonard’s question—a failure to understand some of the basics of what we seek to do here and of how testing works. I did not hear Alastair Sim on the radio this morning, but I have had an account of what he said, and I think that he was referring to the availability of home testing kits. There is an issue with the availability of those kits, which come through the UK-wide system, so we have taken that up with the UK Government and we are trying to resolve that with it.

I will insert a caveat that is always important: this does not mean that no individual, on any given day, is not having some difficulty getting a test when and where they want it—of course that will happen. It is not the case, however—and it is

really important that the message from this chamber today is not that it is the case—that students who need to be tested right now are not getting tested; they are getting tested. That is why we have the numbers of positive cases: if we were not testing students with coronavirus right now, the numbers that I am reporting would be much smaller and so would the numbers of people who are being asked to isolate.

I accept that there is something counterintuitive in all that. Of course we want to prevent cases and to keep those numbers low, but the higher those numbers are when an outbreak occurs, the more people are being tested and identified—test and protect then does its work.

I say to members to ask questions and to scrutinise and criticise when it is legitimate to do so. The worst thing that any of us could do right now is to unfairly and unjustifiably undermine confidence in test and protect, because it is so important that people across the country, including students, have confidence in that. Right now, that confidence is justified.

Richard Leonard: Students were told that they could return safely to universities and the communal living that goes with that; and we have all been told that test and protect is working well. However, students are now suffering the consequences of failure. Students—some as young as 17 and away from home for the first time—are living without established support networks. We know that that in itself can have an impact on young people’s mental health. On top of that, some of them are self-isolating in cramped accommodation and many more will be anxious that they will not be allowed to go home for Christmas. Students, and staff who work in their accommodation, need to know that the Government is working towards a solution. What is the First Minister planning in order to avoid students either being confined in accommodation away from their families over Christmas or returning home with the fear and real risk that they are spreading Covid-19 to their friends and families back home?

The First Minister: If Richard Leonard was really concerned, as I am sure he is, about the welfare of students and not increasing the already anxious situation that they are in, I think that he would have asked that question in a different way. Talking about things such as students not being allowed to go home for Christmas is not helping anybody. We all have to work to ensure that we deal with this infectious virus—part of a global pandemic—in the best way possible. I wish more than anything else that I could snap my fingers and make it go away, but I cannot. It is a global pandemic and we need to deal with it properly and systematically, with all of us playing our part.

The situation is really tough for students and we all understand the welfare issues involved. I said a moment ago that I have a 17-year-old nephew in his first year at university living in halls of residence and, like families across the country worrying about their young people, I worry about him. We all understand the emotional impact of the situation as well as the practical impact. That is why I have a duty and universities have a duty to say to young people “Make sure you’re not putting yourself at risk through parties in student accommodation or socialising in a way that increases the risk.” That is why universities have a duty to ensure that the welfare of isolating students is properly catered for and that all the other guidance is implemented. It is also why we have a system in place that means that when a student is symptomatic, they get quick access to testing; if they are positive, test and protect then steps in to ensure that their close contacts are given the right advice.

None of that is easy for anybody, but the responsibility of Government is to ensure that we face the issues head on, support those out there on the front line and get through this collectively as a country, which I believe we will.

Universities (Covid-19 Outbreaks)

3. Patrick Harvie (Glasgow) (Green): I do not pretend that any of this is easy, but it is the responsibility of the Parliament to raise these issues in a constructive manner.

With outbreaks in Edinburgh, St Andrews, Dundee, Aberdeen and Glasgow, and more than 1,000 students in halls in self-isolation, we need to remember that this is the situation just weeks into the term. Many of those students will be first-year students away from home for the first time, excited about their new life at university. It is heartbreaking that they are now cooped up and coping with this new anxiety. They need their universities and the Government to ensure that they get the support that they need.

However, the truth is that outbreaks such as these should have been expected and support and testing sites should have been in place before the term started. A bit like the situation with cruise ships at the start of the pandemic, opening student halls has brought people together from far and wide into densely populated accommodation, providing the perfect conditions for the spread of the virus. There is a far greater potential for outbreaks to spread into the wider community from student halls, and the real number of infections might already be far higher than we know.

The First Minister has not yet told us this, so I ask her to tell us now. Exactly what proportion of Scotland’s new cases are accounted for by outbreaks in student accommodation? When will

the walk-in centres that she talks about be not just available for bookings but fully operational and conducting the tests that are needed? What specific action will the Government take to prevent student outbreaks from spreading into the wider community?

The First Minister (Nicola Sturgeon): They open for booking one day and do the test the following day—that is how it works.

I absolutely accept—obviously, this is not voluntary—the importance of Parliament asking questions and its right to ask questions. I am simply making the point that we all have a responsibility to discuss the issues in a way that does not increase students’ anxiety but gives them information and advice in a proper and sensible way, and that is what we are seeking to do.

There is another important point. Testing is vital, but it is absolutely wrong to say that it is somehow the absence or shortage of testing availability that is the issue in the outbreaks in student accommodation. Students who need testing are being tested. That is why we are seeing the numbers of cases in the student population continuing to increase. If we were not testing them, we would not know that they existed, their contacts would not be told to isolate and we would then have situations on our hands that we were not able to manage and control in the way that we are doing now.

Patrick Harvie is absolutely right about the importance of welfare, and universities have been preparing and planning, and are making sure that the welfare of students is catered for. That is a big responsibility, and they need to ensure that they take it seriously. We have to make sure that students have the advice that they need to minimise the risk of spreading the virus elsewhere. It is really difficult for students, but that is why not mixing outside their household group, not socialising in the normal way that they would and not having house parties is really important.

Patrick Harvie asked about the numbers of cases. In Glasgow, a significant proportion of the cases that we reported today will have come from the outbreak at the University of Glasgow. Obviously, test and protect is still working through those cases and, of course, we will make breakdowns of the figures available as and when it is possible to do so.

We had a difficult period when the schools went back, with people experiencing increased anxiety. As we did then, we must ensure that the systems in universities that need to be there are there and are working.

As long as the virus is here and we do not have a vaccine against it, we will have to manage the situation. We will do that to the best of our ability,

we will learn the lessons as we go and, where things are not working, we will take steps to make sure that they work.

Patrick Harvie: I am certainly not saying that students are not being tested. I am saying that, where we have the potential for rapid new outbreaks, we need far more testing capacity than was available at the start of term. That extra capacity should have been there. We all want test and protect to continue working, but there needs to be more capacity in those areas.

Student populations, of course, go well beyond student halls. Many students rely on the private rented sector, so there is an issue about the impact on our wider community. I will move on to issues in relation to that sector.

In August, the First Minister told me that no one can be evicted because of what she described as an effective eviction ban in response to the Scottish Greens' calls for greater support for tenants during the pandemic.

Yesterday, the Housing and Property Chamber of the First-tier Tribunal of Scotland issued the 100th eviction order since it restarted its work in July. That is not much of a ban. People should not be getting evicted in the middle of a global pandemic, and it would be unacceptable if that situation carried on into the winter. Why are people being evicted when the First Minister said that they would not be? Will she commit now to an actual ban on winter evictions?

The First Minister: Patrick Harvie, Andy Wightman and I discussed that issue in my office just a few weeks ago. Patrick Harvie was able to articulate those points then, so I think that he understands and knows the answer to the question that he has just asked me.

We have put in place a system to make sure that, for people who are getting into difficulties with rent arrears because of the pandemic, the timescales of the protections that are in place constitute an effective ban on eviction over the coming winter period. What we discussed then—I know that Patrick Harvie understood it—is that the system cannot be made retrospective to deal with cases that were in the system before the pandemic. I suspect that he is talking about cases that predate that. However, I am happy to look at the detail if I am misunderstanding the issue that he is raising.

We have also put in place—again, at the request of the Scottish Green Party—a fund to help people who are in difficulties with their rent in order to recognise and try to deal with the financial pressures that people are dealing with.

We will continue to take reasonable, practical steps to give people protection against eviction, or

other hardship, through the pandemic, when the hardship that they are experiencing is, as we know, no fault of their own.

Universities (Covid-19 Testing)

4. **Willie Rennie (North East Fife) (LD):** Unfortunately, the window of opportunity for testing international students for Covid-19 on their arrival in Scotland has now passed. I think that we had a duty of care towards them, and I regret the decision that was made not to test them.

Following the recent outbreaks on campuses across the country, we need to do more to track down the virus. I feel for students who are away from home for the first time and who are being forced to self-isolate in halls of residence. I also think of their families, who are many miles away and who are worried about their children's safety. Both groups deserve reassurance that the health services in Scotland are focused on keeping them safe.

As a significant proportion of people with the virus do not know that they have it, there is a risk they could spread it unknowingly. If they do not know that they have it, we need to help them find that out. It is right to say that students need to stick by the advice, but we need to do so much more, too. Will the First Minister therefore rethink the Scottish Government's approach to routine testing for students who are asymptomatic?

The First Minister (Nicola Sturgeon): I, too, feel for students and their families right now. As I have said a couple of times, I am a member of a family that is currently worrying about a student who is in that very position, so I know—not just in theory, but in reality—how that feels.

I do not want to labour the point, because Willie Rennie and I have had exchanges on it before. I accept that he has made a legitimate point, but I stress that international students have an obligation to quarantine. The reason for that, as opposed to requiring them to undergo testing, is that although no system is absolutely perfect, it is felt that quarantine is more effective in those circumstances. If we test someone who comes in and their result is negative, that does not mean that they do not have the virus; it may simply mean that they are in the incubation period. Therefore, requiring them to quarantine for 14 days is a more effective way of protecting against importation of the virus.

That takes me to my other point. Willie Rennie asked whether the Scottish Government would rethink its approach to testing. We are always thinking about that and taking the best clinical advice on it. There is an increased role for surveillance testing, and we are doing more of that.

Willie Rennie is right to say that we need to identify the problem. However, one of the questions right now is what the best solution is in such situations. As could be true of any of us—not just students—someone who does not know that they have the virus, because they are not displaying symptoms, could be tested, but they still might not know that they had the virus. The test might be negative, perhaps because they are in the incubation period or because they are genuinely asymptomatic, in which case the test would not show up the virus. I am not saying that we should never carry out such testing. However, the problem is that we must be careful that a negative test does not then lead a student to say, “I’m fine. I don’t need to bother with isolation or abiding by social distancing and all the other rules.”

Those are careful judgments on which, frankly, I have to take advice, because I am not a clinician or a public health expert. The Scottish Government thinks about such matters on an ongoing basis, and we will continue to do so. As every bit of clinical advice that I have tells us right now, the most important things that we need to do are to get symptomatic students tested, which we are doing, and where those tests are positive, to give their contacts the right advice about isolation. That is what is happening right now. The numbers that we are seeing are as high as they are because that system is working in the way that it is intended to. Of course, we also need to work with students, and others, to achieve better levels of preventing the virus from spreading in the first place.

Willie Rennie: I accept the First Minister’s argument. However, my concern is that people might relax when they think that they do not have the virus and so will not go the extra mile to stick by the rules, despite all our pleas for them to do so. An extra measure, involving further routine testing, would give us absolute assurance that people who have the virus are definitely isolating and keeping out of the way. Having such an extra safety measure would protect us all.

Yesterday, we were told that some of the local outbreaks across our country had occurred because of travellers returning from Greece. The quarantine spot-check system would therefore seem to be an important defence against the virus, yet it has experienced repeated problems over several weeks. The Cabinet Secretary for Justice said that the spot checks were working well, when they had not even started. He changed the target figure, and then changed it again—but the system is still missing more than 1,100 people.

Under the new target, 20 per cent of arrivals who are required to quarantine—it is not limited, as the previous target one was, to a figure of 450

people—are to receive a spot check. However, only 9 per cent are receiving a check, or around half of what the target is supposed to be. When will the Government get on top of quarantine spot checks?

The First Minister: Additional resources are being applied to that. By 5 October, the system will be doing the full 20 per cent, although it is already doing more than the target of 450 people.

I remind Willie Rennie that 100 per cent of the people coming into the country from places on the quarantine list are emailed, so there is contact with everybody. The other point—and I accept that this is partly a reflection of the summer holiday season ending—is that our contact tracers are seeing a reduction in the number of positive cases coming through our test and protect data in which foreign travel is identified, so that is positive news as well.

Of course, it is because we saw information about Greece coming through the system that we applied quarantine measures to Greece, so the system is giving us the information to direct some of our efforts.

These are all perfectly legitimate issues. Even if I am not saying all the things that people want me to be saying right now, please be assured that we are thinking through, considering and reconsidering these things every single day.

Willie Rennie’s initial point in his second question is valid but, in a sense, it misses the other side of the issue. If it is the case—and I think that he is right—that people, perhaps particularly young people, who do not have symptoms relax and do not think that they are at risk, there is a genuine question about whether giving somebody a test result that is negative, even though they may have the virus, makes them more or less relaxed. That is an open question and it is part of the considerations that we have to go through in terms of the tactical use of testing.

The fundamentally important point about the use of testing right now is to get to those who have symptoms and, if they are positive, to isolate their contacts, and that is what test and protect is focusing on. Although I am the last person to demonstrate any complacency about any of this, test and protect is working well right now and that is a great credit to everybody in that system who is working so hard.

Miners’ Strike (Independent Review of Policing)

5. Annabelle Ewing (Cowdenbeath) (SNP): To ask the First Minister what the Scottish Government’s response is to the report of the independent review into policing during the miners’ strike. (S5F-04414)

The First Minister (Nicola Sturgeon): The miners' strike of 1984-85 divided people in many ways, with miners and, indeed, police officers often finding themselves in challenging situations.

I know that strong feelings about the strike, particularly on the part of miners and their families, remain to this day. I understand that many of those affected are eager to see the report and the Scottish Government's response. I can confirm that the Cabinet Secretary for Justice plans to report to Parliament on the Scottish Government's response by the middle of October, and the independent report will be published at the same time.

Annabelle Ewing: I take this opportunity to commend all those who have campaigned for so long to secure justice for the miners. I understand that the report will, in fact, recommend pardons for those men, who were only trying to defend their jobs, their families and their communities.

I hear what the First Minister says, but I am sure that my constituents in Cowdenbeath and people in former mining communities across Scotland would be keen to have an indication of the intention, as a matter of principle, of the Scottish Government to act to right those wrongs.

The First Minister: I agree with the sentiments of Annabelle Ewing's question. I think that many of us whose formative teenage years were around the time of the miners' strike will always remember its impact and people's strong feelings. Because of the kind of community that I grew up in, I absolutely understand that.

I hope that Annabelle Ewing will understand that it would not be appropriate for me to pre-empt the publication of either the report or the Government's response by the justice secretary, which, as I say, will happen within the next couple of weeks. I think that it would be better for everybody concerned to allow the report and the response to be read and understood properly.

I very much hope that miners and their families will welcome both the recommendation in the report and the Government's response, and that, at that point, they will feel that there has been a recognition of what many consider to be the injustice that was suffered.

Social Housing (Waiting Lists)

6. Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): To ask the First Minister what action the Scottish Government is taking to reduce waiting lists for social housing. (S5F-04410)

The First Minister (Nicola Sturgeon): Ensuring that everyone has access to a safe, warm and affordable place to call home is

absolutely essential to my sense of a fair Scotland, which is why we have invested—and continue to invest—in expanding our social housing stock.

Since 2007, we have delivered more than 66,000 new homes for social rent as part of more than 95,000 affordable homes. We have invested more than £3.5 billion to deliver on our target of 50,000 affordable homes, including 35,000 for social rent, in this parliamentary session alone.

We have committed £300 million of interim funding for the affordable housing supply budget for the next financial year, which will ensure that new social housing continues to be delivered beyond the current parliamentary session. In addition, to ensure that homes remain in the social rented sector, we ended the right to buy, protecting up to 15,500 houses from being sold over a 10-year period.

Rachael Hamilton: An analysis by Shelter shows that 70,000 children are currently on social housing waiting lists. At the end of March, more than 7,000 children were living in temporary accommodation due to homelessness. The Scottish Conservatives support building affordable homes, which is a key aspect to driving down child poverty, creating jobs and meeting climate change targets. However, even without the coronavirus crisis, the Scottish Government's target of delivering 50,000 affordable homes in the current session of Parliament was going to be missed. Therefore, how will the Scottish National Party Government expedite the delivery of social housing in line with Shelter's campaign?

The First Minister: Actually, the 50,000 target was absolutely on track to be delivered, and we will do everything that we can, notwithstanding Covid, to ensure that it is met as quickly as possible. As I said, we have already committed funding into the next financial year so that we can continue that commitment beyond the current parliamentary session.

I absolutely take at face value and in good faith the member's commitment to the provision of social housing and to not having children on waiting lists for it. However, I politely suggest to her that, if that commitment is genuine, as I am sure it is, it would be valuable for her to ask her Conservative colleagues in government in London to protect the Scottish Government's budget so that cuts are not applied, and perhaps to stop undermining and cutting the benefit entitlements of children in poverty across this country, which does nothing to help the provision of housing. If the Conservatives occasionally matched the rhetoric with action on poverty, homelessness and social housing, we might all be in a better position.

Fair Start Scotland Programme

7. Jackie Baillie (Dumbarton) (Lab): To ask the First Minister for what reason the Scottish Government will not meet its target of helping 38,000 people back into employment through the fair start Scotland programme. (S5F-04412)

The First Minister (Nicola Sturgeon): Fair start Scotland provides intensive support for our most vulnerable unemployed people. Participants are treated with dignity and respect, and, unlike for some United Kingdom Government approaches, participation is voluntary. We continue to work towards the target of supporting 38,000 people. Covid has presented challenges to engaging new participants in delivering services, and the numbers of referrals and starts have dropped since lockdown started. Most referrals come from the Department for Work and Pensions, but those were suspended during lockdown in response to increased demand for benefit claims. Also, lockdown restrictions on face-to-face interactions meant that fewer people were able to engage with services. However, since 2018, fair start Scotland has supported more than 24,300 people, and, pre-Covid, referral to start rates were increasing.

We remain absolutely committed to the service. We have extended delivery to March 2023 so that we can continue to work with partners to support the vulnerable.

Jackie Baillie: I acknowledge the chancellor's announcement of a job subsidy scheme, but I fear that there will still be a significant number of job losses before the end of the year. I accept that the pandemic has disrupted delivery of the programme, but, given the likely scale of unemployment, it is disappointing to miss the target by some 14,000 people. Will the First Minister give a commitment that any money that is saved as a result of missing the target will be spent on employment support programmes to help a generation of young people who may find themselves out of work?

