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CONTENTS

	Col.
FIRST MINISTER'S QUESTION TIME	1
Harassment Complaints (Meetings)	2
Covid-19 (Decision Making)	6
Covid-19 (Continued Employment Support).....	10
Test and Protect Strategy.....	13
Sporting Organisations (Support).....	15
Emergency Workers (Attacks).....	17
Child Poverty	18
Intensive Treatment Unit (Inverclyde Royal Hospital).....	19
Free Ports	20
Licensed Cafes (Covid Restrictions)	21
Mossmorran (Unplanned Flaring).....	21
Inverclyde Royal Hospital Intensive Care Unit	22
Covid-19 (Scottish Government Response).....	23
Rail and Road Network (Safety Checks).....	24
Sports Organisations (Covid-safe Environments)	24
Covid-19 (Phone Apps)	25
Prestwick Airport (Job Losses)	26
Mossmorran (Unplanned Flaring).....	27
Covid-19 Restrictions (Orkney)	27
PORTFOLIO QUESTION TIME	30
JUSTICE AND THE LAW OFFICERS	30
Frontline Policing Resources.....	30
Police Custody Support Services	31
Hate Crime and Public Order (Scotland) Bill	32
Victims of Crime (Covid-19).....	33
Hate Crime and Public Order (Scotland) Bill	34
"Recorded Crime in Scotland, 2019-20"	36
Prison Population.....	37
"Transforming Parole in Scotland"	38
MENTAL HEALTH TRANSITION AND RECOVERY PLAN	40
<i>Statement—[Clare Haughey].</i>	
The Minister for Mental Health (Clare Haughey).....	40
REDUCING COVID-19 TRANSMISSION	52
<i>Motion moved—[Jeane Freeman].</i>	
<i>Amendment moved—[Donald Cameron].</i>	
<i>Amendment moved—[Richard Leonard].</i>	
<i>Amendment moved—[Alison Johnstone].</i>	
<i>Amendment moved—[Willie Rennie].</i>	
The Cabinet Secretary for Health and Sport (Jeane Freeman)	52
Donald Cameron (Highlands and Islands) (Con)	57
Richard Leonard (Central Scotland) (Lab)	60
Alison Johnstone (Lothian) (Green).....	63
Willie Rennie (North East Fife) (LD)	65
Clare Adamson (Motherwell and Wishaw) (SNP)	68
Jamie Greene (West Scotland) (Con)	70
Fulton MacGregor (Coatbridge and Chryston) (SNP)	72
Pauline McNeill (Glasgow) (Lab)	75
Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP)	77
Stewart Stevenson (Banffshire and Buchan Coast) (SNP)	78
Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con)	80
Richard Lyle (Uddingston and Bellshill) (SNP).....	82
Alex Cole-Hamilton (Edinburgh Western) (LD)	84
Andy Wightman (Lothian) (Green).....	87

Monica Lennon (Central Scotland) (Lab)	90
Oliver Mundell (Dumfriesshire) (Con)	92
The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney).....	95
TRADE BILL	99
<i>Motion moved—[Ivan McKee].</i>	
Patrick Harvie (Glasgow) (Green)	99
The Minister for Trade, Investment and Innovation (Ivan McKee)	101
PARLIAMENTARY BUREAU MOTIONS	103
<i>Motions moved—[Graeme Dey].</i>	
DECISION TIME	104

Scottish Parliament

Thursday 8 October 2020

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

First Minister's Question Time

The Presiding Officer (Ken Macintosh): Good afternoon, colleagues. I remind all members to observe social distancing rules in the Parliament. We will begin First Minister's questions shortly. Before we do, the First Minister will give us a brief update on the Covid-19 figures.

The First Minister (Nicola Sturgeon): I will give a very short update on the statistics that will be published later this afternoon. The total number of positive cases reported yesterday was 1,027, which is 13.5 per cent of people who were newly tested. That takes the total number of confirmed cases to 35,787. Of those new cases, 405 are in Greater Glasgow and Clyde, 230 are in Lanarkshire, 152 are in Lothian and 73 are in Ayrshire and Arran. The remaining cases are spread across the other seven mainland health board areas.

There are currently 377 people in hospital, which is an increase of 58 from the figure that I reported yesterday. That is more than double the figure that I reported at First Minister's questions last week. There are 31 people in intensive care, which is an increase of three since yesterday. I regret to report that, in the past 24 hours, five 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 2,538. Once again, I offer my condolences to everyone who has lost a loved one.

We will shortly publish our latest estimate of the R number. The estimate confirms our view that the R number continues to be above 1 and possibly as high as 1.6. Those figures demonstrate why, yesterday, we announced significant new measures to get the virus back under control. Full details of the measures announced yesterday are available on the Scottish Government's website.

I recognise how hard those restrictions are for individuals and businesses, particularly hospitality businesses, which is why we are making financial support available. Those steps are essential to bring the virus back under control as we go further into the winter period. I ask everyone to stick with the rules. They are hard and painful for all of us, but they are about the protection of life and health.

Finally, I urge everybody to remember FACTS: face coverings; avoid crowded places; clean hands and hard surfaces; keep 2m distance; and self-isolate and get tested if you experience any of the symptoms of Covid.

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

The Presiding Officer: Thank you, First Minister. I remind members who wish to ask a supplementary question—both those who are in the chamber and those who are online—to press their request-to-speak button as soon as possible.

Harassment Complaints (Meetings)

1. Ruth Davidson (Edinburgh Central) (Con): Does it sound credible for the First Minister to forget a meeting at which she learned for the first time of allegations of sexual misconduct being levelled at her predecessor and mentor of two decades?

The First Minister (Nicola Sturgeon): I get why people will look at that and raise an eyebrow, but perhaps I can explain the circumstances—as I did in the evidence that I submitted to the committee two months ago, which, I was pleased to see, was published yesterday. I read a comment by someone yesterday—I am sorry, but I cannot remember which member of the Scottish Parliament made the comment—saying that something like that would surely be “seared on your memory”. There is something seared on my memory. It is the meeting that took place some three days later, when Alex Salmond himself sat in my home, gave me the details of the complaints that had been made against him and gave me his response to aspects of those complaints. That is what is seared on my memory, and I think that most reasonable people would understand that. Forgive me, Presiding Officer, if that has somehow overwritten in my mind a much more fleeting, opportunistic meeting that took place a few days earlier. That is just how it is.

I have put forward my evidence. Anyone from across Scotland can go to the Parliament website and read that evidence—I am sure that everyone in the chamber has already done so. It is a full and frank account. I look forward—if that is not an absurd description—to appearing before the committee and answering any questions that anyone has on whatever aspects of that evidence they want to cover. I have not yet been invited to appear before the committee, and I hope that that comes sooner rather than later. I have no difficulty in answering all and any questions as soon as I am given the opportunity to do so. I am being completely open about all this.

In the meantime, I hope that people will understand that I have an important job to do,

which is to continue to lead this country as safely as I can through a global pandemic.

Ruth Davidson: I have read the First Minister's submission. In it, her argument for forgetting that meeting is that she was having a busy day, that First Minister's questions had taken up her attention and that the meeting slipped her mind.

I have looked back at that First Minister's question time, when we ended up talking about the Arctic strategy, which is not something to cause anyone to forget sexual assault allegations. That does not even bear the lightest scrutiny—it is beyond belief.

An account of that meeting that the First Minister had with Mr Salmond's chief of staff has been published. I will read it out.

"The conversation was around the fact of the complaints, without discussing the specifics of them.

There was discussion about the investigation, the process of it, the fact it was a civil service investigation being conducted by civil servants."

I ask again: does a meeting that involves a discussion of the investigation, the process of that investigation, the civil service side of it and the fact of the complaints against a former First Minister sound to the current First Minister like the kind of thing that she would not remember?

The First Minister: I do remember the complaints of sexual misconduct. The point that I am making, have made before and will make again is that the detail of that was given to me three or four days later by Alex Salmond himself. I sat in the dining room of my own home while he showed me what he was accused of. I was pretty shocked and upset at the time, and that is what is seared on my memory.

Those are the facts. Other people can decide to give their own evidence and I will give mine. I will sit before a committee, whenever it decides to call me, and I will give my account of everything that happened, on oath. I have got nothing to hide in all this.

I will make two more points to Ruth Davidson. First, she has to decide what she is levelling against me. She stood in the chamber last week and appeared to suggest that I or my husband, or others in the SNP, had somehow been involved in a conspiracy against Alex Salmond. Today, she appears to be making some kind of accusation that, in some way, I was colluding with Alex Salmond. Both of those things are complete nonsense.