The First Minister: We have already given a commitment to significant investment in support for young people who face unemployment. The commitment to fair start Scotland that I talked about is unchanged, and that includes the financial commitment to it. The situation is disappointing for us all, but, when referrals and face-to-face interaction are suspended, it is unfortunately unavoidable. The challenge now is to get that back on track.

Because I was on my way to the chamber, I did not have the chance to see all the detail of the chancellor's announcements on the intended replacement for the furlough scheme, but I hope that it is positive. The snippets that I heard just before I came down to the chamber suggest that it

is a step forward, but it perhaps does not go far enough to prevent the increase in what I would describe as avoidable redundancies and unemployment—because they are avoidable if proper support is put in place. I look forward to being able to look at more of the detail of that later.

The Presiding Officer: We move to open supplementary questions.

Contact Tracing App (Retail and Hospitality Staff)

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): Does the First Minister consider that management, particularly in retail and hospitality, should encourage staff to have their mobile phones on them, to enable the contact tracing app to be more effective, given their considerable contact with the public when they are out and about, as it were, on the shop floor?

The First Minister (Nicola Sturgeon): Yes, I strongly agree with that suggestion. I stress that, for individuals, downloading and using the app is voluntary, but I strongly encourage people to do so. Almost 1.2 million people in Scotland have downloaded it, and it is good to see the England and Wales app being launched today. Such apps are important ways of extending the reach of our test and protect systems.

I ask all employers to actively promote the app and, crucially—to address Christine Grahame's point—to enable staff to carry their phones with them, particularly in environments such as supermarkets, where staff have lots of contact with customers and clients. That is extremely important.

As a point of information, we have created a dedicated stakeholder page on the protect.scot website, to help employers to raise awareness of the app, and I encourage all employers to make use of that.

Soft Play Centres (Reopening)

Miles Briggs (Lothian) (Con): Yesterday, family-run businesses and their employees from across Scotland's soft play centres protested outside the Parliament. They warn that, without action and support, more than 4,500 jobs are likely to be lost. Play centres safely reopened in Wales on 10 August, in England on 15 August and in Northern Ireland on 14 September. They have demonstrated that they can provide Covid-safe play for children under the age of 12 and support young families during this difficult period.

As we head into the winter months, parents and guardians across Scotland want to have access to safe play spaces for their children. Would the First

Minister be willing to meet representatives to look into the plight of the sector in Scotland? Will Scottish National Party ministers now provide clarity and support for a sector that plays a key part in providing play centre space in Scotland?

The First Minister (Nicola Sturgeon): The Government engages with different sectors all the time, and, of course, ministers would be happy to meet any sector, including the soft play centre sector. I absolutely understand how difficult it is for any sector—including that one—that is not able to trade fully or, in some cases, at all at the moment.

We continue to be very focused on trying to reopen those aspects of the economy and society that are not yet open, but that must be done safely. When prevalence of the virus is rising again, as it is at the moment, such decisions have to be taken even more carefully than has been the case in recent weeks.

We will also continue to do what we can to provide financial and economic support for sectors that are not trading normally. An issue that I voiced yesterday—again, I stress that I am not seeking to do this for political reasons; it is a statement of fact—is that I increasingly worry that, because of the financial constraints on how the Scottish Government's budget is made available, there is a mismatch between what we need to do in a public health capacity and our ability to mitigate the impact of that financially and economically. That is one of the reasons for my writing to the Prime Minister last night to raise the issue.

Of course, we will continue to engage as positively as we can with affected sectors, because I fully understand the implications, for them and for the jobs that rely on them, of the situation that we are dealing with.

Football Task Force

Stuart McMillan (Greenock and Inverclyde) (SNP): I am fully aware that regular dialogue has been taking place between the Scottish Government and the footballing authorities, but will the First Minister consider the introduction of a football task force as a way of helping football to navigate a way through the pandemic and safeguarding the future of our clubs—particularly the smaller community clubs, which are such an important part of the social and economic fabric of their communities?

The First Minister (Nicola Sturgeon): I absolutely recognise the important role that football, in particular, and sport in general play in communities and in the wellbeing of our lives overall.

We are working closely with the football authorities and other partners, including football

clubs. Officials are represented on the football joint response group, which was established to respond to the issues that the pandemic presented for football at all levels. We are happy to consider how best we can continue working together to safeguard the future of all clubs, across the country, in the Scottish Professional Football League and below.

The sport minister wrote to the UK Government yesterday, as well, seeking engagement on how we can collectively look at a financial recovery package for sport, because although their on-field activities often dominate, clubs at all levels make a really big contribution to individuals and communities, and we have to recognise that wider sphere.

We will continue to work closely with football, to hopefully get the game—along with the rest of our society—back to normal as quickly as possible and to provide as much support as we can in the interim.

Seagreen Offshore Wind Farm

Claire Baker (Mid Scotland and Fife) (Lab): On Tuesday, we saw a trading of blame between the United Kingdom and Scottish Governments over the awarding of the Seagreen offshore wind farm project to China when the Scottish supply chains, including Burntisland Fabrications Ltd, got nothing.

A members' update from the GMB this week says not only that both Governments are to blame for the current process, which keeps producing the same results, but that the Scottish Government asked SSE to keep the unions in the dark about the announcement and that they had to find out from the press coverage. These jobs are too important for Fife, and the trade unions must not be isolated during the process.

Does the First Minister recognise that that situation is unacceptable? Will she ensure that it does not happen again?

The First Minister (Nicola Sturgeon): First, I think that this Government has demonstrated—I hope that I have demonstrated this—the commitment that we have to BiFab and to the involvement of trade unions. I have personally, on a number of occasions around BiFab, engaged directly with the trade unions, and we will continue to do that. We have a very strong commitment. We have a financial investment in BiFab, which I think demonstrates that commitment. That said, the circumstances for BiFab and the conditions in which it is operating are not easy, and there is a challenging period ahead of us.

There is no attempt to play a blame game here. Sometimes it is really important, though, for public understanding as well as political understanding,

to make sure that we are clear about where some of the issues lie. It is a statement of fact that the current UK Government contracts for difference scheme is one of the factors that puts acute pressure on the management of project costs. That is just inescapable, and we need the constructive co-operation of the UK Government to work through some of the issues that are a barrier right now to the development of a sustainable supply chain in the renewables sector. I hope that we can all agree on that and seek to address it constructively.

In the meantime, we will continue to engage with BiFab and the trade unions there as we try to find a sustainable future for BiFab, which has always been our objective. It is not easy—I am not suggesting that it is—but the Government remains absolutely committed to that.

Union Representatives (Protection)

Sandra White (Glasgow Kelvin) (SNP): This afternoon, we will debate the Protection of Workers (Retail and Age-restricted Goods and Services) (Scotland) Bill at stage 1. As a former Union of Shop, Distributive and Allied Workers shop steward, I fully support the bill. However, while we debate it, my constituent Richie Venton faces an uncertain future, having been sacked by IKEA in Glasgow—a firm that has made £11.2 billion in profit. Just for carrying out his trade union duties to protect workers' pay and conditions during the Covid-19 pandemic, he has been sacked. What protection can the Government give union representatives in carrying out their union duties?

The First Minister (Nicola Sturgeon): I thank Sandra White for raising the issue. I should say that I know Richie Venton—I have known him for many years. I have probably campaigned both against and with him at various points over the years.

Notwithstanding that, I think that it is really important that I do not get drawn into commenting on individual cases without all the information, but I will be clear about this. The law offers protection to enable people to carry out their trade union duties without fear of recrimination, and that is an important principle that all employers should not just understand, but make sure that they practise in workplaces.

I urge IKEA to get round the table with the union and reach a positive resolution to the matter. We are committed to enhancing workers' statutory rights and protections through our fair work policy, and we continue to engage with the Scottish Trades Union Congress and individual unions about that. However, the ability of trade union officials to carry out their trade union duties is an

important principle that all of us should endorse without equivocation.

Flu Vaccine Stocks

Maurice Corry (West Scotland) (Con): Earlier this week, I was informed by a local pharmacy in my West Scotland region that it is having great difficulty in getting supplies of the flu vaccine to meet its patients' demands for vaccinations, as it is being told that its supplier has no stock of the vaccine. What provision has the First Minister put in place to ensure that we have sufficient stocks of the flu vaccine to meet the demand for vaccinations throughout Scotland before winter is upon us?

The First Minister (Nicola Sturgeon): We have a very well-developed plan to procure the stocks of flu vaccine that are made available through the national health service for NHS-eligible groups. Pharmacies will often have additional stocks for other people, but our focus is on eligible groups, which have been expanded this year. The flu vaccine is being delivered slightly differently because of Covid, and we procure supplies through a United Kingdom-wide system.

Perhaps the best thing for the member to do regarding the pharmacy in his region would be to write to the health secretary, so that we can look into the particular issues and see whether there is action that we can take to assist with them.

United Kingdom Internal Market Bill (Building Regulations)

James Dornan (Glasgow Cathcart) (SNP): Does the First Minister share my concerns that the United Kingdom Internal Market Bill will limit Scotland's ability to legislate in the area of building regulations to maintain the highest standards that protect Scottish householders from catastrophic events such as the Grenfell disaster?

The First Minister (Nicola Sturgeon): Yes, I very strongly share that concern. It is one of the very many concerns that I have about the UK Government's bill, which will undermine this Parliament's ability to legislate for and insist on the highest standards across a range of areas. The General Teaching Council for Scotland today articulated a concern about the potential for standards for the teaching profession to be undermined.

On the issue that James Dornan raises, we have had different building registry requirements for decades, and that has never resulted in barriers for business. The UK internal market white paper, which preceded the bill, cited different building regulations as an example of an additional cost to business in the UK. In my view, there is not a shred of credible evidence—or any evidence—to

support that view. For decades, we benefited from setting our own robust building safety standards.

That is another reason why the bill is wrong for Scotland and why I think that all of us, across the party spectrum in this Parliament, should resist vigorously any attempt by the UK Government to limit the ability of this Parliament to protect the people of Scotland.

Capital Theatres

Sarah Boyack (Lothian) (Lab): Will the First Minister intervene to help Capital Theatres, Edinburgh's theatre charity, weather the storm that it is facing due to loss of income? Without emergency funding, jobs are at risk, and the much-loved King's theatre faces closure if the charity cannot fill the £8 million gap in its vital refurbishment plans.

The First Minister (Nicola Sturgeon): We have made funding available to help the culture sector, including cultural venues. I know that the culture secretary is engaged specifically with the issue of Capital Theatres and the King's theatre in Edinburgh. I have had representations on that issue from a number of people, including Brian Cox recently. I will ask the culture secretary to write very soon and urgently to the member to update her on those discussions and the assistance that I hope we will be able to provide.

The Presiding Officer: Joan McAlpine is joining us remotely.

Covid-19 Testing (Disabled People's Care Workers)

Joan McAlpine (South Scotland) (SNP): The Scottish Government has been asked today to consider routine testing of students, and I share concerns about student outbreaks. However, the First Minister knows that I have repeatedly raised the need to routinely test care workers who support vulnerable disabled people, including learning disabled people, outside of care home settings. I was encouraged that the Cabinet Secretary for Health and Sport told me recently that that group is being considered as testing capacity expands, as are close family carers, to allow visiting.

Although I do not want to downplay the student outbreaks in any way, I appeal to the First Minister and others in the chamber to recognise that routine testing to protect disabled people should come before the routine testing of young and healthy people if a choice has to be made due to capacity.

The First Minister (Nicola Sturgeon): We want to try to ensure that our testing decisions are driven by clinical considerations and considerations of how we best protect vulnerable

populations. I am not for a minute saying that we do not have to think about capacity issues, but we want our decisions to be made for the right reasons. I assure the member that the group that she identifies is very much in our thinking, as part of our winter planning for the possible extension of routine testing.

As I have been saying to other members in relation to students, there are complex issues that we have to consider when it comes to routine testing and the place that it has. However, with disabled people and care homes, there are clear vulnerabilities and reasons that would lead us towards routine testing that may not exist when we are dealing with other parts of the population.

Covid Legislation (Scrutiny)

Graham Simpson (Central Scotland) (Con): During the pandemic, the Scottish and UK Governments have brought in laws that impact on civil liberties; admittedly that has been done for the best of reasons, but it has been done without prior parliamentary scrutiny. An example, of course, is the ban on people visiting other households. Wherever possible, Parliament should be able to scrutinise laws before they are brought in; will the First Minister review the way in which emergency legislation is done so that Parliament can have prior scrutiny of laws?

The First Minister (Nicola Sturgeon): I hope that the member will take my answer constructively. In general terms, I agree that of course we want Parliament to scrutinise law before it comes into force, not after. Obviously, we have statutory requirements to review regularly the emergency legislation and the regulations that are made under it, and the overall acts on a certain basis, and Parliament is involved in that.

I hope that everyone will understand this. In the situation that we are in right now it is, in a whole range of different ways, just not possible to do things in the ideal way that all of us would want. Unfortunately, the virus does not agree to take a few days off while Parliament scrutinises important measures that are needed to protect people from its spread, and I know that everybody understands that. That is another of the multitude of ways in which we are having to strike the best balances that we can, given the nature of what we are dealing with, and recognising that those balances are not ideal and that so much of what we are doing right now we would not choose to do in those ways if we had more of a choice. I hope that members recognise that—I think they do—but we will try to facilitate as much parliamentary scrutiny as is feasible as early as possible on all those things.

Economic Performance

Colin Beattie (Midlothian North and Musselburgh) (SNP): The latest monthly gross national product statistics for Scotland show that the economy expanded by 6.8 per cent in July. Given the different pace of easing of lockdown measures in different parts of the United Kingdom, how does Scotland's economic performance compare to the UK's since the measures were introduced in March?

The First Minister (Nicola Sturgeon): Scotland and the UK as a whole had record falls in their economies following the introduction of restrictions. I think that everybody understands why that was the case—in effect, we closed down much of the economy. Some of the fall has been made up as the economy has reopened. Gross domestic product remains 10.7 per cent lower than it was in February, and the corresponding UK figure is 11.7 per cent, so the figures for Scotland and the UK as a whole are broadly comparable.

The figures highlight that the pandemic continues not just to have a serious health impact but to have a very serious economic impact. We are working hard to rebuild the economy by safely reopening it, and we are using the experience of the pandemic to build a more resilient and sustainable economy. We will continue to do that work where appropriate with colleagues in the Governments across the UK.

Miners' Strike (Scheme of Pardon)

Neil Findlay (Lothian) (Lab): Following Annabelle Ewing's question, I offer my sincere thanks to the Government for undertaking the independent review of the policing of the miners' strike in Scotland. I give particular credit to the then Cabinet Secretary for Justice, Michael Matheson, for commissioning the review. Unlike his predecessor, he listened to us and took us seriously, and I personally and publicly thank him for that.

The review panel appears to have taken on board the proposal for a scheme of pardon that I put to it, but I understand that such a scheme would require legislation. Given that many former miners have passed on and those who remain grow older, will the First Minister commit to ensuring that any legislation to enact the scheme comes before Parliament before dissolution in March?

The First Minister (Nicola Sturgeon): We will look very closely at the timescale for doing that. There are two things that I do not want to do today. Members across the chamber will note that I am not pushing back against any of the recent speculation in the media. They can draw their own conclusions from that, but it is important that I do

not pre-empt publication of the report or the Government's response.

For a wide range of reasons that are not to do with where our instincts were pushing us, but are to do with practical and legal issues, we have had to take some time to consider the issue properly, which is important. We will publish the report and the response in the middle of October. Michael Matheson deserves huge credit for taking the issue as seriously as he did, and for getting us to the position that we are in. Obviously, we will set out any implications of the report to Parliament at that point.

Suffice it to say that I fully understand that many miners and their families are not getting any younger, so if there is to be recognition of what was suffered, the sooner it happens the better.

NHS Dumfries and Galloway (In-patient Visits)

Emma Harper (South Scotland) (SNP): What support will be, or is being, provided to NHS Dumfries and Galloway, given that the board has suspended in-patient visits at the Galloway community hospital in order to protect vulnerable patients from potential Covid-19 infection?

The First Minister (Nicola Sturgeon): The Cabinet Secretary for Health and Sport will be happy to look into the specific circumstances of the case, and into why visiting has been suspended. We work with and support health boards on the range of things that they are doing to reduce the spread of coronavirus, to deal with outbreaks and to treat Covid and non-Covid patients.

Issues around visiting have to be very carefully handled. We want visiting at hospitals and care homes to get back to as much normality as possible as quickly as possible. However, when there are spikes or clusters, decisions must be made with the protection of vulnerable patients uppermost in mind. I will ask the health secretary to liaise with Emma Harper about the specific local circumstances.

Highlands and Islands Airports Ltd (Air Traffic Control)

Beatrice Wishart (Shetland Islands) (LD): Last week, Prospect union published a report that showed that Highlands and Islands Airports Ltd's remote tower plan will take at least £18 million of economic benefit from island communities and economies, and that the scheme's costs have increased significantly. That confirms what HIAL's own consultants have said: namely, that centralising air traffic control services in Inverness is the most costly and risky option. HIAL has been hell bent on pursuing that option.

Given the massive downturn in the aviation sector, the high and spiralling costs of centralisation and the opposition from staff and local communities, will the First Minister instruct HIAL to call a halt to the damaging project?

The First Minister (Nicola Sturgeon): I will ask the Cabinet Secretary for Transport, Infrastructure and Connectivity to write to Beatrice Wishart with more detail. There is a need to modernise air traffic control to ensure more sustainable and reliable services in the Highlands and Islands. HIAL has been tasked with taking that process forward and with finding the safest and most sustainable solution. It has made its decisions based on the best available information and analyses of the available options.

Obviously, the project is a big change technically and personally for staff, so HIAL needs to continue to involve its staff and key stakeholders, as the process continues. The Scottish Government and HIAL will, of course, continue to listen to the views and opinions that are expressed. I will ask the transport secretary to correspond with Beatrice Wishart with more detail on the current situation.

Care Homes (Visitor Testing)

John Scott (Ayr) (Con): The First Minister will know that, yesterday, I asked the Cabinet Secretary for Health and Sport questions about increasing access for key family members to elderly and fragile relatives in care homes, particularly in Ayrshire. Her answer implied that she is very aware of the problem and is seeking to deal with the lack of access.

If testing capacity is now available, and as winter approaches and outdoor meetings become impractical, will the Scottish Government consider routine testing for key family members, as Joan McAlpine suggested, in order to reassure nursing home managers that it is safe to admit key family members into nursing homes?

The First Minister (Nicola Sturgeon): In short, yes; we are considering such steps. As I said she would at First Minister's question time last week, the health secretary met representatives from the care home relatives group last Friday to discuss a range of proposals that it has put forward.

A clinical and professional advisory group is also advising us on such issues. It is looking at what more we can do to strike a much better balance between family and visitor contact and activities in healthcare services for residents, and continuing to protect them as best we can from introduction of the virus into their homes. It is important to get that balance as right as possible, so the issues have to be considered carefully. The

testing proposal that John Scott raised is under consideration.

NHS Fife (Flu Vaccines)

Alex Rowley (Mid Scotland and Fife) (Lab): Over the past two weeks, NHS Fife has issued thousands of letters to older people to tell them to call a phone number to book a flu vaccination. When people have phoned the number, they heard a message saying that they should try later. NHS Fife has since apologised and said that it will have that fixed within the next few weeks.

However, yesterday I was contacted by a lady from Kelty, who is disabled and has underlying health conditions. She was, when she eventually got through, offered vaccination in Lochgelly, which is two bus journeys away; in Dunfermline, which is a bus ride and long walk away; or Glenrothes, and I won't even go there.

Does the First Minister agree that, apart from the risk that people are being asked to put themselves in to get the vaccine, there is a greater risk that people will just stop trying and give up? I do not underestimate the enormity of the challenges that the Government faces, but that is not good enough. Will the First Minister do something about it?

The First Minister: I will resist the temptation to join Alex Rowley in the Fife geographical politics that he was engaging in—not least because I have family in Fife and it would get me into trouble.

Those are important issues. Obviously, the flu vaccination programme is, by necessity, being delivered differently this year because of the Covid risk. Our aim is that everyone who is eligible for a flu vaccination will receive an appointment after the programme commences on 1 October. It is very important that everybody who is eligible takes that opportunity.

The issues with the phone line in Fife have been addressed. Where there are other issues around access, the Cabinet Secretary for Health will work with health boards to ensure that people who are eligible have the access that they need, to ensure that they can take the opportunity. I will ask the health secretary to correspond directly with Alex Rowley about the concerns that he has raised and, specifically, how they are being addressed.

The Presiding Officer: That concludes First Minister's question time.

13:31

Meeting suspended.

14:30

On resuming—

Portfolio Question Time

Communities and Local Government

The Deputy Presiding Officer (Christine Grahame): Good afternoon. The next item of business is portfolio question time. As usual, to get as many members in as possible, short, crisp questions and succinct answers would be extremely handy. The portfolio is communities and local government. I remind members that questions 4, 7 and 8 are grouped together and that, when I come to the end of that section, I will take supplementaries to that group. Question 1 is from Alexander Stewart.

Local Authority Decision-making Powers

1. Alexander Stewart (Mid Scotland and Fife) (Con): To ask the Scottish Government what plans it has to empower local authorities to take decisions that are right for their communities. (S5O-04625)

The Cabinet Secretary for Communities and Local Government (Aileen Campbell): Our programme for government provided an update on the joint local governance review with the Convention of Scottish Local Authorities. That represents an important opportunity for our councils, wider public service partners and communities to develop place-based proposals for alternative governance arrangements that reflect the principle of subsidiarity and our commitment to local democracy.

Alexander Stewart: As we enter a second spike in the pandemic, jobs are at risk, homelessness is on the rise and services are being forced to deal with massive pressures as never before. Can the cabinet secretary give assurances that proper resources will be made available to ensure that all local authorities can meet the ever-increasing demands from their communities?

Aileen Campbell: We have provided local authorities with resources to help with some of the challenges that we have all faced over the past six months. We recognise the future challenges around jobs and some of the issues that Alexander Stewart has outlined.

Resourcing has been the subject of quite regular discussion between my colleague Kate Forbes and the United Kingdom Government. She has set out a list of pretty pragmatic requests to bring about some further flexibility that would enable local authorities to respond to their particular challenges and needs. I make a plea to

Alexander Stewart that, if he recognises the financial challenge that we are all facing, he lend his support to the calls made by my Government colleague.

Sarah Boyack (Lothian) (Lab): Our local government colleagues regularly lobby us on their need for more of the powers and flexibility that are at the Scottish Government's hands at the moment. Can the cabinet secretary commit to pursue measures such as the tourism levy and replacing the council tax to give councils the financial flexibility to enable them to come out of the pandemic?

Aileen Campbell: Again, my colleague Kate Forbes is in regular contact with COSLA on the financial situation of local government; in fact, she is pursuing the fiscal element of the local government review with local government. Again, perhaps Sarah Boyack would like to lend her support to the calls that Kate Forbes has made to the UK Government to give local authorities the flexibility that they need to meet the financial challenge that they face. We will continue to work with local government and support it as we have over the past five or six months in the face of the global pandemic, as we collectively try to support the communities that we represent.

Shona Robison (Dundee City East) (SNP): On that point, we have seen communities pulling together during the coronavirus crisis. Can the cabinet secretary say a bit more about how the Scottish Government has supported organisations and local authorities to do that?

Aileen Campbell: At the start of the pandemic, I announced £350 million of community support, which went to local authorities, the third sector and communities themselves. It also enhanced the support around, for instance, the Scottish welfare fund so that, at an individual level, people were able to access additional support from the fund if they required it. More important is the way in which communities across Scotland have responded. They have accessed the supporting communities fund and the wellbeing fund to enable them to support their communities as best they can. We want to build on that good practice, which is exactly what we are doing through the social renewal advisory board. We are capturing what that partnership working has achieved, which will enable us to move forward in partnership to deliver for our committees in the future.

Food Banks

2. Claire Baker (Mid Scotland and Fife) (Lab): To ask the Scottish Government what its response is to reports that independent food banks have seen at least a doubling in demand for emergency food parcels compared with last year. (S5O-04626)

The Cabinet Secretary for Communities and Local Government (Aileen Campbell): The rise in food insecurity we have seen during the pandemic is deeply concerning. We have invested more than £110 million to tackle food insecurity, including ensuring free school meal provision during the summer holidays.

We know that the main reason for food bank use is low income. We back calls from the Independent Food Aid Network, the Trussell Trust and countless others for the United Kingdom Government to reverse benefit cuts and extend the furlough scheme, to provide financial protection for those who need it. The UK Government could also follow Scotland's example whereby we are tackling child poverty head-on with the new Scottish child payment.

Claire Baker: I recently visited Lo'gelly Lunches. The group is grateful for the supplies that it receives through the food fund, but it expressed concern that the fund is coming to an end, given the growing concerns about redundancies and unemployment. Although today's announcement of the job support scheme may provide some relief, we still expect to see a drop in household incomes, and Lo'gelly Lunches and other food projects predict that there will be on-going demand during the winter. What consideration is the Scottish Government giving to extending the food fund, given that many lockdown restrictions are continuing and increasing?

Aileen Campbell: We are considering what we can do next, precisely for the reasons that Claire Baker has outlined. We are coming to a particularly challenging time, when the days are getting shorter and the nights longer, the weather is colder, people will be financially struggling and the need for support will continue.

We are considering the options to work through what support we can put in place, and we will keep the member updated as to what that means in practice. Undoubtedly, winter will be a challenging time, so there will be a continued need for us to work with our local government partners and the third sector partners that she highlighted to support people as best we can.

Community Councils

3. Edward Mountain (Highlands and Islands) (Con): To ask the Scottish Government whether community councils have been able to fully contribute to local government during the Covid-19 pandemic. (S5O-04627)

The Cabinet Secretary for Communities and Local Government (Aileen Campbell): Local authorities have statutory oversight of community councils under the Local Government (Scotland)

Act 1973 and are responsible for ensuring that their community councils are fully able to contribute to local government. Complementing that, the Scottish Government has worked closely with the Convention of Scottish Local Authorities and the Improvement Service to ensure that community councils have the support that they need during the pandemic.

Edward Mountain: During the pandemic, Highland Council has, in effect, removed community councils from planning decisions, which I consider makes communities feel more isolated. Will the Scottish Government commit to ensuring that community councils are properly resourced and continue to be involved in local planning decisions?

Aileen Campbell: I would be interested to hear additional details about that. If the member contacts me to tell me what his concerns are, we will be able to look into that bit more closely.

More generally, we have been working with our community council liaison officers and COSLA to make sure that community councils have been supported during the pandemic. I recently spoke to Alison Evison about that.

I commit to ensuring that that support is in place and that the structures to support community councils are as adequate as they can be. I am conscious that the model scheme for the establishment of community councils has not always been as flexible for community councils during the past five or six months. Again, that is something that I will commit to looking at.

If the member wants to write to me with his specific concerns, I will certainly look into those, because we want to ensure that the democratic structures that we have in place are functioning as best they can, given the challenges that they face.

Local Authorities (Pandemic Recovery)

4. Gillian Martin (Aberdeenshire East) (SNP): To ask the Scottish Government what action it is taking to help local authorities recover from the effects of the Covid-19 pandemic. (S5O-04628)

The Cabinet Secretary for Communities and Local Government (Aileen Campbell): In order to provide additional financial assistance, the Cabinet Secretary for Finance wrote to the Chancellor of the Exchequer on 9 September seeking approval for a package of financial flexibilities that would allow Scottish councils to address the short and medium-term funding pressures that they face due to Covid-19. A response is still awaited. Although we welcome the additional Covid-related funding that we have received from the United Kingdom Government, it is not enough, and we will continue to press the UK Government for additional financial support

and fiscal flexibilities for the Scottish Government and local authorities. We would welcome any support that this Parliament can provide in that respect.

Gillian Martin: Throughout the pandemic, community resilience groups have been invaluable in assisting local authorities to reach our most vulnerable people. What steps can be taken to support and enhance the work of such groups as we move forward?

Aileen Campbell: I absolutely concur that community resilience groups have been incredibly important. The country's resilience would not have been what it is had it not been for the endeavours of the many volunteers and community groups who did all that they could to keep people looked after. I hope that such work will have been supported, in part, by the announcement of the £350 million-worth of funding that we outlined on 18 March.

However, we want to move from the immediate response phase towards recovery, so we will now refocus part of the supporting communities fund into a community and third sector recovery programme. That will include business support and investment to help organisations to adapt their operations and improve income generation to increase their sustainability. The funding will also support community groups in the wider third sector to respond to the on-going impact of the pandemic.

Further to that, as I mentioned in my earlier reply to Shona Robison, Shirley-Anne Somerville and I have also established the social renewal advisory board to capture good practice and build on what we have seen happening across our communities, to ensure that we can support them in continuing their good work in the future.

Local Authorities (Scottish Government Support)

7. Alexander Burnett (Aberdeenshire West) (Con): To ask the Scottish Government whether it will provide an update on the support it is providing to local authorities in their response to Covid-19. (S5O-04631)

The Cabinet Secretary for Communities and Local Government (Aileen Campbell): To date, the Scottish Government has committed to providing £379 million in additional direct grant support for local authorities, and a further £972 million of general revenue grant to replace the potential loss of non-domestic rates income resulting from our Covid-19 rates relief measures. We are also providing £135 million, over the next two years, to support the return to school, and up to £100 million, which will be provided through

integration authorities, to support tackling challenges in the social care sector.

Alexander Burnett: Local authorities are struggling, under the cuts made by the Scottish National Party Government, to fund the maintenance of vital local infrastructure—nowhere more so than in Aberdeenshire, which has a network of bridges. One such example in my constituency is Park bridge, through the closure of which two communities are now divided.

What additional support can the cabinet secretary provide to support strained budgets so that the current backlog of maintenance can be dealt with and our communities can be kept united?

Aileen Campbell: I do not recognise Mr Burnett's characterisation of the financial situation as being a result of the Scottish Government's actions. In fact, it should be noted that Scotland's local authorities have enjoyed a cash-terms revenue budget increase of 3.6 per cent over the period between 2013 and 2020, despite a decade of the United Kingdom Government's austerity policies.

It is also appropriate to look at the situation in which English authorities find themselves. They have faced a cash-terms revenue budget increase of 14.7 per cent over the same period, which is an equivalent real-terms reduction of 22.8 per cent.

The matter of the bridge, which will be so important to Mr Burnett's constituents, will be one for the local authority to consider, given that we have provided resource to tackle such issues. However, we recognise that the situation is challenging, so if Mr Burnett would like to write to us about it, we will engage with him in a constructive way. However, perhaps he should frame his questions in a slightly different way. We want to ensure that the current situation that people are having to endure is not made worse by decisions that are not conducive to our communities flourishing.

Local Government Services (Covid-19 Impact)

8. Keith Brown (Clackmannanshire and Dunblane) (SNP): To ask the Scottish Government what assessment it has made of the impact of Covid-19 on local government services. (S5O-04632)

The Cabinet Secretary for Communities and Local Government (Aileen Campbell): I appreciate that local government has been at the heart of the response to Covid-19 and has worked tirelessly to respond to local circumstances in order to keep the most vulnerable in our society safe and essential services available.

The Scottish Government is working closely with local government, predominantly through the Convention of Scottish Local Authorities and the Society of Local Authority Chief Executives and Senior Managers, to understand how best we can support them and to identify priority areas that might require support during this challenging period.

The Scottish Government recognises the challenging operating environment facing local authorities, and we have provided additional financial support and significant flexibility to enable them to respond to local issues and to provide communities across Scotland with the services that they expect and deserve at this time.

Keith Brown: The cabinet secretary will know that, due to the crucial role that local authorities have played in delivering services in response to the pandemic, every single council in Scotland is forecasting a significant funding shortfall, which can only impact adversely on the future delivery of local services.

All councils in Scotland made a collective request to the Chancellor of the Exchequer for a break in Public Works Loan Board repayments, to give them much-needed financial breathing space after the United Kingdom Government unilaterally imposed an increase in the interest charges. Does the cabinet secretary agree that the UK Government should reverse that decision, which would go a long way towards supporting our local councils and protecting vital local services?

Aileen Campbell: I absolutely agree with Keith Brown. Again I point to the letter that my colleague Kate Forbes has sent, and the representations that she has made, to the UK Government, and the Chancellor of the Exchequer in particular, to get approval for a package of crucial financial flexibilities including a loans fund repayment holiday that would allow our councils to address the short and medium-term pressures that they face due to Covid-19. We await a response to that.

The postponement of the UK budget does not make it any easier; it makes it all far more difficult. Again, if that is something that my colleagues on the Conservative benches could raise with their colleagues at Westminster, we would be grateful. We are not precious about who gets the answer. Taking off our party-political hats, if they can do it, I ask them please to do so, because it is critical for the communities that we all represent. It is nonsense that we are having to deal with some of the uncertainties that are being pushed upon us and I would certainly hope that the UK Government responds positively.

The Deputy Presiding Officer: Next is a brief supplementary from Patrick Harvie.

Patrick Harvie (Glasgow) (Green): Councils are being affected not only directly but via commercial operations that they own. Is the minister aware of the situation at the Scottish Event Campus, which is owned by Glasgow City Council, where hundreds of workers have already been dismissed or removed from furlough before furlough has ended, without consultation, and this after many years of concerns about the employment standards that they face and the way they are treated?

Does the minister agree that the employer must immediately suspend those notices of termination and begin a proper consultation? Surely—

The Deputy Presiding Officer: That is not brief, Mr Harvie. Sorry—it is not.

Patrick Harvie: —we should expect better than that from our publicly owned businesses.

Aileen Campbell: I thank the member for raising the issue. I pledge to engage with my colleagues in Glasgow City Council to make sure that they are doing all that they can to support people at this time.

On a broader general principle, we want people to be treated with dignity, especially as things are so uncertain at this point in time. I pledge to engage with the council to see whether there are any ways in which we can address the concerns that the member has outlined.

Alex Rowley (Mid Scotland and Fife) (Lab): When Covid came along, one impact was that a lot of local authorities stopped allocating houses. Many authorities have yet to start their allocations. The housing problems are just stacking up. Will the Government intervene to try to get housing moving again in Scotland?

Aileen Campbell: I thank the member for raising that important issue. Of course, the situation has been challenging over the past six months. We are pleased, though, that Fife Council has started its allocations this week and my colleague Kevin Stewart continues to engage with all authorities to make sure that the support to get things moving in the way the member outlines can happen as quickly as possible. We are very pleased that Fife has been able to start this week.

Bill Kidd (Glasgow Anniesland) (SNP): Does the cabinet secretary agree that partnership work between the Scottish Government, COSLA, local authorities and the third sector has been key to providing support where it is most needed, with local authority grants, the removal of some ring fencing and the roll-out of the supporting communities fund for the third sector?

Aileen Campbell: Yes, I would absolutely concur with that. It has been critical not just in relation to the individual actions from the individual

organisations that Bill Kidd has mentioned but in relation to that collective effort, with people rolling up their sleeves, getting on with the job and focusing on the task at hand.

Sally Thomas from the Scottish Federation of Housing Associations borrowed a phrase that is very apt—no silos, no logos, no egos. It is about people just focusing on what needs to be done, which has enabled the country to show the resilience that it has and has enabled us to generate the positive outcomes that we have seen.

We now need to capture that spirit; we do not want it to be prompted only by a pandemic. We need to work out what the ingredients were that enabled that to happen so that we can continue that good work.

Social Housing (Affordable Rent)

5. Ruth Maguire (Cunninghame South) (SNP): To ask the Scottish Government what action it has taken since 2019 to ensure that social housing rents are affordable to tenants. (S5O-04629)

The Minister for Local Government, Housing and Planning (Kevin Stewart): Individual social landlords are responsible for setting rents, in consultation with their tenants, and are required by the “Scottish Social Housing Charter April 2017” to set those rents at a level that tenants can afford.

We continue to have a clear interest in rent affordability—even more so, given the current economic circumstances. Before passing costs on to tenants, landlords should look closely at how they can manage their organisations effectively to keep rent levels as affordable as possible. We are also continuing our work to drive procurement efficiencies in the social sector to offset other upward pressures on rents.

When assessing grant applications for our record investment of more than £3.5 billion in affordable housing, we check that proposed registered social landlord rents at completion are in line with our published social rent benchmarks.

Ruth Maguire: Although I understand that the Scottish Government cannot dictate to social landlords and that they have a process to go through to check affordability, I have examples of cases where that is not happening. It is important that rent is affordable to the constituent, and that what is done is not just about going through a process. Can the minister advise me on how best to address the issue?

Kevin Stewart: First and foremost, it is about engagement with the housing association to ensure that the consultation on rent rises is right. Most registered social landlords do that absolutely

brilliantly. I do not want to see lip service being paid to consultation, so I would be happy to hear from Ms Maguire about that.

One of the key things that I can do is ensure that new homes are set at the right rent benchmark level. We have invested £16 million in affordable housing in North Ayrshire in the past wee while, and all the completions that RSLs have made for us have had that affordable level absolutely bang on the mark.