Secondly, scrutiny of what happened is legitimate. It is what the committee exists to do, and, as I say, I look forward to giving evidence to that committee. However, at the heart of all this, complaints were made. It was right that they were

investigated. In my view, it was right that there was a process that allowed them to be investigated. The Scottish Government made an error in the application of that process, and the committee is right to scrutinise that. However, in all Ruth Davidson's attempts to find some way of saying that somehow I am in the wrong here, let us not forget that what lies at the heart of it all are serious complaints that the Government was right to investigate. It was wrong to make an error in how it carried out that investigation but right to investigate and not to cover up or try to cover up those complaints. Let us not forget the people who lie at the heart of this whole sorry saga.

Ruth Davidson: This is not a trivial matter. What lies at the heart of it is whether there was an abuse of power, which affects every citizen of this country.

I am afraid that the First Minister's position is absurd. I have spent enough time sparring with her here to know that her powers of recall are in good order. Leaving aside the question of precisely who is supposed to have reminded her of a two-person meeting, we have to ask why. Why did the First Minister mislead Parliament by omitting the fact that the meeting ever happened? Why did it take a Government staffer being questioned under oath in a court of law for it to come out? A meeting in her ministerial office about a former First Minister and a civil service investigation was never recorded and never minuted, and the ministerial code is clear that all such meetings that are conducted without an official present must be passed back for the facts to be recorded.

The First Minister's defence is that she has only ever acted as head of the SNP. Is her sudden memory loss not because she did not want evidence of her involvement as First Minister to come to light?

The First Minister: So, now, I am not conspiring against him but appear to be colluding with him again.

In relation to abuse of power, let us cut to the chase. The Scottish Government, in the wake of the #MeToo revelations, put a procedure in place to allow any complaints about anybody, regardless of who they are in relation to seniority or political affiliation, to be investigated. I am sorry, but I think that that was the right thing to do. That was a good use of power, if that is how you want to describe it.

Complaints came forward, and, instead of their being swept under the carpet because they would have been inconvenient for my Government, because of who they were about, the Government decided, rightly and properly, to investigate those complaints. It made an error in how it did that, and that is an aspect that the committee is looking at. I

understand why it may suit some people to say that this is all some great conspiracy, but I am not entirely sure why anybody still in possession of their critical faculties would see it as anything other than complaints being investigated and everybody trying to do the right thing in very difficult circumstances.

I have been open in the evidence that I have given, and any member of the public who is watching—who is, frankly, probably a lot more worried about the on-going Covid pandemic than they are about any of this issue—can go on to the Scottish Parliament website and read my evidence in full and make up their own mind. The evidence takes on the point about the ministerial code. The clauses in the ministerial code are intended to prevent a minister having meetings about decisions that they are taking in Government and not declaring them, but that was a decision that I was not involved in. I was trying to protect the confidentiality and integrity of that process. Of course, I have also referred myself to the adviser on the ministerial code, who will look at that as well.

I have nothing to hide on this—nothing whatsoever. People can read my evidence and, when the committee decides—it is up to the committee—to ask me to give evidence, I will do that and I will relish the prospect of doing that, because all sorts of nonsense is being levelled at me on the matter. I did not choose to be in a position where complaints were made about my predecessor, and I did not choose to be in the position where my Government would have to investigate them. We have tried to do the right thing at every stage, to do right by those who brought forward the complaints. The Government did not do right at all stages, because it got an aspect of that wrong, but I absolutely reject any suggestion that the matter was somehow covered up or not dealt with properly. When the committee chooses to call me, I will go into all the detail. In the meantime, I am going to get on with the job that I think most people out there want me to do, which is to continue to take the tough decisions to get the country through a global pandemic.

I know that Ruth Davidson does not like being reminded of this, but I am open to scrutiny not only by the Parliament but by the Scottish people, and, when I stand before them in the election next year, they can make their judgment on me and my conduct. They will not get that opportunity with Ruth Davidson, because she will be away by then, in the House of Lords.