James Kelly (Glasgow) (Lab): Earlier in the week, Shelter Scotland revealed that 70,000 children are on social housing waiting lists, which is a completely unacceptable situation. That is compounded by years of Scottish National Party cuts to local councils in areas including Glasgow and South Lanarkshire. When will the SNP start taking housing seriously, reverse the cuts and allow councils to reverse the housing shortage and deal with issues such as rents and repairs?

Kevin Stewart: I do not want anybody to be on waiting lists, which is why the Government has delivered more than 90,000 affordable homes since coming to power in 2007. I remind Mr Kelly that all the previous Labour Government managed to deliver was six council houses, all of which were in Shetland. We will continue to invest in social housing. I remind Mr Kelly that his colleague Iain Gray said that, although that previous Government put the right homelessness legislation in place, it did not build the homes to deal with what was required. We have delivered, and we will continue to do so.

Covid-19 (Vulnerable People)

6. Maurice Corry (West Scotland) (Con): To ask the Scottish Government, in light of the Covid-19 pandemic, how it is working with local authorities and third sector organisations to help to protect vulnerable people. (S5O-04630)

The Cabinet Secretary for Communities and Local Government (Aileen Campbell): We have worked closely with partners, including local authorities and third sector and community organisations, to support individuals who are most at risk during the pandemic. Backed by initial investment of £350 million through our communities funding package, we have made more than £110 million available to tackle food insecurity, announced £43 million to tackle digital exclusion and made over £80 million in awards to community and third sector organisations to take forward projects that support the wellbeing of individuals across Scotland.

In the programme for government, we set out our intention to establish a new community and third sector recovery programme to continue to

support people and communities in responding to the on-going impact of the pandemic.

Maurice Corry: What support will the Scottish Government give local authorities to help to regenerate communities in areas such as West Dunbartonshire in my region, which is the third most deprived area in Scotland, and to address the inequalities of health and wealth with a long-term solution?

Aileen Campbell: In the programme for government, we set out our commitment to community-led regeneration. If my memory serves me correctly, it is worth £275 million. That should enable communities such as the one that Maurice Corry describes to access funds and support to take forward projects that are close to them. We recognise that regenerating our communities is far more sustainable if it is community led and supported.

There are other areas that we can explore in considering how to support and improve the health and wellbeing of people in the most deprived communities. Last month, I launched “Tackling child poverty: second year progress report (2019-2020)”, which set out the range of commitments that we have taken forward to support people who are living in poverty. We also intend to open up the Scottish child payment to applications, which will help to reduce child poverty when the payments start in February.

The Deputy Presiding Officer: That concludes portfolio questions. I thank the cabinet secretary, the minister and members, as we managed to get through all the questions.

There will be a short pause before we move on to the next item of business.

Draft Infrastructure Investment Plan 2021-22 to 2025-26

The Deputy Presiding Officer (Lewis Macdonald): The next item of business is a statement by Michael Matheson on the draft infrastructure investment plan 2021-22 to 2025-26. The cabinet secretary will take questions at the end of his statement, so there should be no interventions or interruptions.

14:55

The Cabinet Secretary for Transport, Infrastructure and Connectivity (Michael Matheson): Today, I am publishing a draft infrastructure investment plan that covers the five financial years from April 2021. The plan delivers our national infrastructure mission.

Infrastructure investment touches the lives of every person in Scotland, from the homes that we live in and the water, energy and telecommunications that we consume to how we travel to the places where we work, shop and learn. In addition, of course, it affects the schools, hospitals and other facilities from where our vital public services are delivered.

As we tackle the harms that have been caused by Covid-19, which are being compounded by the fast-approaching shock of the United Kingdom’s exit from the European Union, infrastructure has a vital role to play in helping businesses and communities to adapt and recover.

We are living in genuinely turbulent times, and it is essential that the Government shows leadership and provides as much stability and certainty as we can. The plan offers a robust pipeline of work that will help to stimulate a green recovery by offering good, green jobs, stimulating supply chains and building market confidence.

Through this year’s programme for government, we launched our national mission for jobs. Infrastructure investment and the plan that I am publishing today will be key to its success. In 2018, the First Minister announced the national infrastructure mission—a commitment to overcome historically lower levels of UK investment and to seek to reach internationally competitive levels. That mission means that there will be £33 billion of Scottish Government investment in the next five years, which it is estimated will support around 45,000 full-time equivalent jobs across those years.

Earlier this year, following broad public engagement, the Infrastructure Commission for Scotland made recommendations on the right future infrastructure priorities. It set out a 30-year vision of infrastructure supporting an inclusive, net

zero carbon economy. Today's plan responds to the Infrastructure Commission's phase 1 recommendations and shows how we will implement them in consultation with industry, delivery partners and the people of Scotland. The infrastructure plan that I am publishing today sets out our long-term vision for Scottish infrastructure, which is supported by three core themes: enabling the transition to net zero and environmental sustainability; boosting inclusive economic growth; and building resilient and sustainable places.

The plan is closely connected to the recast climate change plan update, which is due to be published in December, and it recognises the vital role that Scotland's natural environment can play in our infrastructure system. The plan shows how we will enhance our approach to choosing the right future investments and introduces a new infrastructure investment hierarchy, which places an emphasis on maintaining, enhancing and repurposing what we already have. Over time, that will make our public infrastructure investments more sustainable and will deliver better long-term outcomes for the people who use that infrastructure.

The infrastructure investment plan includes the details of around £24 billion of major projects and national programmes that we can confirm now, with more to be added in future years. The package of investments will give Scotland strong foundations for a wellbeing economy, ensuring that society thrives economically, socially and environmentally and that we deliver sustainable and inclusive growth for all.

We will strengthen digital connectivity to help to keep us connected and improve our learning and business opportunities. We will invest in energy efficiency and low-carbon heat solutions to reduce emissions, making our homes and buildings warmer. We will invest in climate resilience, protecting more homes and businesses from flood risk and adapting to changes at our coast that are caused by climate change.

We will deliver more affordable and social homes, continuing to ensure that we have the right homes in the right places. We will operate a safe, sustainable, integrated and resilient strategic transport system, providing investment in railways, ports and harbours, and our road network. We will enable community-led regeneration and town centre revitalisation as part of a new place-based investment programme. That will encourage collaborative working, linking and aligning funding initiatives to ensure that we have a coherent approach in order to effectively progress our 20-minute neighbourhood ambition, as set out in the programme for government.

The plan is by its nature a national infrastructure plan, but it is driven by the needs of our villages,

towns and cities, delivering tangible benefits for local communities all over Scotland. In the Highlands and Islands, people told us that they wanted our investments to support tourism, improve connectivity and create jobs. That is why we will invest £30 million in delivering the national islands plan and enhance digital connectivity in rural areas through the reaching 100 per cent programme.

In the north-east, we are investing £220 million in the Baird and ANCHOR—Aberdeen and north centre for haematology, oncology and radiotherapy—project in Aberdeen to improve the efficiency of buildings as well as the experience of patients.

Across the central belt, our investment will target improvements in education, justice and healthcare facilities, including the Edinburgh cancer centre, prison facilities and the new national secure adolescent in-patient service in Irvine. With partners, we will support the National Manufacturing Institute Scotland, the redevelopment of the Royal Botanic Garden and Mission Clyde low-carbon heat networks.

In the south of Scotland, we are investing in tree nursery capacity, helping to increase carbon storage and biodiversity.

We will boost economic growth across each region of Scotland, contributing £525 million to city region and growth deals, be that in Glasgow, Edinburgh, the borderlands or Moray. Those deals will bring to those areas transformational opportunities for inclusive economic growth that are based on local need, creating jobs, improving transport links and digital capacity, enhancing learning environments and increasing housing supply.

I have taken the proactive decision to set out our plans now for consultation with the people of Scotland because our economy and our challenges and opportunities require it. However, our final budget envelope for capital investment in future years will depend on the outcomes of the forthcoming UK spending review. I urge the UK Government to prioritise capital stimulus in its spending plans.

My intention is to bring together the views that we receive through our consultation on the plan, including from local government and other delivery partners, with our confirmed budget settlement. That will enable us to finalise our infrastructure plan and our capital budget allocations.

In the interim, the Government is publishing today a capital spending review framework to complement the infrastructure plan. It sets out high-level planning assumptions that will inform capital allocations over the next five years, whether directly in infrastructure or other areas

such as protecting and increasing jobs, or through our capitalisation of the Scottish National Investment Bank.

The capital spending review and the infrastructure investment plan, once finalised, will provide a strong and coherent framework for directing, analysing, shaping and prioritising future commitments. They demonstrate how we will deliver key outcomes and value for money, and how our funding and finance is matched to our decisions.

Although this is a five-year plan, it builds the foundations for a stronger Scotland for decades to come: a Scotland that will harness new opportunities and be resilient in the face of future challenges. The plan will steer the investments that will help our short-term response to Covid-19 and our longer-term recovery. It will drive innovation, ensure access to growing global markets, create good, sustainable jobs and support a just and fair transition to our net zero emissions and wellbeing economy.

I am consulting on the draft plan to ensure the right final approach that benefits the whole of Scotland, both now and in the future. On that basis, I commend the plan to the Parliament.

The Deputy Presiding Officer: The cabinet secretary will now take questions on the issues raised in his statement. I intend to allow 20 minutes for questions, after which we will move on to the next item of business. It would be helpful if members who wish to ask a question would press their request-to-speak button, or “R” in the chat function.

Graham Simpson (Central Scotland) (Con): I thank the cabinet secretary for the advance sight of his statement and the draft plan. Obviously, I have not had a great deal of time to pore over its details, but at first sight it looks pretty unambitious and lacking in detail.

I agree with the cabinet secretary that we need to invest in infrastructure and level up the economy. I am with him on that, so if he wants to consult on the plan, I am happy to take part in that process and have discussions with him.

However, I put it to the cabinet secretary that there are still things in the previous plan that are yet to be delivered, such as the reaching 100 per cent programme, over which I think that Fergus Ewing offered to resign. There is no detail in the plan on how we will deliver any new ferries over and above the two that have still not been delivered. There is very little detail on road projects—it looks like the cabinet secretary has gone along with the Infrastructure Commission for Scotland, which wants to put the brakes on any new road projects.

The cabinet secretary should probably apologise to communities across Scotland who are going to be left out by the plan. When will he come up with some detail on any of it?

Michael Matheson: It is pretty clear from Graham Simpson’s comments that he has a fundamental misunderstanding of what an infrastructure plan is there to take forward. Let me try to address some of the issues.

Graham Simpson states that the plan is “unambitious”. Actually, it has the most ambitious level of infrastructure investment in any part of the United Kingdom. I will explain why that is the case. Historically, the level of infrastructure investment in the UK has been below the average of that in other comparable nations. The national infrastructure mission that the plan will deliver will actually see a marked increase in infrastructure investment in Scotland, which will take it to a comparable international level. Based on the 2017 figures, that will result in almost £1.5 billion of additional investment going into the infrastructure plan. We are the only part of the UK that has given such a commitment. Historically, the UK Government has not met the required level of investment. I can assure Graham Simpson that it is not the case that the plan is not ambitious. It is completely the opposite: it is a very ambitious plan that will see greater levels of investment in infrastructure.

Graham Simpson also referred to things in the previous infrastructure plan that have not yet been delivered, such as the R100 programme. The R100 programme is in this infrastructure plan. The previous plan had the digital Scotland superfast broadband programme, which not only delivered but exceeded its target. He clearly has no knowledge of that.

In relation to specific programmes, the plan sets out a range of committed projects. As I said, there will be some £33 billion of investment over a five-year period, of which £24 billion is committed to and set out in the draft plan as it stands. Clearly, further projects and developments will be brought forward over the coming months and years.

I can assure Graham Simpson that this is an ambitious plan; it is much more ambitious than his colleagues at Westminster have been over many years.

Colin Smyth (South Scotland) (Lab): Increased infrastructure investment is vital if we are to kick start our recovery and deliver a just transition to a green economy at a time when Scotland faces the deepest recession on record. However, the Scottish Government’s track record on delivering major infrastructure projects has too often been woeful.

Three quarters of the projects in the existing infrastructure plan, which was agreed in 2015, have suffered delays, and costs rose in nearly half of them. Of course, some projects change, but there have been far too many delays and busted budgets, and some projects have just not been up to standard, with tragic consequences.

How will the cabinet secretary ensure that the plan will not repeat the ferry fiasco or the sick kids hospital scandal, and how will he guarantee that the Scottish Government will not hand out new construction contracts to companies that are responsible for shoddy construction and are paying out compensation?

Michael Matheson: I will refer to a couple of the points that Colin Smyth raised. He is right to refer to projects that have delays or in relation to which costs escalate—sadly, those things are not uncommon for major infrastructure projects. Of course, not all projects come in over budget—a good example is the Queensferry crossing project, which came in under budget. Projects come in over budget for a variety of reasons. Clearly, some infrastructure projects are delayed at the moment as a result of the pandemic. Delays can also be due to unforeseen weather events, which impacted the delivery of the Aberdeen western peripheral route, for example, and major building projects can face geological issues.

I assure Colin Smyth that the investment hierarchy that is set out in the infrastructure investment plan is, as recommended by the Infrastructure Commission for Scotland, based on looking at how we can enhance our existing assets more effectively so that we can make better use of them.

One of the economic benefits that comes from that approach is that it allows small and medium-sized businesses to be engaged. Rather than having single big projects on their own, we have projects of a smaller capital value, which allows smaller local businesses and SMEs to be involved in these processes. That is one of the real values that will come from the infrastructure investment plan over the next five years.

Colin Smyth referred to ferries. He will be aware that that programme will be taken forward through our ferries plan. We will continue to ensure that we invest in ferries to support island communities across the country.

Maureen Watt (Aberdeen South and North Kincardine) (SNP): Yesterday, the UK Government announced that there would be no autumn budget. With the financial impact of Covid and the uncertainty of a no-deal Brexit at the end of the year, does the cabinet secretary anticipate that that will have an impact on the delivery of the plan?

Michael Matheson: In announcing yesterday that there would be no autumn budget, without any regard to the impact that that could have on Scotland, on this Parliament and on the Scottish Government's budget, the UK Government's approach is completely disrespectful and unacceptable. That demonstrates the ever-increasing utter disregard that the Conservative Government at Westminster has for devolved Parliaments in the UK. It ill befits Scottish Conservative members to sit on their hands and tolerate the contempt that, by their behaviour, their colleagues in Westminster demonstrate for this place and the people of Scotland.

I assure Maureen Watt that the capital spending framework that my colleague Kate Forbes set out today includes the assumptions on which we are taking forward the investment plan. The reasoned and managed assumptions that have been set out will allow us to deliver on our national infrastructure mission of increasing infrastructure investment in Scotland to much greater levels than those in other parts of the UK. That demonstrates our ambition for the country by ensuring that we get the right type of infrastructure. We are doing that because it is in Scotland's best interests, despite the actions of a UK Government that is systematically seeking to undermine this Parliament and the settled will of the Scottish people on such matters.

The Deputy Presiding Officer: I am keen to get all the questioners in, so I ask for shorter questions and answers.

Alexander Burnett (Aberdeenshire West) (Con): Although a headline of doubling road maintenance might be a good soundbite, closer inspection shows that that applies only to motorways, trunk roads and the Forth road bridge. Just half an hour ago, the Minister for Local Government, Housing and Planning could offer no support to local authorities such as Aberdeenshire Council and its critical network of bridges. Can the cabinet secretary do any better?

Michael Matheson: Alexander Burnett will recognise that the doubling of maintenance on our trunk road network is of critical importance to the country's road connectivity. I am surprised that a member from the north-east is so dismissive of that, given the substantial transport infrastructure investment that the Scottish National Party Government has put into the north-east of Scotland over recent years to ensure that the transport system there is fit for purpose.

I assure Alexander Burnett that we will continue to provide our colleagues in local government with budgets that will allow them to make decisions on how they want to invest in their local road network. Despite the UK Government's continued budget

cuts over a number of years, we will do that to protect the local government settlement.

Kenneth Gibson (Cunninghame North) (SNP): High speed 2 will deliver faster train travel between London and Manchester and Leeds. The cost could be as high as £110 billion, which will be paid for, in part, by Scottish taxpayers, but the project will provide a competitive advantage to London, the midlands and the north of England. Will the cabinet secretary advise what discussions have been held with the UK Government to ensure that Scotland receives its fair share of taxpayer-funded investment in transport and infrastructure?

Michael Matheson: Kenneth Gibson raises a good point about managing major infrastructure projects. The crossrail project in London is, from what we can see, completely out of control financially, as is the HS2 project. Financial certainty is far from being provided, and that has a potential impact on capital allocations across the rest of the UK.

A number of months ago, I had a discussion with the minister with responsibility for the HS2 project. I sought assurances from him on exactly what economic and spending benefits Scotland would receive from the HS2 programme. I am still waiting for a response to my request.

Too often, the UK Government has taken a London-centric approach to infrastructure investment, at a cost to other parts of the UK. That is why the Scottish Government is setting out in this draft infrastructure investment plan our ambitious plans to increase infrastructure spend in Scotland to ensure that we drive the environmental and economic benefits that can come from such a plan.

Jackie Baillie (Dumbarton) (Lab): Capital investment is, of course, helpful in creating jobs, but of equal importance is ensuring that spending on projects benefits local supply chains and workers. What specific action will the cabinet secretary take to ensure that spending maximises the benefit to local supply chains and improves terms and conditions for workers?

In addition, the investment plan, which is for the next five years, makes no mention of the A83. That will be hugely disappointing to people in my constituency. I am sure that the cabinet secretary will want to take this opportunity to reassure us by indicating that capital resources will be set aside for the A83, and by saying in which financial year they will be set aside.

Michael Matheson: Let me deal with the last point first. I will make a similar point to the one that I made to Graham Simpson. The infrastructure investment plan does not mention every project that will be taken forward over the next five years. It contains information on £24 billion-worth of

projects that have been through the process of getting to a final business case and can go into the infrastructure investment pipeline. Of course, projects will be added to that, including road projects such as, potentially, one for the A83. I am sure the member will welcome the quick action that I have taken in publishing the 11 options ahead of schedule—not in December, but in September—to allow local communities to take a view on the opportunities around the alternative route.

I will return to Jackie Baillie's point on SMEs and local businesses. One of the real benefits of the infrastructure investment plans investment hierarchy, which I think I mentioned to Colin Smyth, is that there is a much greater focus on maintenance projects. For example, the £1.5 billion of additional maintenance on things such as trunk road contracts allows SMEs and local businesses to be much more engaged in the process than they are in larger capital-based projects for which they are unable to compete.