Ruth Davidson: Let us give them all the information before then, shall we? The Scottish National Party appears to be taking people for fools here. We have a chief executive of the SNP sending texts to colleagues, calling for pressure to

be put on the police, and then saying that he did not mean it. We have the First Minister attending meetings about the Salmond case, then omitting them from her diary and claiming that she had forgotten all about them. And we have a Scottish Government wilfully obstructing an inquiry by the Parliament and attacking anyone who points that out.

The First Minister's former health secretary Alex Neil now says that a full judicial inquiry needs to be held into the scandal. Given the secrecy, evasion and unbelievable nonsense coming from the SNP on the matter, does he have a point?

The First Minister: There is a parliamentary inquiry under way that I have given evidence to and that I will sit in front of and give oral evidence to under oath. I have nothing to hide in all this. I have had two years or more of people making accusations about my conduct, but it is not my conduct that sparked any of this. I have tried to act in the proper way; if I have made mistakes along the way, I will say that and people can make their judgments, but I have tried to do the right thing and I will continue to try to do the right thing, because I believe that, when serious complaints are made, they should be properly investigated. I also believe that, when criminal complaints are made, it is right to say that the police should properly investigate and that the police should answer any questions. That is what I think most people would think is right and proper; what should happen is proper investigation and due process. I do not know what would have happened in the Conservative Party. Maybe those things would just have been swept under the carpet because they were not convenient politically, but that would not have been the right thing to have happened.

I will answer any and all questions that anybody wants to ask me about this, but most people out there who are listening to this exchange and living with the consequences of Covid—people who might have lost people to Covid or who are worried about their jobs and their livelihoods and who probably want to hear me talk about the things that we are doing to get the country through Covid—will be looking at Ruth Davidson now and saying, “What on earth is she thinking?”

Covid-19 (Decision Making)

2. Richard Leonard (Central Scotland) (Lab): Liz Cameron, who is the chief executive of Scottish Chambers of Commerce, said that there was a

“complete and utter lack of consultation with business”

on yesterday's new restrictions. That, she said,

“only serves to compound the blows”

of the restrictions. The Scottish Trades Union Congress has confirmed that it was absolutely not consulted, even though it says that the Scottish Government's approach has changed.

This is not just about the decision that the First Minister has taken; it is about how she has taken it. There were hints all week that tighter restrictions were coming. All the while, those who were set to be most affected by the restrictions were kept in the dark. Businesses have adapted to new rules; some were stocking their fridges and paying their suppliers for two weeks of staycations. Workers who have followed the guidance to the letter in order to keep their customers and their jobs safe now see that their jobs are on the line.

Why did the First Minister take the decision without consulting, sharing evidence with, and preparing adequate support for, those who will be most affected?

The First Minister (Nicola Sturgeon): Decisions must be taken by me and the Government. We consult and talk to stakeholders—business, trade unions and other organisations—all the time. We must also assess the evidence every day and take account of the latest evidence before we come to decisions.

I update people every day on the state of our thinking—the factors that we are taking into account and the decision-making process that we go through. These are not normal times and they are not normal decision-making processes. I know how difficult the consequences of the decisions are for businesses and for individuals. I do not expect the decisions to be welcome or popular; they are tough, but they must, ultimately, be made by the Government.

This is my job and I am not complaining about it, but every day we face decisions in which we have lives in one hand and jobs in the other. It is an almost impossible balance to strike, but we are doing that to the best of our ability.

Regarding financial support for businesses that will be affected by yesterday's announcement, Fergus Ewing has been speaking to stakeholders in the hospitality and tourism sectors, in particular. We hope to make announcements tomorrow on exactly how the £40 million of support that I announced yesterday will be allocated to businesses.

I do not expect anybody to be happy with what we must do right now, but I do expect decision makers in Parliament to understand the context in which we are operating. These are not normal times. I do not get up in the morning and decide to close pubs for some sort of policy reason. We are in a global pandemic in which we are trying to save lives, and to balance that as best we can with

the interests of the economy. That is the difficult balance that we will continue to strike, by talking to, and consulting as much as possible, organisations and stakeholders along the way.

Richard Leonard: I get that the First Minister did not get up yesterday morning and decide to impose restrictions on pubs, restaurants and other hospitality establishments. It must have taken several days to come to that conclusion, which is why there should have been consultation of the industry and the trade unions that represent the workforce in that industry.