One of the assessments that has been undertaken in development of the plan involves consideration of the wider regional economic impact that it could have. Localised maintenance programmes enable us to achieve that impact much more easily. I assure Jackie Baillie that one of the central things that we have been thinking about as we take forward the plan is how to support SMEs and local businesses in capital projects. The approach that we have set out in the investment hierarchy can assist us in achieving that.

John Finnie (Highlands and Islands) (Green): Events at the Rest and Be Thankful illustrate the impact of the climate breakdown that we are facing. The cabinet secretary will be aware that bridges feature in a number of options for a replacement route there. However, at the moment, they are road-only designs. Some excellent work is being done by the Cowal fixed-link working group on a road and rail option that would not only solve the problem but could have a significant impact on regeneration of the Cowal peninsula. Does the cabinet secretary agree that connectivity does not always mean a road-only solution? Will he ensure that the Cowal fixed-link working group's road and rail proposal is given genuine consideration, and that scoping feasibility studies are undertaken?

Michael Matheson: I must say to John Finnie that the 11 options that have been set out as alternative routes for the Rest and Be Thankful have already had some assessment work carried out on them. Therefore, I am afraid that I cannot give that commitment in relation to the Cowal fixed-link project. I am aware of the project, but it

is not one of the 11 options that we are considering.

Mr Finnie makes the point that road is not the only solution when it comes to improving transport connectivity. I agree. A good example of that is the economic and social benefits that have come from the Borders railway. That is one of the reasons why I committed last year to investing £70 million in re-establishing the Levenmouth line in Fife, in order not only to improve connectivity but to deliver economic benefits.

John Finnie makes a good point. Roads are not always the solution; at times, other options can help to deliver better connectivity and better economic, social and environmental outcomes. We take those factors into account as part of the investment that we are making through the infrastructure investment plan.

Willie Rennie (North East Fife) (LD): What is in the plan for yards such as Arnish and Methil so that they can compete for offshore wind farm contracts? I am conscious of state aid rules, but if we are to ensure that the greening of our energy brings jobs back to Scotland, we must invest in that industrial infrastructure. What is in the plan in that regard?

Michael Matheson: Willie Rennie is going wider than the purpose of the plan, and is starting to discuss processes around procurement. He will be aware that there is a significant concern about renewable energy investment being constrained and limited as a result of the approach that the Office of Gas and Electricity Markets and the UK Government are taking to contracts for difference, and how the regulator is interpreting the regulations on how investments can be made. I have made representations to the UK Government on that.

The Department for Business, Energy and Industrial Strategy needs to take action to allow greater levels of investment in renewable energy both onshore and offshore if we are to achieve our climate change ambition of net zero emissions by 2045, and achieve the economic benefits that we can get from that here in Scotland. My colleague Paul Wheelhouse will meet Ofgem next week to address a number of specific regulatory changes that we need in order to support the industry in Scotland and across the UK.

The procurement issue goes wider than the infrastructure investment plan. However, I assure Willie Rennie that we are very alive to the wider issues that he raises around renewables and the impact of regulatory function on how developments can be taken forward; we are pressing the UK Government to take urgent action on them.

Ruth Maguire (Cunninghame South) (SNP): Infrastructure investment done well will help our communities to thrive economically, socially and environmentally. What measures are included in the infrastructure investment plan to tackle inequalities and economic exclusion in Ayrshire?

Michael Matheson: Ruth Maguire asks a good question. Alongside the draft plan, I am publishing an equity and fairer Scotland duty interim statement, which members can consider. Tackling inequality is a central part of the infrastructure investment plan, and of a number of the strategic projects that will be supported over the next five years. For example, we have already set out ambitious plans for continued investment in housing to ensure that an ever-increasing level of social housing is available, which the plan will help to support over the next five years.

Ruth Maguire will also be aware that, in the near future, we will have the 2040 housing plan, which will be introduced by my colleagues Aileen Campbell and Kevin Stewart. The housing plan will set out our ambition to make sure that everyone who requires access to decent housing in Scotland has it.

The wider economic benefits that come from creating greater employment in the Scottish economy and supporting people into employment help to tackle poverty and ensure that we provide good-quality green jobs during this particularly challenging time, as we move through the pandemic and recover from it.

Edward Mountain (Highlands and Islands) (Con): In the Highlands, we are quite used to being left behind with regard to infrastructure delivery. On page 42 of the plan, there is mention of the Highland prison, which was promised to be built by 2016. The plan says that it "should be" completed by 2026. Why will it not be concluded by 2026?

Michael Matheson: Edward Mountain will be aware that we have made significant investment in our criminal justice estate over an extended period. When he talks about the lack of investment in the Highlands, it is interesting that he chooses not to mention the justice centre that is being created in Inverness. When I was the Cabinet Secretary for Justice, I had the privilege of breaking the ground for the new centre, which will be a state-of-the-art facility in the Highlands for use in the criminal justice system.

As we go forward with our capital investment programme, we will be able to consider what further programmes and other facilities can be introduced into it. It would aid us greatly in achieving that if the Scottish Government had a clear line of sight of the UK Government's capital

spending review, which I understand has been delayed yet again.

We will get on with doing the best job we can do, as set out in our ambitious infrastructure investment plan, and we will make sure that we continue to invest in Scotland's infrastructure in a way that serves the people of Scotland well, now and in the future.

The Deputy Presiding Officer: That concludes questions on the statement on the infrastructure investment plan. I apologise to members whom I was not able to call. Clearly, that proves the equation that longer questions and longer answers mean fewer questions and fewer answers.

Protection of Workers (Retail and Age-restricted Goods and Services) (Scotland) Bill: Stage 1

The Deputy Presiding Officer (Lewis Macdonald): The next item of business is a stage 1 debate on motion S5M-22226, in the name of Daniel Johnson, on the Protection of Workers (Retail and Age-restricted Goods and Services) (Scotland) Bill. I invite members who wish to speak in the debate to press their request-to-speak buttons now.

15:28

Daniel Johnson (Edinburgh Southern) (Lab): This is quite a moment for me. Rising to speak in favour of my own bill brings with it a real sense of responsibility.

I pay tribute to the various organisations that have supported the development of the bill and that have campaigned with me to promote it. It has been hugely rewarding to campaign with trade unions such as the Union of Shop, Distributive and Allied Workers, the GMB and Unite the Union, as well as employers' representatives such as the Scottish Grocers Federation, the Scottish Retail Consortium, the National Federation of Retail Newsagents, Scotmid and the Co-operative Group. It is a cause with regard to which unions and employers are of one view, and that alone should say something about the importance of the issue.

I remind members of my entry in the register of members' interests, as I am a member of USDAW and of the Co-operative Party as well as a director of a company with retail interests.

I thank the Economy, Energy and Fair Work Committee for its thorough and helpful scrutiny of the bill; I thank the non-Government bills unit for its help, advice and assistance throughout the process; and I thank Ash Denham for her constructive engagement with the bill.

We are six months into the pandemic, and it has brought a sharp focus on the crucial role that is played by shop workers. They make sure that we can obtain the bare necessities and essentials of life—shop workers have stepped up to keep us safe when we do so. The pandemic has also exacerbated the disturbing behaviours of a small minority who, when faced with restrictions, have responded with abuse, threats and violence towards shop staff who are simply trying to uphold those rules and keep us all safe. USDAW, the shop workers union, estimates that the number of such incidents has doubled during the pandemic, and almost 70 per cent of retail workers cite enforcing social distancing requirements as the

biggest single cause of the abuse and violence that they face at work.

The pandemic has brought the need for the bill into focus. Shop workers have been on the front line of the response, as a consequence of which they have faced abuse and assault. That is unacceptable. Put simply, violence, threats and abuse are not just part of the job for anyone, whether they work behind a desk or behind a shop counter. It should not have taken the pandemic to provide that insight.

The challenge 25 age check has become the norm in recent years, and there are dozens of goods and services for which purchasing customers must prove their age. What most people do not realise is that it is the shop workers who are liable if they fail to ask for proof of age. They can be fined £5,000 or serve time in prison if they sell an item or a service to an individual without checking their identity. It is that same legal duty that also triggers incidents of abuse and violence. According to USDAW, 15 shop workers are assaulted in Scotland every day, and the Scottish Grocers Federation reports that half of its members receive abuse every day because they are asking for ID.

John Mason (Glasgow Shettleston) (SNP): I agree with all that the member has said so far. How does he feel about other workers who are not retail workers? Should they, too, be protected?

Daniel Johnson: That is a useful intervention. Unfortunately, I am a solitary member and this is a member's bill. There is a case for looking at the protection that all public-facing workers could and should enjoy, but, critically, retail workers are legally duty-bound to uphold the law, and there is a clear parallel with other such workers who enjoy the specific protection of the law when they do so.

That is the basic principle that my bill focuses on: when we ask people to uphold the law, they should have the specific protection of the law. Emergency workers, customs officers, border staff and tax inspectors all have such protection as a matter of statute. That principle and imperative was clear before the pandemic and it was why I introduced my member's bill to the Scottish Parliament. It recognises the important legal duty that is fulfilled by people who work behind shop counters.

The drafting and language in my bill are directly comparable both with section 90 of the Police and Fire Reform (Scotland) Act 2012 and with the Emergency Workers (Scotland) Act 2005. When the latter was introduced in response to growing attacks on ambulance crews and firefighters, its necessity and rationale were questioned. However, that law has been used in more than 3,000 prosecutions since its introduction. The

principle is clear, the legislative approach is well established and it is also clear that such protections are effective.

My bill has two central provisions. First, it creates a specific offence of assaulting a shop worker. Secondly, it creates a statutory aggravation when the offence occurs in relation to the sale of an age-restricted good or service.

The creation of a new statutory offence plays three important functions. First, it creates a clear legal scope and effect, which is, in turn, important for the statutory aggravation. Secondly, it provides a clear articulation in law that such behaviours are unacceptable. As Lord Bracadale stated in his review of hate crime legislation, it is a legitimate function of the law to communicate. That point was highlighted by trade unions and trade bodies in their evidence to the committee when they drew parallels with other behaviours that, although covered by other pieces of legislation or common law, required specific legislation to make the law effective.

Thirdly, the creation of the new specific offence means that much better data will be provided. Right now, we simply do not know the true scale of the problem, as this type of crime is not recorded separately. As a result, we rely on survey work such as that carried out by USDAW, the Scottish Grocers Federation and the Scottish Retail Consortium. That is particularly worrying, given the concerns that were articulated to the committee and that are reflected in the report regarding the underreporting of threats, abuse and assaults on retail workers.

Perhaps the most important element of the bill is the aggravation element, which places in law the seriousness of assaulting someone when they are undertaking their legal duty as required in statute. It will require those who pass sentence on people who commit such crimes to give due consideration to those circumstances in the sentencing.

In addition to those core elements, in its current form, the bill would make it an offence to obstruct or hinder a retail worker while they are carrying out their duties. That concept was taken from the Emergency Workers (Scotland) Act 2005, and the intention is to prevent the familiar pattern of escalation whereby a simple refusal of sale results in someone refusing to move from a queue or move on, which then escalates to abuse, threats and violence. However, I note the committee's concerns regarding the provision and I agree that it was drawn too broadly. I intend to lodge an amendment at stage 2 to remove the provision from the bill.

It is also important to note the scope of the bill. Drafting the bill required several decisions and the consideration of many options. I wanted the bill to

be focused and to the point, but I also wanted it to recognise the broad range of contexts in which age-restricted goods and services are sold, as well as the changing nature of retail. As a result, the bill defines retail work in such a way that those who work in bars, restaurants and hotels will be covered. Likewise, the bill will cover delivery drivers who are required to ask for identification when delivering age-restricted items.

Shop workers provide a vital front-line service. The pandemic has brought new insight into the role played by those workers, but, in reality, they have always played that role. They keep us safe and they uphold the law. Let us take this opportunity to ensure that they have the protection of the law. It is the very least that we owe them for their vital public work.

I move,

That the Parliament agrees to the general principles of the Protection of Workers (Retail and Age-restricted Goods and Services) (Scotland) Bill.

The Deputy Presiding Officer: Gordon Lindhurst will open the debate on behalf of the Economy, Energy and Fair Work Committee.

15:37

Gordon Lindhurst (Lothian) (Con): As the saying goes, the customer is always right—it was the founders of Selfridges and the Ritz hotel who first popularised the phrase. Variations on the theme include: the customer is king; the customer is never wrong; the customer always has a reason; and, in its most extreme form, the customer is a god—with a small g. Unfortunately, there are times when the customer is not right and when the customer abandons all reason. Daniel Johnson's bill relates to those times and the protection of shop workers.

Our appreciation of people who work in retail—supermarket staff, the man or woman in the corner shop and those behind the counter in pharmacies—has grown during these Covid times, and their role over the past six months has proved invaluable. We have acknowledged them all as key workers, and rightly so.

What we require from the bill—should it be passed—is that it is effective and that shop workers feel not only valued but safe and free to go about their work without fear, now and beyond the current restrictions. Indeed, much of the committee's work on the bill preceded the pandemic.

The committee wanted to hear the views of shop workers and members of the public. In February, a pop-up Parliament stand was held in Paisley's Piazza shopping centre. We asked retail workers and shoppers what they made of the bill

and whether extra protection was necessary. Most people who spoke to us on that day said that it was.

A central plank of the bill is the recognition that those who are required to ask for proof of age should have additional protection on the basis that workers who enforce statutory age restrictions are upholding the law, as Daniel Johnson mentioned. That can be a trigger for acts of violence and abuse. The committee found the evidence of such behaviour against retail workers compelling, and it believed that that must be addressed. As a shopkeeper from Blantyre said in a recent newspaper article:

"Shop workers aren't looking for a pat on the back, but they don't need a kicking either."

The committee's stage 1 report encouraged the member in charge of the bill to speak to the minister to address the committee's concerns about the bill's scope and its definition of retail work. We also invited the Scottish Government to reflect on several areas: the reporting of incidents, data collection and awareness raising. What we have heard about that dialogue and the reflection on those points is encouraging. I hope that I am not overly repeating what the member in charge of the bill has just said or pre-empting anything that the minister plans to tell us, but I understand that she shares the committee's concerns about the obstruct-and-hinder element of the bill and that she has indicated a willingness to continue her dialogue with the member on that through to stage 2.

I will pick up on a couple of other strands. Reporting and confidence in the system are closely entwined. There is a perception that the abuse of retail workers is not taken seriously by the police and that current laws are not being enforced. That worried the committee, because employers and employees should be encouraged to report crimes. The bill can raise awareness, but action must be taken regardless. The committee invited the Scottish Government to work with its justice partners to address enforcement issues and to ensure that those matters are given the priority that they call for.

In her written response, the minister said that operational matters sit with Police Scotland, but she also said that the Scottish Government would be happy to assist in any way that it can. Perhaps she can elaborate on that in a moment. The minister also argued that a defence of reasonableness should be added to the bill. The committee recognised that concern and recommended that it be considered at stage 2. No doubt, the minister will comment on that in a moment.

A recurring theme in our evidence was the importance of communication. The Law Society of Scotland recognised

“an overwhelming need for enhanced provision of education, training and awareness raising of the issue to the public.”

The Federation of Small Businesses called for a

“smart, well-resourced marketing campaign”.

The committee agrees that there is a need to promote cultural change in order to deter aggressive behaviour and to give shop workers the recognition that they deserve. We therefore called for the Scottish Government to work with retailers and others on an educational campaign that will target retail workers, employers and the public. It is pleasing that the minister has given a commitment to do just that. She has suggested that the focus will be on small retail outlets whose staff may feel more vulnerable. We look forward to hearing more when she sets out her position.

Daniel Johnson told us that previous attempts to introduce similar legislation had resulted in warm words but that those who were seeking protection were left in the cold, because nothing happened. Thomas Hobbes wrote in “Leviathan” that the law is the public conscience—or at least it should be.

The committee has made its concerns about certain aspects of the bill clear, and we welcome the continuing discussions between Daniel Johnson and the Scottish Government. We commend the member for bringing forward the bill and the minister for being attentive to the committee’s findings. The committee supports the general principles of the bill.

15:44

The Minister for Community Safety (Ash Denham): I begin by recognising the important role that retail workers play in our local communities and the wider Scottish economy. During the Covid-19 outbreak, their contribution has been highlighted as the retail trade helps communities across Scotland get through these challenging times. I appreciate the hard work and commitment of all those working in the retail sector in Scotland. They should be lauded for the work that they are continuing to do during these challenging and unprecedented times, and it is absolutely right that they should be protected by our criminal laws. Every worker in a front-line customer service role should feel absolutely safe and supported.

Daniel Johnson’s bill is well-intentioned and well-timed, given Covid-19.

I thank the Economy, Energy and Fair Work Committee for its thoughtful stage 1 report, as well as the clerks who assisted in preparing it. The job

that we all have in this Parliament is—as the committee report says—to assess whether the bill will improve how the criminal law in the area of protections for retail workers operates.

Evidence to the committee showed that retail workers are exposed to verbal abuse, threatening and abusive behaviour and physical attacks, as well as spitting and other disorderly behaviour. We heard that that often occurs when people are under the influence of alcohol or drugs, or when the retail worker is carrying out age checks or enforcing core hours for the sale of alcohol. Let me be clear: that type of criminal conduct is absolutely unacceptable and perpetrators should be held to account.

Retail workers should feel that they are currently protected by the criminal law, and they are protected, of course. We have a wide range of existing criminal laws in place to tackle that type of offending behaviour—for example, the statutory offence of threatening or abusive behaviour and the common-law offences of assault and breach of the peace. Those existing laws criminalise the verbal and physical abuse of our retail workers and provide our courts with the discretion to impose robust maximum penalties. Enforcement of the law is for Police Scotland, the Crown Office and Procurator Fiscal Service and, ultimately, the criminal courts. I fully support law enforcement agencies in taking robust enforcement action to deal with any attacks and threats made against retail workers if they consider that necessary in any given case.

However, the context for the bill is the concerns that have been raised by a number of trade unions, such as the Union of Shop, Distributive and Allied Workers, and from a number of retail bodies, such as the Scottish Retail Consortium, which has explained why it supports the bill.

I pay tribute to Daniel Johnson. It is not easy navigating the member’s bill process—even with the help of the Parliament’s excellent non-Government bills unit. Daniel Johnson’s bill has already helped raise awareness of this important issue. We appreciate that such a bill will have the potential to make the public think more about their behaviour while interacting with retail workers, especially in such difficult and challenging times.