Since the start of the pandemic, we have called on the Government to build up testing infrastructure and tracing capacity. We have done that not to oppose the Government, but because we want the Government to succeed and we want new outbreaks to be contained. Every time we have raised it, the First Minister has told us that test and protect is working well—until yesterday, when there was finally an admission that the time that would be bought by closing hospitality would allow for another review of the testing strategy.

Yesterday, the First Minister finally spoke of extending testing

“to more individuals and groups of people in our society who do not have symptoms”.—[*Official Report*, 8 October 2020; c 27.]

We have asked repeatedly for more testing of asymptomatic people and incoming travellers, and for routine testing to be expanded to home care services. Can the First Minister tell us when that will finally be delivered?

The First Minister: Before I deal with Richard Leonard's first point on consultation, I note that what I said was that I do not get up in the morning and deliberately try to damage any sector of the economy.

However, as it happens, the Cabinet met at 8.30 yesterday morning to take the final decisions on what I have announced in Parliament this afternoon. We have sought to share our thinking as we have gone on, recognising the difficult and abnormal situation that we are all in, right now. I spoke to Richard Leonard and the other party leaders on Monday night to share the state of our thinking at that point, and made it very clear that we had not taken final decisions because we were assessing the clinical evidence and taking advice from our advisers.

These are difficult matters, and I do not expect anybody just to ignore the impact of the decisions. I am acutely aware—literally every waking moment, right now—of the impact of decisions that I take, and of the potential impact of decisions that I do not take. It is literally about striking a life/jobs balance all the time. I would not wish having to make the decisions on anyone. I accept that they

are my responsibility—nobody makes me, or any of us, do these jobs—but I repeat that I literally would not wish those decisions on anyone right now. I am trying my best to make them in the best possible way. I have never claimed to be infallible and have never claimed that I will not get things wrong substantively or in process. We have tried to make decisions better and to do better as we go along. I think that that is what people expect of Government, at times like this.

On testing, we have not merely a functioning test and protect system, but an extremely well-functioning test and protect system. As I reported yesterday, we estimate that prevalence of the virus right now is at about 13 per cent of the peak level in March, but we think that it is rising at a rate at which it could reach that rate by the end of this month.

However, I have just given the figure of more than 1,000 for test-positive cases. Back in March, the peak number of test-positive cases that we reported was about 500. We are reporting so many more cases now because we are testing so many more people, which is because we have a well-functioning system. The results that are published weekly of test and protect in relation to contact tracing index cases show that contact tracers are doing exceptional work, but all of us have to play our part in combating the virus.

I hate having to announce the kind of restrictions that I have announced, but if we look around the world right now—at countries including Ireland, Belgium, France and Germany—we see that all countries are grappling with the same issues and that we are all doing that to the best of our ability. I will continue to do that.

We want, as we go into the next phase, to have more parliamentary scrutiny of and challenge on that, which is in all our interests. However, nobody should be under any illusion that there are easy decisions, or that there is ever an absolutely right or wrong thing to do.

Richard Leonard: If test and protect is working so well, why are a third of people not being contact traced in 48 hours, with many waiting even longer?

However, I turn to something else that has happened this week that I think is important for Parliament to consider. We are rightly concerned about further temporary restrictions on all of us, but I turn to a group of people for whom life has been restricted for months, and who live in fear that temporary limitations will become permanent.

We must not forget vulnerable people. Theirs has been an untold story of the pandemic—until two days ago, when the Scottish Human Rights Commission published its “COVID-19, Social Care and Human Rights: Impact Monitoring Report”,

which makes for deeply concerning and, at times, harrowing reading. It tells of services being cut or removed with little or no assessment or communication. The commission received reports of

“people left in dire situations ... being forced to sleep in wheelchairs, unable to get out of bed, unable to wash and dress themselves”.

The report’s conclusion is that there has been

“a direct and detrimental effect on people’s rights”.

The report makes 24 recommendations, one of which is that care and support services must be restored to pre-pandemic levels. It is the responsibility of the Government to ensure that people’s rights, including their human rights, are upheld. What guarantee can the First Minister give that social care services will be restored to at least pre-pandemic levels? When will people’s support packages be returned in full? When will she uphold the human rights and dignity of the most vulnerable members of our society?