The committee recognised in its report that the new offence contained in the bill largely restates existing offences, and where it seeks to extend the law—by including hindering and obstructing as elements of the offence—we consider that it does so in a way that sets too low a threshold for criminal sanctions. The committee’s stage 1 report shared that concern. It indicated that it

“shares concerns raised about the practical impact of including ‘obstruct and hinder’ as an offence against retail

workers and believes that this could be open to misinterpretation as currently framed in the bill.”

Subject to changes being made at stage 2 to remove the hindering and obstructing elements, I can advise that the Scottish Government will support the bill through the legislative process, including at decision time today. The approach should ensure that the seriousness of offending is highlighted through a specific offence and that the court—when sentencing—assesses whether higher sentences are required in the context of age verification and would allow for better data to be collected over a period of time. We understand from discussions with Daniel Johnson that he would be agreeable to such an approach.

Liam Kerr (North East Scotland) (Con): What is the minister’s view on the representation of the Association of Convenience Stores that the maximum penalty in the bill might not be strong enough?

Ash Denham: The maximum penalty in the bill would be up to one year in prison and/or a fine of up to £10,000. We imagine that most offences will be captured under the bill and prosecuted as such, but more serious offences—which would, as I understand it, be much lower in number—would have to be prosecuted under the existing criminal law, in which they obviously carry much higher maximum penalties. The bill would operate in a similar way to the Emergency Workers (Scotland) Act 2005, under which some offences are prosecuted while others are prosecuted under existing criminal law.

It is worth touching briefly on the age verification aggravation. We can understand why it has been included, but Police Scotland expressed some concerns that such a measure could impact mainly on young people. The Scottish Government agrees that that might happen, although it is also worth noting that, in cases in which the age verification aggravation applies and is related to the conduct of a young person or child, discretion would exist in respect of what action to take as a result of the alleged offending behaviour. With that reassurance, we can see the value of the age verification aggravation.

Laws have a key role to play, but they are not the answer to everything. As I indicated in my evidence to the committee, the Scottish Government is committed to developing an awareness-raising campaign to coincide with the implementation of the bill, which would highlight the importance of reports being made when retail workers are attacked, threatened or abused during the course of their work.

At decision time, the Scottish Government will support the general principles of the bill, subject to steps at stage 2 to improve it by removing the

hindering and obstructing elements. I look forward to hearing more during the debate to help ensure that the bill can be as good as possible.

15:51

Liam Kerr (North East Scotland) (Con): I am pleased to contribute to this stage 1 debate on the bill. Daniel Johnson knows that I am sympathetic to what he is trying to achieve, as we have discussed the matter on and off for the past two or three years.

I recognise the ills that he seeks to address, as I have been a retail worker at various times—as no doubt many across this chamber have—and was subjected to the sort of behaviour about which the committee has heard, although mercifully not of the severity that still far too many must endure.

Those who have been retail workers will recognise the issues that the bill covers, given the Scottish Grocers Federation’s report that 99 per cent of workers it surveyed had experienced violence and physical abuse, and USDAW’s evidence that a Scottish shop worker is abused, threatened or assaulted more than 20 times a year on average.

I witnessed a lone petrol station worker being subjected to a torrent of abuse late one evening around three weeks ago on the outskirts of Edinburgh, simply because his till had crashed and failed to register a loyalty card. I spoke to him afterwards to offer support and he was clearly shaken and scared. Did he report the incident to his boss or the police, as I suggested? He possibly did not—for reasons that I will return to later.

It is not difficult for the Scottish Conservatives to support the principles of the bill, which are about increasing the protection for workers in the retail sector, as the online executive summary to the bill suggests. I feel, however, that a number of areas ought to be explored in greater depth.

My colleagues will elaborate on these throughout the debate, but let me suggest some thoughts on which the member might wish to reflect and perhaps come back to when he closes the debate.

I noticed that, among others, the Scottish Government’s memorandum, the Crown Office and the minister herself suggest that the new offence would not significantly expand current legal protection and that provisions in existing criminal law cover many of the proposed elements. Regardless of whether that position is accepted, I note that the member’s response throughout the process has been that the key is to send a message that would

“communicate our priorities to the public”

and

“reflect the seriousness of the crimes that are perpetrated and the duties and obligations that we place on people”—*[Official Report, Economy, Energy and Fair Work Committee, 13 May 2020; c 9.]*

Let us leave aside the question whether the primary aim of the law should be to send a message. In her evidence to the committee, the minister said that

“the sending of a message is a sort of secondary benefit”
.—*[Official Report, Economy, Energy and Fair Work Committee, 6 May 2020; c 5.]*

I am not readily persuaded of that. If the proposed bill does not fundamentally create anything new, the member ought to ask why the messaging of the current law does not work. Should we not work to establish where the current failure lies and what is required to fix it? The answer might well not be more law.

Should we not be asking whether retail workers are reporting incidents? Daniel Johnson referred earlier to the USDAW survey, which found that only 34 per cent of victims report incidents. If they are not reporting them, why not? Is it because they are afraid of the consequences? Is it because, as the Scottish Co-operative Party suggests, they are not being taken seriously? Is it because they are unaware of the current law and their rights? Is the Federation of Small Businesses in Scotland right that only one in 10 businesses report incidents as a crime? If so, why is that? Is it ignorance of the existing law? Is it that the police do not have the time or resources to properly combat the problem? If so, that is a much bigger issue, which will not simply be addressed by the proposed new law.

Are there problems at prosecution level? Are cases falling on an evidential basis? If so, why? Will the proposed requirement for evidence to be from a single source address that? In addition, what message does the current sentencing regime give? What sentences are being handed down for the offences at the moment? Do those fail to send a message that that behaviour is reprehensible and will not be tolerated?

The Association of Convenience Stores believes that the proposed offence

“would act as a deterrent”,

but presumably that would be the case only if the sentences given were seen to be commensurate with the seriousness of the crime. However, the ACS states:

“The maximum sentence ... may not be high enough”.

The ACS might be right, because the penalty under the bill could be, as we heard from the minister, imprisonment for 12 months or a fine.

However, it will not be lost on anyone watching and listening to this debate that just last year the Scottish Parliament voted, with the notable exception of the Scottish Conservatives, for a presumption against 12-month prison sentences. That means that the criminals who carry out the acts that the bill addresses, who the minister described as committing lower-end offences—I know that she did not mean that pejoratively—do not risk prison, and they know that they will get a fine or community sentence instead. However, we already know—and Daniel Johnson knows this very well—that one in three community sentences are not completed and one in four contain no element of work.

I ask Daniel Johnson to muse on that throughout the debate and address in his closing speech the inadequacies and myriad failures of the soft-touch justice approach pursued by the Government—I will welcome his conversion with open arms. Although that is perhaps a forlorn hope, it would be useful if he were to note the importance of addressing those underlying questions and acknowledge the importance of enhanced education, training and public awareness as crucial for the bill, as the committee convener flagged up earlier.

The Scottish Conservatives will support the general principles of the bill at decision time tonight.

15:57

Jackie Baillie (Dumbarton) (Lab): I declare an interest as a member of USDAW and the GMB, which both represent retail workers.

I am delighted to be able to speak in favour of the bill at stage 1 and I congratulate my colleague Daniel Johnson for all his hard work in getting it to the chamber. I know that the bill seeks to address issues that are close to his heart and I encourage members across the chamber to support the bill and call time on the abuse of shop workers.

The retail sector is Scotland’s largest private sector. If the past six months have taught us anything, it is how heavily we rely on the sector and how much we depend on quick and easy access to essential goods. Retail workers have played and continue to play a vital role in keeping our country stocked during the pandemic. They have coped with panic buying and the unnecessary stockpiling that took place in the early weeks and they are the staff who remind us all to wear our masks and keep our distance, which can often trigger abuse and violence towards them.

A survey by USDAW found that violence and abuse against retail workers had doubled since the beginning of lockdown. It is truly appalling that

59 per cent of shop workers have faced verbal abuse since the beginning of the outbreak and a further 4 per cent have been physically assaulted. Those figures are based only on those who took part in the survey, so the reality is likely to be even bleaker. The claps and cheers for our key workers mean absolutely nothing if we allow that abuse to continue. The least that we can do for them is ensure that they are properly supported and protected against physical and verbal abuse in their workplace, which we can do by voting for the bill.

The bill would cover almost 300,000 retail workers and 120,000 hospitality staff. That significant proportion of the Scottish population is going to work every day in fear of what they will come up against—and we have the power to help them.

The Scottish Retail Consortium tells us that around 10 retail workers are attacked every day in Scotland. Similarly, the Association of Convenience Stores says that there have been 50,000 incidents of violence and threats towards convenience store workers across the UK during the past year. In Scotland, we have around 44,000 local convenience stores. Last year alone, more than 8,000—one in five—independent retailers experienced violence. It makes me so angry to think of the many independent retailers along the high streets of my constituency who are facing such awful levels of abuse and violence for simply for doing their job.

As with any abuse, emotional scars linger long after the physical ones fade. USDAW found that abuse in the workplace can be traumatic to deal with and, indeed, move on from. That is because, every day, workers are forced to return to the scene of their abuse, not knowing if or when their abuser will come back to the shop. Even worse, some victims find the attack too traumatic to return to work at all. That leaves them without an income and livelihood, while their attacker faces no repercussions.

It is also not enough to assume that managers in shops are able to take control of a situation—not only are they also facing verbal and physical violence, but they are often unable to provide adequate support to employees, despite their best efforts.

We know that attacks happen for a variety of reasons—none of which are the fault of the shop worker. One of the biggest triggers for abuse aimed at shop workers is the law on age restriction and the responsibility that shop workers have to enforce it.

The Scottish Grocers Federation's crime survey found that 100 per cent of survey respondents experienced incidents of abuse when sale was

refused, or when simply asking for proof of age. I must admit, Presiding Officer, that it has been a long time since anyone asked me for that, but I live in hope.

The bill targets the abuse that shop workers face every day by making such abuse a criminal offence. It would also, as Daniel Johnson said, add aggravation to the offence if the shop worker who is abused is enforcing the law on age restriction. That would give shop workers the confidence to come forward and report the abuse that they receive. Far too many abusers get away with it because there is not adequate legislation in place to hold them accountable for their abhorrent behaviour.

It is time to let shop workers know that abuse is simply not part and parcel of the job that they do, and that their suffering can and will stop. The bill must be a warning to all those who have abused and will continue to abuse shop staff that the law will be on the side of the workers, and that offenders will finally have to deal with the consequences of their actions.

I again congratulate Daniel Johnson. His bill is an important and significant achievement.

16:03

Andy Wightman (Lothian) (Green): I, too, welcome the bill, and commend Daniel Johnson for his work to introduce it. The Scottish Greens support the general principles of the bill and will vote for it.

I am a member of the Economy, Energy and Fair Work Committee. I thank fellow committee members, clerks, researchers and witnesses for their diligent work in scrutinising the bill.

I, too, agree with members who have commended the work of retail workers, particularly those who, in the early months of the pandemic, were very much on the front line, meeting and greeting thousands of customers and seeking to police a safe environment, much of which is mandated by laws passed by the Parliament, the latest of which is, of course, the regulation on wearing face coverings. All that is in addition to the existing laws on, for example, age-restricted goods and services that retail workers are required to implement. I thank retail workers for their hard work and for doing their bit to keep us all safe.

As the convener of the Economy, Energy and Fair Work Committee said, we heard disturbing testimony about the routine threats and abuse facing retail workers. I found equally disturbing the sense of helplessness around not knowing whether such abuse would be investigated if reported. That is very troubling.

I do not want to get into the arguments about the scale or nature or character of the police response—the police rebutted some of those allegations. Nevertheless, it was clear from the evidence that relying on existing offences does not appear to be sufficient to curb on-going abuse.

I am not a fan of legislating to send messages—I think that Liam Kerr is not, either—but sometimes a new offence that is clearly targeted at abusive behaviour against a defined group of vulnerable people is the way forward. Daniel Johnson mentioned using the law to communicate. I think that it should be used in that way only sparingly, but I am persuaded that this situation is such a case. The mere existence of a notice on the front door of a shop, clearly articulating that the legislation applies, might do something to curb the worst excesses.

It is also fair to say that introducing a criminal offence is never an easy or a straightforward process—nor should it be. No doubt Daniel Johnson was aware of that when he took up the issue. As he will know, the committee spent some time grappling with the legal choices that had been made. In particular, we questioned the need for a new offence of obstructing or hindering a retail worker. We recognise concerns about the lack of a reasonableness defence to the threatening and abusive elements.

I am pleased to note that there is now a measure of agreement on the way forward on those matters. In particular, I am pleased that the “obstructing or hindering” element has been dropped. I was never persuaded that it was analogous to similar offences against emergency workers, where such behaviour can—and does—pose a threat to life.

I want to pay particular attention to the question of the aggravated offence that would apply where retail workers are enforcing a statutory age restriction. We agree with that proposal, but we also agree that such a charge should be available to be pled in any proceedings, brought against anyone who is alleged to have assaulted, threatened or abused a retail worker, regardless of whether it is brought for that offence, other statutory offences or under the common law. We are pleased to note that the Government has not closed the door on that possible amendment.

One of the most valuable observations to have arisen from the committee’s scrutiny was the question why we have not, as a matter of routine, created an aggravation in relation to all offences that we create in law whereby ordinary workers—whether in public transport, shops, entertainment venues or wherever—are then required to enforce it, such as the law on age restrictions, and who may, as a consequence, invite and receive abuse or violence.

I hope that the bill will be passed. I also hope that we will learn that important lesson, and will never again legislate to create offences that we expect to be implemented and enforced by ordinary workers without there being requisite protection in the law. Indeed, had we been more diligent about that, Daniel Johnson might not have needed to introduce the bill—or, at least, not in its current form.

The bill is a worthy and welcome one, and the Scottish Greens will support it at decision time.

16:07

Liam McArthur (Orkney Islands) (LD): Presiding Officer, I offer my apologies—to you, to the Presiding Officer who was then in the chair, and to other members—that I was not here at the start of the debate.

I join others in warmly congratulating Daniel Johnson on getting to this stage with his bill on the protection of retail workers. He has put in a tremendous amount of work to develop his proposals, and I think that the principles of the bill deserve the support of the Parliament; they have certainly secured the support of the Scottish Liberal Democrats.

As I am sure that Daniel Johnson will recall, when he first approached me about lending my support to the bill, I was a bit concerned about the reach and the potential knock on-consequences of what was initially envisaged. However, I felt that it was still important for the Parliament to have the chance to consider his proposals, so I added my signature to the list of the bill’s supporters.

I am delighted that, since those initial discussions, Daniel Johnson has clearly worked hard with stakeholders, the minister and her officials to hone the bill, which is now more tightly focused and, as a result, will be more effective in tackling the problems that it has quite legitimately identified.

I also acknowledge and thank others who have been instrumental in getting us to this point. USDAW deserves particular credit for its long-standing commitment to the issue and for its freedom from fear campaign, which has been running for more than 15 years. The Scottish Retail Consortium, the Scottish Grocers Federation and a range of other organisations have also been strong supporters of moves to provide greater protection for retail staff. I commend them all for their efforts, too.

Of course, when the bill was conceived, the principal driver was a desire to take action to address violence, threats and intimidation towards shop workers, often brought about by conflict over the sale of age-restricted goods. There was

growing evidence of the risks to retail staff who had the unpalatable choice of provoking anger from customers by asking for ID or facing potential legal action from police for failing to do so. That, Presiding Officer, is the very definition of being between a rock and a hard place.

Those problems have not gone away—if anything, they have increased, according to the latest crime survey figures—and the Covid pandemic, as others have observed, has brought with it additional challenges in this area.

I recall having conversations with managers and staff of various local supermarkets and shops in Orkney in the early stages of lockdown—I am sure that many members had similar conversations—who talked of their experience of wholly unacceptable behaviour from customers when asked to abide by Government advice or the restrictions in place to ensure that everybody had access to the food and supplies that they needed.

Toilet roll, pasta and bread flour may not be age restricted, but that did not stop those items being the source of flashpoints in shops and supermarkets up and down the country. In a community such as Orkney, though, this all felt particularly inexplicable, uncomfortable and at odds with the norm. At a time when shop staff were going out of their way to help to keep people in our communities safe and supplied, the idea that they would be abused or attacked for that is beyond reprehensible.

Thankfully, this appears to be a problem that has greatly diminished: the wearing of face coverings is more routine and panic buying feels like a thing of the past. However, with more stringent restrictions now back in place, there is always the possibility—although I hope not—that we could see a resurgence. Either way, the case for the protections set out in the bill, which are focused on the issues arising from the sale of age-restricted goods and services, is one that is well made and deserving of support.

As with all bills, there will be the need to scrutinise it robustly and amend it where necessary. Scope, definitions and penalties are among some of the issues that members of the committee have referred to. I share Andy Wightman's hope that, as well as finding a more effective way of prosecuting crimes when they are committed, the legislation will act as a disincentive to those crimes being committed in the first instance.

For now, however, I congratulate Daniel Johnson once again on his progress, I wish him well and I confirm that the Scottish Liberal Democrats will support the bill at decision time.

The Deputy Presiding Officer (Linda Fabiani): We move to the open debate, with

speeches of absolutely no more than four minutes, please. I do not want to delay decision time or cut out speakers.

16:12

Colin Beattie (Midlothian North and Musselburgh) (SNP): As a member of the Economy, Energy and Fair Work Committee, I support the general principles of the bill. It is important that we have a full debate on the important issues that are raised in this member's bill, which aims to increase the protection of workers in the retail sector, and I commend Daniel Johnson for introducing it.

At the outset, I would like to thank retail workers across Scotland for the key role that they play in our communities. The coronavirus pandemic has only emphasised how vital retail workers are in our society. This period has undoubtedly been stressful for retail workers and has presented them with new challenges, as people have depended on them to provide access to key supplies and they have navigated new roles to keep the workplace safe.

I firmly believe that all workers should have the right to carry out their duties free from threat or fear. The bill focuses on two main principles. It

“creates a new statutory offence of assaulting, threatening, abusing, obstructing or hindering a retail worker”

and it

“allows for aggravation of that offence where the retail worker is enforcing a statutory age restriction”,

for example, when selling cigarettes or alcohol.

The committee considered a wide range of views in the course of taking evidence and it quickly became clear that elements of the bill overlap with existing offences, such as common-law assault and the statutory offence of threatening or abusive behaviour, and that needs further investigation.

However, the evidence indicates that levels of crime against retail workers are already high and that those rates are only increasing. It seems that it is necessary to put something in place that adequately addresses the challenges that are faced by retail sector staff. That raises the question of whether the existing laws are adequate to deal with such incidents and the question of whether those laws are being adequately enforced.

One concern that I had relating to the bill, and I am pleased that Daniel Johnson is addressing this issue, is how we define the offence of

“obstructing or hindering a retail worker”.

The bill does not limit that offence to physical interference. It becomes a matter of judgment as to whether an offence has been committed and, in my opinion, that is not a robust principle. We should consider whether it is proportionate to make “hindering” a criminal offence. I believe that we should not be criminalising that, as it is too subjective and it could result in impairing the life chances of those whose behaviour has been perceived in a way that was not meant. I do not think that it is a strong enough concept to criminalise.

At the beginning of my speech, I emphasised that there is no doubt that retail workers are experiencing increased levels of harassment and crime. According to research by the Federation of Small Businesses, the majority of businesses do not report crimes. The Union of Shop, Distributive and Allied Workers has said that its opinion is that the laws are not being enforced. I believe that our starting point should be to persuade retailers to report crimes and make use of the many existing laws that could be enforced in such situations.

By encouraging retail workers to contact the police in situations of assault and threatened abuse, we can see a truer picture of incidents, and the police may enforce the laws that already exist. The Minister for Community Safety, Ash Denham, has offered to work with Police Scotland and the Scottish Government’s justice partners to explore how data collection can be improved when recording and monitoring criminal incidents in shops, and I am certain that those discussions will be productive. If we can understand the extent of the problem, we can work with the police to come up with solutions as to how we can effectively enforce the existing laws.

I repeat my thanks to those who work in the retail trade and offer my support to attempts to find solutions for the challenges that are faced by all those who work in the sector. I understand the difficulties in enforcing age-related statutory restrictions and I hope that, through the bill, we can work towards solutions that ease the situations that those in the sector meet with. I look forward to further dialogue to create a robust bill with the best interests of workers at its centre.

The Deputy Presiding Officer: If everybody takes an extra five seconds, that makes us late. I call Alison Harris.

16:16

Alison Harris (Central Scotland) (Con): That is a challenge—thank you, Presiding Officer.

I, too, am a member of the Economy, Energy and Fair Work Committee. Since Daniel Johnson introduced the bill, MSPs have received a number of worrying reports about the extent of the abuse,

violence and threats that our shop workers face. Statistics from the Scottish Grocers Federation show that just about every retail worker in Scotland has experienced some kind of physical abuse incident or violent attack at some stage. Other figures have suggested that the average shop worker is abused on 20 occasions each year. We have heard from members from across the chamber about many other examples of abuse. It is simply not right that people should have to consider what abuse they might face as a result of simply going to work.

Clearly, the situation is completely unacceptable, and it is our job as MSPs and legislators to reduce that risk where we can. With that in mind, we are supportive of the bill’s aims, although we have reservations about how effective it will be, and we cannot ignore the irony of the Labour Party, which has traditionally been weak on issues of justice, suddenly deciding to stand up for victims of crime.

The maximum punishment that anyone who is convicted under the proposed new law can receive will be a year in prison. However, last year, Labour sided with the Scottish National Party Government when it launched proposals to abolish sentences of less than a year, resulting in people who are found guilty of domestic violence, serious drugs offences and even significant assault charges avoiding jail altogether and finding themselves back out on the street immediately.

In effect, Labour wants to create a new law that, at best, will see perpetrators waltz out of court with just a fine or community sentence. We know from previous form that, in the SNP’s justice system, it is easy for criminals to dodge paying fines in full or to shirk community service, in part or sometimes even in full.

Much of the evidence that the Economy, Energy and Fair Work Committee heard centred on the fact that attacks on shop workers are underreported. We heard evidence from the Law Society of Scotland and Police Scotland that there are existing laws in place to deal with abuse of shop workers. During one evidence session, we heard that an awareness campaign is perhaps needed to educate people. There would be two aims. The first would be to encourage people not to be violent towards shop workers, and the second would be to assure people that, once a matter is reported, it will be dealt with properly. I certainly agree that we need to raise awareness, and I hope that, if we educate people, there will be a much better understanding of what is acceptable behaviour.

Therefore, there are two arguments. There are the shop workers, who feel strongly that a law is needed to protect them, and there are those who believe that such legislation is already in place.

For any new law of that kind to succeed, it will have to be matched by tough action at the business end of the justice system. We do not want our shop workers to be let down through the court process failing them. People who are found guilty of the proposed offence must be properly punished, or the legislation will soon get a reputation for being toothless and ineffective.

If the proposed law is passed, the Scottish Parliament cannot relax, merely satisfied in the knowledge that another piece of legislation exists. The new law will need to be constantly monitored, reviewed and, where necessary, improved.

Although we retain some scepticism about the bill, we agree that something needs to be done for a group of workers who are often undervalued. Therefore, we will vote for the motion on Daniel Johnson's bill at decision time.

16:20

Bob Doris (Glasgow Maryhill and Springburn) (SNP): As others have done, I thank Daniel Johnson for navigating his member's bill through stage 1. It is a robust bill, albeit that I know that some amendments are required. I also thank the Economy, Energy and Fair Work Committee and the Scottish Government for what has been, from what I can gather, strong, positive and constructive engagement on both sides. I will whisper this: sometimes, that is what the Parliament does, and maybe we should do it more often. Credit goes to the parliamentary system as well.

I take on board the fact that the "obstructing or hindering" part of the offence will be removed from the bill by amendment—I will say no more about that—but there will be a stand-alone offence of assaulting, threatening or abusing retail workers. It should not have to be said, but it has to be said that no one should be assaulted, threatened or abused while doing their job, in the line of duty or—the aggravation provisions apply to this—in performing their legal duty. That is not acceptable, but it happens. Such behaviour is committed by a vocal and sometimes highly visible minority.

I have seen at first hand the efforts that retail workers in my constituency have made during the Covid-19 outbreak in ensuring social distancing, assisting with queueing outside supermarkets, encouraging the use of face coverings and sanitising what is, in effect, their workplace, all while keeping the shelves stacked. I will make this point delicately; it is in no way a reflection on the workers. I have been contacted by constituents—I am sure that all members will have been—who have complained that, in their view, some shops and supermarkets have not done enough and should do more. There is the rub—huge

expectations, stresses and pressures are put on those front-line workers when what they need is solidarity and support and the backing of law. That is what Daniel Johnson is trying to secure, and that is why I support his bill.

Questions have been asked about how many workers are impacted, how often retail workers are victims of such unacceptable abuse and how many people who are guilty of such behaviour are changed and prosecuted. I know that we do not know the answers to those questions, but Daniel Johnson provided some anecdotal yet robust figures from USDAW and the Scottish Grocers Federation, and it is clear that there is a problem that must be tackled. The creation of a specific offence will help to deal with that data issue and determine the extent of the problem.

The bill is not just about capturing data; it is about changing behaviour. That is why it is important that, in tandem with the bill, the Scottish Government has pledged to run an awareness campaign on the importance of reporting to the police incidents in which retail workers are attacked, threatened or abused in the course of their work. We should never normalise such unacceptable behaviour. Legally, it is unacceptable at the moment, but we must make sure that it is absolutely socially unacceptable. We should be clear about how quickly certain behaviour can become socially acceptable if we do not do something about it. [*Interruption.*] I am sorry; I do not have time to take an intervention.

In the time that I have left, I ask members to think about how some people treat call centre staff when they get frustrated and impatient. Those staff get abuse even though they are just doing their job. Imagine getting such abuse face to face every day at your work. When I was at school, I did some jobs in Jackie Baillie's constituency—I sold tablet and macaroons around the doors of Bonhill, and I sold sports socks in the Vale market, which were both public-facing jobs. I preferred being a kitchen porter on Loch Lomondside, because it was not public facing.

Every day of the week, retail workers do public-facing vital jobs, and they deserve our protection. I will support the motion on Daniel Johnson's bill at decision time.

16:24

Mark Griffin (Central Scotland) (Lab): I draw members' attention to my declaration of interests. I am a member of USDAW and Unite.

I am delighted to support Daniel Johnson's bill and congratulate him and the committee on getting it to the chamber today. It is a much-needed piece of legislation that will send two clear messages—that retail workers have a right not to

be abused or subjected to threats and violence in their line of work and that, if the worst happens, there is a mechanism in law to help workers to get justice.

The current system is failing retail workers. We know that because of the statistics that we have heard from members in today's debate. They are damning, and they make it undeniable that the proposal is more important than ever.

We must remember that these workers are just doing their jobs. Many have committed decades to serving their community. Seven days a week, they do it with a smile, often on their feet for full shifts, and many of them do it for little more than the minimum wage. They are literally on the front line. They are key workers who have kept us fed and supplied with vital medicines during the pandemic, risking their own health. They have come into contact with thousands of people, some of whom will undoubtedly have been infected with Covid-19.

While ASDA has said that it is starting a crackdown on anti-maskers, Paddy Lillis of USDAW said yesterday that abuse has doubled since March. The very people who are helping to disinfect trolleys and self-service tills and ensure that there is social distancing have had to face increased threats, abuse, intimidation and, for 3.5 per cent of them, assault. Just as they are when they perform age checks, retail workers are simply upholding the law, and they are at the sharp end of implementing public health policy.

Just this morning, I spoke to an USDAW member at a Co-op in my region, and they described their experience of working through the pandemic. People have said to them, "You're not the police", "You're not a doctor" and "You're just a shelf stacker", and have told them to F off. The irony that they are stacking the shelves to keep the community that they serve fed is not lost on that worker. The proposed new offence was necessary before Covid-19, and if it was already law, retail workers would have had added protection throughout the pandemic.

Outside the pandemic, USDAW has accumulated a decade of survey information on the issue, and the results for Scotland reinforce the need for the bill. It has found that, in previous years, Scotland's figures have been well above the UK national average, with more Scottish members reporting threats as well as both verbal and physical abuse.

It is the law enforcement role that retail workers have that triggers the abuse. The British Retail Consortium has reported that violence and abuse are up 9 per cent in a year, and the members of the Scottish Grocers Federation who responded to its survey had universally experienced incidents of

abuse after refusing a sale or requesting identification.

A worker who responded to USDAW's freedom from fear survey said:

"We get abuse from customers about the think 25 policy. I have had many people call me the C word or the B word. It won't be long before somebody will physically hurt one of us in the shop."

Another said:

"An age-related sale customer with no ID started using foul language and threatened to come back at the end of my shift."

It gets worse. One comment was:

"Customer was refused sale of alcohol as he was under the influence. He told me I was a F-ing B and to watch my back as he was going to get me."

The committee and the Parliament have heard just how necessary the bill is. The situation that retail workers face is serious. I ask all members to support the bill.

16:28

Kenneth Gibson (Cunninghame North) (SNP): I thank Daniel Johnson for introducing his bill with the support of USDAW—the Union of Shop, Distributive and Allied Workers. It is on a matter that is important to the constituents of each and every one of us.

During the lockdown, we all regularly clapped our national health service workers for their phenomenal efforts in keeping our communities safe in the Covid-19 pandemic. In these challenging times, many of Scotland's more than 375,000 retail workers have done equally fantastic work. Not only do they provide indispensable everyday life essentials such as food and medicine, but for many of us they have also been a rare and welcome source of face-to-face human interaction. They make a real and positive difference to people's lives and their value should not be underestimated.

Sadly, however, retail workers have recently endured an unacceptable rise in assaults against them. According to the Association of Convenience Stores, which represents more than 33,500 local shops across the UK, last year there were more than 50,000 incidents, including verbal abuse, threats and physical attacks. Earlier this year, a woman was taken to hospital after an intoxicated man assaulted two female staff working at a local convenience store in Bourtneehill in North Ayrshire.

We should use the increased public attention that is currently being given to this issue to protect our retail workers by enhancing the long-standing existing laws. I therefore welcome the bill to strengthen the legislation and specifically protect

retail workers against the minority of customers who assault, abuse or threaten them.

It is completely unacceptable that, according to the Scottish Grocers Federation, some retail workers now come to

“expect threatening and abusive behaviour as part of their job.”

It is certain that the real number of offences committed is actually much higher than official figures suggest, as many incidents are never reported to police. A number of colleagues have talked about how the police response is not what should be expected.

A new specific statutory offence to deter assaults, threats or abuse committed against retail workers would not only raise public awareness of the problem but reassure shop workers that the issue is being taken seriously and encourage the reporting of incidents. I welcome the minister for community safety’s offer to work in collaboration with Police Scotland and the Scottish Government’s justice partners on improving data collection when criminal incidents are reported and monitored on retail premises.

We expect our retail workers to uphold the law daily, with regard to not only current Covid-19 safety regulations but the protection of minors from the harmful damages of early exposure to alcohol. Therefore, it is our duty to ensure that the law sufficiently protects retail workers who enforce statutory age restrictions by requesting proof of age from young customers who want to buy alcohol or tobacco products, for example. For that reason, I also support moves to create a statutory aggravation for the offence of assaulting, threatening or abusing a retail worker in cases where a statutory age restriction is being enforced.

The minister has shown willingness to engage with Mr Johnson to address some remaining concerns about the bill. I am not alone in my belief that some elements, such as impeding a retail worker from carrying out work in a non-physical way, set the bar too low for criminal behaviour. Of course, in cases where an obstruction or hindrance is carried out in a threatening or abusive way, the conduct amounts to assault or breach of the peace, which is already penalised under criminal law. I expect that there are many issues in the bill to be addressed at stage 2.

The bill will improve working conditions and the rights of shop workers to go about their work safely. It will increase their legal protections with a new specific offence and highlight to the wider public the unacceptable threats and physical attacks that shop workers often face. The latter is particularly important, because ultimately, only cultural change and increased public awareness will effectively deter abusive conduct and

eradicate violent behaviour in our shops. We should therefore all unite behind an awareness campaign that addresses employers and customers.

I once again thank Daniel Johnson for introducing his bill.

16:32

Michelle Ballantyne (South Scotland) (Con):

Without doubt, the bill has a commendable purpose. As I was convener of the Economy, Energy and Fair Work Committee during the stage 1 process, I would like to thank all those who gave evidence, and the committee clerks for all their hard work in producing our report.

I had the opportunity to speak to Mr Johnson, and there is absolutely no doubting his commitment to addressing the issue. He was right, in his argument with me, to say that there was merit in introducing the bill—to raise awareness of the problems, as much as anything. The minister highlighted that, too.

The evidence that the committee received left us in no doubt that we have a problem. Dr Cheema of the Scottish Grocers Federation gave moving evidence on his experiences after coming to Scotland in 1988. He described how he had been

“spat at, called names, threatened, attacked and had”

his

“tyres slashed and ... windows broken”.—[*Official Report, Economy, Energy and Fair Work Committee*, 3 March 2020; c 23.]

The Co-operative Group’s submission described “unprecedented levels of violent, weaponised attacks” on its staff.

The impact on retail workers is not just physical. Their mental health suffers as a result of trauma and intimidation. It is deplorable that the culture in our communities has brought us to this debate.

It is no surprise that there is strong support for the bill from the retail sector. The comment that struck me most strongly in the evidence session was from a representative of the Co-operative Group, who said:

“Honestly, I think that we all agree that retail workers do not believe that the police care or that the criminal justice system cares, and they are not sure whether elected representatives care about them, because so little is being done.”—[*Official Report, Economy, Energy and Fair Work Committee*, 3 March 2020; c 26.]

Our debate should send one clear message: we care.

However, the challenge is that this is a bill to create law, but for the most part, it duplicates and

crosses over existing law. The provision for the new statutory offence would carry a maximum sentence of imprisonment for up to 12 months, and/or a fine of £10,000, as we have heard.

We also recognise that the current Government supports the presumption against short sentences and that the bill does not significantly extend current legal protections. That said, I am delighted that Daniel Johnson has worked with the Government to address the issue and remove “obstruct and hinder” from section 1. Although that would have been a new protection, I do not think that any committee member was convinced that it would be workable, because it would set the bar too low and create more problems than solutions.

I was particularly struck by the fact that 284 age-restricted products are sold in shops and that they are often flashpoints for the abuse of shop workers. I agree that if we are asking retail workers to uphold our laws, there is a duty to ensure that they are supported and protected for doing so; as such, an aggravator should be applied when a worker is upholding a statutory duty. Andy Wightman rather stole my thunder on that, because he eloquently described why the committee felt the way that it did. The fact that that is now being taken forward is welcome but I, too, wish that it had been inserted into legislation such as the Air Weapons and Licensing (Scotland) Act 2015. That could have saved us a lot of problems now.

The committee heard conflicting evidence on how the current law is upheld. Police Scotland was clear that it takes all reports of violence and intimidation seriously, but we also heard that two thirds of incidents are allegedly not attended by the police. That gap in perception is clearly not helping retail workers’ confidence.

I am in no doubt that action needs to be taken to educate and raise awareness of the issue. Our citizens need to understand that we will not tolerate this behaviour, but punishment should be the last resort. We need to target the behaviour at the root cause—a view that is supported by the Law Society of Scotland.

If I have any concern, it is that the bill recognises the problem but will not necessarily offer a solution. However, I thank Daniel Johnson for introducing the bill and I wish him all the best in its progress through Parliament.

16:37

Annabelle Ewing (Cowdenbeath) (SNP): I, too, congratulate Daniel Johnson on and commend him for his hard work and absolute determination to introduce the bill and reach this stage. I also pay tribute to USDAW and its

members for their relentless campaign, which has led to the debate today.

The focus on the need to protect and support retail workers has never been more appropriate. Although it is important to state for the record that the role that retail workers play in our society has always been of importance, it is self-evident that the coronavirus pandemic has highlighted how essential retail workers are. No one could conclude other than that retail workers have been key workers in ensuring that we can all continue to access food, medicine and vital goods and services.

Although many people have been able to work from home, retail workers are obviously not generally in that position; we therefore owe it to them as legislators to do what we can to ensure that, at a minimum, those vital retail workers feel safe and supported at work and that the law is on their side. Although it has been acknowledged that the existing laws already criminalise much of that unacceptable conduct, I believe that it is helpful to clarify the law in that respect and send an important signal that such conduct will not be tolerated.

In the brief time available, I wish to note the following in relation to the provisions in the bill. A lot of the debate has centred, rightly, on the definition of the specific offence to be introduced. As currently drafted, the new statutory offence would include not only assaulting, threatening and abusing retail workers, but “obstructing or hindering” a retail worker, as we have heard. The inclusion of the latter has attracted comment from a number of sources, including the Law Society of Scotland—I refer members to my entry in the register of members’ interests wherein they will see that I am a member of the society. The society considered that the term “hindering”, in particular, was too vague and recommended that the term be either expressly defined in the bill or deleted from it. The society cited the example of a customer who may have a legitimate complaint that is raised in a reasonable way about a particular good or service, and it queried whether such conduct would fall foul of the proposed legislation.