The First Minister: In everything that we do, we seek not just to respect but to uphold the human rights of people across the country, and we will always take extremely seriously anything that the Scottish Human Rights Commission says. We will pay very careful and close attention to the report to which Richard Leonard referred.

It is critical that people’s social care support be maintained. We are already working with local authorities and health and social care partnerships to assure people that any temporary changes that were essential and inevitable as a result of Covid will not become long term. However, it is important that we stress that some of the changes have, for wider safety reasons, been unavoidable in the short term.

It is critical that changes to support arrangements, and their impact and duration, be discussed and considered very carefully with the person who will be affected and their unpaid carers. We continue to work not just with local authorities, but with Scottish Care and others, to address concerns.

The Cabinet Secretary for Health and Sport tends to all such matters literally daily. As we continue to go through a very challenging and difficult situation, we will strive to ensure that the rights and the circumstances of the most vulnerable people in our society are absolutely at the centre of all our decision making.

Covid-19 (Continued Employment Support)

3. **Patrick Harvie (Glasgow) (Green):** The Scottish Greens have consistently supported a strong public health response to Covid and action to make sure that the pandemic does not deepen

the inequality that already exists in our society. Right now, workers across Scotland are faced with financial hardship, job losses and uncertainty, especially in hospitality businesses, which, even before the pandemic, already suffered from endemic low pay, insecure contracts and poor working conditions.

This is challenge poverty week, and today we are all being asked to step up the action to achieve fair work practices. The Scottish Trades Union Congress and Unite the union have already reported that some employers are asking staff to take unpaid leave. One notorious Glasgow employer, the G1 Group, is trying to present that to staff as an opportunity.

The Scottish Government's £40 million fund is welcome. The First Minister has said that it will be used to meet employer contributions to furlough. If that is the case, how many full-pay jobs will that amount protect? Does it match the scale of need in the businesses that are affected by the new restrictions?

The First Minister (Nicola Sturgeon): As I indicated a few moments ago, we are having discussions with stakeholders—Fergus Ewing has been having those discussions. We hope to announce shortly the detail of how the £40 million will be allocated. Our current expectation is that the funding will be distributed through a two-tier support system. We are looking at providing grants to affected businesses based on rateable values and deploying a discretionary fund for businesses that are impacted by restrictions, even if they are not being required to close. That is similar to the approach that was taken in August in Aberdeen; it is also, I think, broadly similar to the schemes that are intended to be used elsewhere in the United Kingdom.

Furlough is about to end. That is not a decision of the Scottish Government. It is a decision that we very much regret and still hope will be reversed. The support that the UK Government gives through the furlough scheme is also less than it was when businesses in Aberdeen had to close. Therefore, we will be discussing with the sector how the financial support that the Scottish Government is making available can provide a contribution towards the costs.

I will be frank. We have dug as deep as we can within the finite budget that the Scottish Government has at its disposal to make the £40 million available. We cannot plug all the gaps that are the responsibility of the UK Government. Employment is a reserved matter. The support that has been given through the furlough scheme is very welcome, and we will do our best to mitigate the impact of deficiencies. However, we need to see action from the UK Government to replace the furlough scheme properly and to put in

proper schemes that enable the Scottish Government—and the Welsh, Northern Irish and UK Governments—to compensate properly any businesses that unavoidably have to close as a result of the on-going Covid challenge.

Patrick Harvie: Clearly, both the UK and the Scottish Governments need to provide the support that will be necessary over the coming weeks.

However well or badly we manage to support people in this period of additional restrictions, though, in the longer term we will only get the virus back under control if we have robust systems on testing, contact tracing and supporting people to self-isolate. That is why the review of the testing strategy must be quick and must also deliver a major increase in testing, including widespread, weekly screening of those who are at highest risk of infection. This afternoon, the Parliament will vote on an amendment in the name of my colleague Alison Johnstone that calls for such an approach. I hope that the First Minister will support it.

It is not only on testing that the Scottish Government needs to up its game. I am very concerned by the evidence that was presented by the chief medical officer yesterday that more than three quarters of people who should be self-isolating are not doing so. The self-isolation support grant is due to come in on Monday, but the criteria for it are incredibly narrow, so it is unlikely to reach many of those who need it, in particular those who are in insecure work. The Government must make it easy for people to self-isolate. What action will the First Minister take to ensure that everyone has the support that they need to stay at home if they are asked to? Will she make the grant available to everyone who needs it?