I am pleased that, as we have heard, further to discussions between Daniel Johnson, the minister and her officials, a way forward has been worked out to address the concerns that were raised and, hence, to facilitate the Scottish Government being able to support the bill.

Other important provisions include the creation of the statutory aggravation, and I very much agree with Andy Wightman in that regard. How on earth can we impose a duty on vulnerable workers to check someone’s age and then put them in a position in which they feel that they are not supported when carrying out the task that the

legislation has tasked them to do? I very much welcome the statutory aggravation.

I also welcome the improvement of data collection, the greater focus, I hope, on reporting and the Scottish Government's commitment to mount an awareness-raising campaign.

Our retail workers deserve our support. I hope that the new specific offence will act as a deterrent, provide confidence and assurance to retail workers, and demonstrate that we recognise the vital role that they play and that they are as entitled to a safe place of work as any other worker is.

16:41

John Mason (Glasgow Shettleston) (SNP): I have been a member of the Economy, Energy and Fair Work Committee off and on. I am currently a substitute member, but I was not involved in the bill at all, so I come to it today fairly fresh. I will comment on some of the issues that particularly struck me as I read the committee's report.

Paragraph 22 talks of

"the low-levels of ... reporting to the police"

because

"retail workers have come to expect threatening and abusive behaviours as 'part of the job'."

That is, frankly, awful and totally unacceptable.

Some of the figures that we have received in briefings are particularly stark. The Association of Convenience Stores says that 20 per cent of independent retailers experienced violence in the past year, and USDAW says that 27 per cent of workers were threatened by a customer.

Paragraphs 29 to 37 of the committee's report consider the scope of the bill and who should be covered. The scope of Hugh Henry's 2010 bill was wider, and the committee has heard conflicting evidence on that point. My feeling is that retail workers deserve and need the kind of protection that is planned, but it is clear that other workers do, too. I wonder whether we will end up with a plethora of bills that each protect a different sector.

When I was a councillor in Glasgow, I remember being shown videoclips of the kind of abuse to which traffic wardens could be subject. It ranged from the driver pulling out a baseball bat from the boot of their car to the offending vehicle being driven at the warden. Other sectors need to be considered at some point.

On the other hand, I am pleased that bar staff are included in the bill. They also have to challenge customers on a range of issues, including whether people are already under the influence, and the range of issues has increased

because of Covid. I have been in a number of bars and restaurants since the fuller lockdown was eased in mid-July, and they all varied in how they interpreted the regulations. On the whole, I have been impressed by the staff checking age ID, recording contact details and ensuring that masks are worn at appropriate times.

The most significant factor that I have not seen being enforced relates to groups of younger men who are all out together for a meal or a pint. It is pretty clear that they are from different households, but they are all round the one table with no social distancing, and there is no intervention from hospitality staff. I have seen groups of five right up to 11. I hope that the bill will encourage staff to be able to challenge such behaviour.

At paragraph 43, the report says:

"Police Scotland said that ... there would be no significant change in how"

it goes about its business. That might be because there is already an overlap with existing law. However, it seems that the police are having to prioritise the most serious cases. As a result, as paragraph 72 says, there is a lack of reporting, with only 26 per cent of retailers who experience abuse reporting the incidents to the police.

We have a bit of a chicken-and-egg situation. Lack of reporting might mean that the police do not see the full scale of the problem. However, given the volume of incidents, the police inevitably have to prioritise. I suspect that that will always be the case.

A valid point is made at paragraph 59, in that we do not want to lower the threshold of criminality too much. I think that the minister used the word "discretion" in her speech. Criminalising young people for nuisance behaviour might not be the best long-term solution for anyone. Labour argued against criminalising young people in other circumstances—for example, in relation to the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012. On balance, I agree that we should tighten up on what is criminal, and then it is up to the police, the courts, the third sector and others to work out the best remedy in the individual circumstances.

Overall, I support what the bill is trying to do. I remain a little sceptical about how quickly it will have an impact and how great its impact will be, but I am certainly happy to support it at this stage.

16:45

Sarah Boyack (Lothian) (Lab): I join colleagues in congratulating Daniel Johnson on getting his bill to Parliament and this stage. It is clear that there are more discussion and

negotiation to be had, but Covid-19 has really brought to the fore how vital retail workers are to all of us—not just to our economy but to our day-to-day lives. I thank colleagues for raising that fact consistently throughout the debate.

I commend retail workers for their capacity to adapt to new circumstances and for their professional and warm approach to keeping us all going. It has not been easy for them. Earlier in the month, I visited Scotmid in Portobello and heard first hand from staff there about the challenges that they have had to deal with over the past few months, about how important it has been for them to make their customers feel safe, and about their role in supporting local residents.

As several colleagues have mentioned, the ACS sent us a briefing. It highlights the fact that 20 per cent of independent retailers have experienced violence. That is simply unacceptable. Even more worrying than that is that it highlighted that robberies and use of weapons are on the increase. That cannot be acceptable in Scotland today.

Many members have highlighted USDAW's freedom from fear survey, which was carried out before the pandemic. It reported that more than six in 10 retail workers had experienced verbal abuse, that a third had been threatened by a customer, and that there were more than 15 assaults every day on Scotland's shop workers. That is a shocking statistic. Although they have been designated key workers throughout the pandemic, retail workers have not stopped facing abuse for simply doing their day-to-day job. As Daniel Johnson highlighted, the level of abuse has doubled during the pandemic.

As several members have commented, retail workers are among the lowest-paid staff in our society, but they have significant responsibilities when it comes to enforcing the law. Several colleagues have mentioned that that has been one of the trigger points.

We have the chance to pass the bill through to the next parliamentary stage to drive real change, offer real protection to shop workers, and get the detailed provisions in the bill right.

One comment that I found interesting was about the low levels of reporting to the police of the abuse that retail workers face. It was highlighted that criminal prosecution depends on the employee and the employer reporting the case and that that simply does not happen often. That needs to change, and the bill needs to empower that change.

If enacted, the bill would make abusing retail workers a separate offence. That would not only protect retail workers; it would also raise awareness and encourage reporting. There has

been an interesting debate about that this afternoon. With the increased provision of closed-circuit television in shops, we are better able to see evidence in order for prosecutions to take place. As almost every member has said, nobody should face abuse simply for doing their job, upholding the law, and serving customers. The bill will be key to ensuring that that becomes a reality.

The points that have been made about the importance of changing attitudes were powerful. Several colleagues mentioned that. We need cultural change and respect for retail workers, so public messaging is important. I hope that the minister will commit to that in her summing-up speech. There are things that the Scottish Government could do that would help to give that permission and set the bar higher.

Let us be clear: our shop workers urgently need the bill. I join colleagues in thanking USDAW for its fantastic campaigning, which has gone on for some time, and I thank all constituents throughout the country who have written to us to support the bill and help us to get to where we are today.

Let us support the bill and take a step to powerful legislation that will change people's lives for the better.

16:49

Maurice Golden (West Scotland) (Con): It goes without question that no one should face violent abuse or untoward behaviour at their place of work. Sadly, however, violence against shop workers is far too common. I pay tribute to Daniel Johnson and recognise all the work that he has put in to get the bill to this stage.

Daniel Johnson said that

"unions and employers are of one view",

and that the pandemic has increased incidents—in particular, due to the enforcement of safety measures. That is deeply concerning. Ash Denham highlighted that many perpetrators were under the influence of alcohol or drugs, and that, commonly, when identification was being checked, such behaviours began to come to the surface. Research that was carried out by the Scottish Retail Consortium estimated that 10 attacks are made on retail workers in Scotland every single day. Liam McArthur highlighted that every corner of Scotland has problems, even his native Orkney.

When I worked in a shop in Dundee, I would face threats and abuse on a regular basis. Liam Kerr spoke about his similar experiences when he was a retail worker. The Scottish Grocers Federation found that 99 per cent of the workers whom it surveyed had experienced violence—a point that was highlighted by Alison Harris, who said that it is just not right.

It is not only the physical violence that causes harm. Many workers suffer mental health issues as a result of attacks, and that is not to mention the fear that their families, friends and colleagues might feel. It has therefore been encouraging to hear members affirming their commitment to this simple commonsense proposal in today's debate: shop workers have the right to work in a safe environment, free from harm and the fear of harm.

Jackie Baillie spoke about her anger that so many workers are facing abuse just for doing their jobs. She also said that she had not been asked for ID for a number of years. I have to tell her that if she walked into a shop that I was working in, I would, without hesitation, ask for identification. *[Laughter.]*

Let us remember the valuable contribution that shop workers make to our communities, which has been apparent to everyone these past months. Shop workers have been essential in keeping the country fed, maintaining access to medications and ensuring that life can go on as normally as possible. They have taken on new duties—for example, in monitoring health and social distancing regulations—on top of existing legal obligations, such as to do with age-related sales.

Shop workers being asked to carry out those duties creates potential flashpoints. I therefore believe that, because the law places that burden on shop workers, it also has a duty to protect them. Annabelle Ewing highlighted that point in her speech, and Michelle Ballantyne cited evidence from the Co-operative Group, saying that workers feel that no one cares. Today, Parliament has shown that we do care.

Speaking on behalf of the Economy, Energy and Fair Work Committee, Gordon Lindhurst highlighted concerns regarding the scope of, and definitions in, the bill, but acknowledged the need for action in this area. Andy Wightman described the bill as “a worthy and welcome” introduction. As he will, we will support the general principles.

It is worth noting that both the Scottish Retail Consortium and the Association of Convenience Stores cite sentencing as a common concern; therefore, we must do more to strengthen sentences. Just as there is as scope to go further, we must also ensure that the bill gets the basics right. Arguably, none is more important than encouraging people to report attacks. The FSB's research has shown that just one in 10 firms does so. We must also reflect on where other issues might arise. For example, “obstruction and hindering” have already been removed due to concerns about an overlap with existing offences.

Stage 2 will be an opportunity to explore and discuss the issues in more detail. I look forward to doing so.

16:54

Ash Denham: I thank all members who have contributed to this debate on an important issue. It is clear that we all agree that the abuse of a retail worker is totally unacceptable, and I encourage anybody who has been affected by such criminal behaviour—no matter whether they work in a large retail store or in a local corner shop—to report the matter to the police. As Gordon Lindhurst said, there are times when the customer is not right. Bob Doris noted that there is a problem that must be tackled. Kenny Gibson reminded us that retail workers have played an invaluable role in society during Covid and that they will continue to do so.

Unfortunately, it appears that it is, at times, too easy to take such valuable work for granted and for people to show anger when they cannot get what they want when they want it. That should never happen. It is important that retail workers are recognised for their valuable contribution to our society and that they are always given the respect that they deserve.

We have learned a few things about members. Jackie Baillie would really like to have her age verified the next time she is at the shops, buying an age-restricted product—I will not say which. I am sure that someone watching the debate will oblige her the next time she is at the shops. We also learned that Bob Doris used to sell sports socks and macaroons and that Liam Kerr used to be a shop worker.

His mention of that reminded me that I worked in a fish and chip shop when I was 17. I worked late into the night, sometimes until 2 in the morning. On one occasion, a customer came in and—I cannot remember what the altercation was about—he picked up the salt shaker and threw it at me. It hit me on the shoulder, which was shocking at the time. I have every sympathy with shop workers who feel under attack or who are abused when they are just trying to carry out their work.

I will take the opportunity to address a point that Liam Kerr made. As the member knows, the presumption against short sentences is just that: a presumption. It is not a ban, and the courts can impose a short sentence should they wish to.

As we all know, laws have a key role to play but they are not the answer to everything. That is why the Scottish Government is committed to developing an awareness-raising campaign to coincide with the implementation of the bill. The details of such a campaign will be developed in conjunction with the Association of Convenience Stores and others in order to develop proposals for what could be delivered collaboratively to create an effective awareness-raising campaign.

Such a campaign would be designed to support the protection of retail workers across Scotland, encouraging them to report any instances of abuse, threats or violence. It is right that the campaign will focus on those smaller convenience stores where individual retail workers, perhaps working alone and late in the evening, can be at risk while they serve the needs of their communities.

I have been engaging directly with the main supermarket chains to understand their corporate policies and the approaches that they have in place to protect staff at work—and I have been encouraged by what I have learned. For example, mandatory training courses to deal with such incidents are available to staff and managers; staff are encouraged to report all incidents to their managers, and stores are being encouraged to report all incidents of violence and abuse to the police; panic alarms and good-quality CCTV are standard, as is the presence of security guards; and counselling is available for staff who are affected by offending behaviour. There are also regular calls with other retailers to monitor hotspots across the industry, and repeat offenders are excluded from stores.

I am saddened that such measures are necessary in Scotland today. However, it is important that all retail staff feel safe and that there are effective policies in place to ensure their safety. I hope that the bill will reduce the prevalence of such criminal conduct and will help all retail workers to know that we take the matter seriously and that we want them to feel safer in their jobs.

The Deputy Presiding Officer: I call Daniel Johnson to close the debate. You can take us up to decision time.

16:58

Daniel Johnson: I will do so gladly.

I begin by thanking everyone who has taken part in the debate. It has been encouraging to hear such a broad range of views and to have such constructive engagement from across the chamber. I know that hundreds of thousands of retail workers will be heartened to know that we are taking the issue—

The Deputy Presiding Officer: Excuse me, Mr Johnson.

I know that we have a half-empty chamber, but it is awfully noisy. Could members take care, please?

Daniel Johnson: I know that those retail workers will be heartened to know that we take the issues that they face daily seriously.

Before I go much further I would like to restate my thanks to the clerks in the non-Government bills unit. It is a special feature of the Scottish Parliament that we have an enlightened process and approach to enable individual members to initiate legislation. It means that each of us has a genuine opportunity to do that. It is an opportunity that we take seriously, because it is not one that is enjoyed by all parliamentarians in all Parliaments. We should all recognise that and give thanks to the clerks in the NGBU.

The minister alluded to one of the big points in the debate, which is the broad reach of retail work. So many members told stories of their own experiences in retail work and the jobs that they have had in the past. Perhaps that should not be a surprise. As we heard from Jackie Baillie, more than 300,000 people work in retail—it is the single largest area of employment in the private sector—and more than 100,000 workers in the hospitality industry will benefit from the bill, which amounts to more than 400,000 people. For many people, retail work is their first job in the workplace and indeed, the job that they take in retirement. It affects so many different people.

The other broad point to come out of the debate, which Gordon Lindhurst made well in his speech, is that there is a cultural issue at stake. The concept of the customer always being right or being king has been taken too far. It has been interpreted by some as meaning that they can have a go simply because the person that they are speaking to is wearing a name badge and standing behind the counter. If there is one thing that we need to tackle with the bill—and I hope by taking other steps—it is that pernicious idea in our society.

I am glad that Michelle Ballantyne mentioned Pete Cheema's evidence, because he spoke so movingly about the issues that he faces. He also spoke eloquently about the need to put the offence into law and the difference that a law can make. That is why we must act.

Perhaps one of the most interesting issues is underreporting, which was raised by several members. There are several things to say on the topic. First, we need to look at how the police respond to retail crime. I have huge regard for the police. I have been out on several occasions with local police officers and I regularly meet my police inspector; I have good connections at all levels of the police service in Scotland. However, there is an issue with the way in which the police respond to retail crime. I have been in the presence of officers who have said that they cannot prioritise retail crime such as shoplifting because of the value of the goods concerned. When it gets to the point where a police response has a retail price on it, we have an issue. However, that is beyond the

scope of what I can deal with as an individual member of the Scottish Parliament. Although I can introduce a bill, I cannot instruct the police or take other steps that other people usefully and constructively can do in relation to communication and awareness raising. However, I encourage the Government to take those steps.

Several members questioned whether the bill is necessary. I raised that point directly with the police. In 2012, the Scottish Parliament passed the bill that became the Police and Fire Reform (Scotland) Act 2012. I encourage members to read section 90 of the act, which makes it an offence to obstruct or assault a police officer. I asked Police Scotland what the usefulness of that provision was. The police were very clear: it is about the seriousness of the crime. It is quite possible to prosecute someone for assaulting a police officer without that section of the act. However, the police were clear that the act is vital because the police are charged with upholding the law. That is the same point that I make in regard to retail workers: we ask them to uphold the law and therefore they must have the specific protection of the law. It is an established principle in law that, when people have those duties, they have specific protections through specific offences.

I thought that Andy Wightman and Liam Kerr raised the most interesting points, which were about whether the bill breaks new ground and how it will operate. To some extent, Andy Wightman's exploration of the aggravation point demonstrates how it will work. First and foremost, it will require sentencers to take such crimes more seriously and to issue sentences that are commensurate with the crimes. That is not to say that that cannot happen now, but the new law will ensure that it does happen.

Andy Wightman's point about a general aggravation is interesting and it is one that I considered. Again, because of the restrictions in lodging a member's bill, I decided to limit my scope to make it very clear. I was worried about the aggravation applying to other crimes and having unintended consequences. However, I absolutely agree that future legislation imposing legal obligations must take into consideration the consequences when people do not comply and ensure that there are adequate measures for compliance.

Liam Kerr asked whether the bill expands the scope or purchase of the law. I believe that the aggravation point answers that. He also asked whether the penalties were sufficient. I simply say to him that the penalties as they are set out are exactly the same as they are in the Emergency Workers (Scotland) Act 2005.

I hope that we will pass the bill at stage 1 and that members will take the opportunity to do so,

because tomorrow Alex Norris MP, who is a Labour colleague in the House of Commons, will introduce the second reading of his bill, which does very similar things. We have the opportunity to lead the way, as we have led the way in the past on the smoking ban, which was adopted elsewhere and was controversial at the time, and on minimum unit pricing, which was also controversial.

At decision time, let us lead the way again. Let us give shop workers the protections that they need and that they deserve. I urge all members to support the motion and my bill at stage 1.

The Deputy Presiding Officer: That concludes the debate on the Protection of Workers (Retail and Age-restricted Goods and Services) (Scotland) Bill at stage 1.

Decision Time

17:06

The Deputy Presiding Officer (Linda Fabiani): The next item of business is decision time. There is one question to be put as a result of today's business.

The question is, that motion S5M-22226 in the name of Daniel Johnson, on the Protection of Workers (Retail and Age-restricted Goods and Services) (Scotland) Bill, be agreed to.

Motion agreed to,

That the Parliament agrees to the general principles of the Protection of Workers (Retail and Age-restricted Goods and Services) (Scotland) Bill.

The Deputy Presiding Officer: That concludes decision time. I remind members that social distancing is still in place, because we are getting a bit relaxed about it. Members should take great care when leaving the chamber.

Meeting closed at 17:07.

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