The First Minister: The Government does not have the financial wherewithal to make the grant available to everyone. However, we are targeting the support that is available to those who are most likely to need it—those who are on low incomes and who are most likely to lose income if they are asked to self-isolate. That is important.

Again, I hope that, over the next period, we will see more funding become available through UK Government funding streams. We will use the funding that we have at our disposal to help as many people as possible.

Financial support is important—that is why we have put the scheme in place—but so, too, is the broader practical support that we offer. We are also working with local authorities to ensure that anyone who is asked to self-isolate gets an offer of practical help. Many people who do not need financial support will need help with the practical

implications of not being able to leave their houses, so we want to provide that help, too.

We must continue to get across to people the importance of self-isolation, why it is so vital in breaking the chains of transmission and what it entails. That process will be an on-going one and, frankly, every member in the chamber will have a part to play in helping with it. The Government has the prime responsibility for that job, but I hope that every party and every member in the chamber will help with that in their communications with their own constituents and supporters.

Test and Protect Strategy

4. Willie Rennie (North East Fife) (LD): Presiding Officer,

“The aim of Test and Protect is to ... protect the country from a second peak.”

Those were the words of the First Minister in May, when she launched the test and protect programme. Back then, 77 people tested positive; today we have 1,027 new cases, at a point when we are supposed to be heading towards elimination of the virus.

In June, the First Minister said that the purpose of the elimination strategy was to

“get more normality back and ... deal with any flare-ups or clusters or outbreaks in a much more targeted way.”

However, as of yesterday, we now have travel limits, pubs and restaurants being forced to close, the rule of six, no indoor visiting and no bingo or bowling. That does not seem like a targeted approach. It is now clear that the Government got carried away with its language over the summer. The First Minister did not use that time well to prepare adequately. What would she have done differently to get on top of the virus?

The First Minister: No doubt, when I look back on this episode—as we do regularly—I will see all sorts of things that we would do differently if we had our time again. That is probably in the nature of having to deal with an unprecedented challenge.

However, I fundamentally disagree with Willie Rennie’s characterisation of the situation. It was not a question of getting carried away; it was absolutely right that we used the time over the summer to drive levels of the virus as low as possible. If we had not done so, we would now be seeing higher levels of infection. It is always difficult to prove a negative, but I say to him that, right now, we would be seeing levels of infection that would be way above those that we are already seeing.

If we look at the figures across the United Kingdom right now, we see that, although reproduction numbers are not perfect ways of

describing what is happening with the virus, we have an R number that is marginally above that in other parts of the United Kingdom, and we have a growth rate that is marginally above that in other parts of the UK. However, our case numbers per 100,000, on both a seven-day and 14-day rolling average, are the lowest in the UK. That is the benefit of having driven the virus down, so even though the virus is spreading again, it is doing so from a much lower base.

I am sure that, if Willie Rennie goes back to mine my quotes, as he obviously has done, he will find many times where I have said that test and protect cannot suppress the virus on its own. Right now—we do not see this because the work that it is doing is preventing lots of cases that are not there—test and protect is bearing a lot of the strain. Unfortunately, with an infectious virus, we all have to play our part—that is what we are all being asked to do. I recognise that that is difficult for everybody, but that is in the nature of what we are dealing with and it is what virtually every country in the world is having to do.

As I said yesterday, although this is difficult for all of us to think about right now, because life still feels so abnormal, we are living with much more normality now than we were in April, May and June—even into July. In many ways, aspects of our lives have returned to normal, but there are still restrictions on our lives because of the pandemic that we are dealing with.

I absolutely understand people’s frustrations and I share those frustrations, but we are in this situation in common with everybody across the world and we have to keep doing the right things to get ourselves through it. The Government has to continue to lead on that.

Willie Rennie: If the Government is to get on top of the virus, we need to be frank about what has happened. Test and protect has not protected us from a second peak and the elimination strategy has not succeeded.

Let me turn to something that could help. At Northumbria University in England, mass testing of students was carried out and, last week, it was found that 90 per cent of those who tested positive showed no symptoms, which means that nine out of 10 of those students did not know that they had the disease. They and their contacts are now self-isolating to stop the spread and to get the virus under control. So far, the Scottish Government has refused to embrace that approach but, with the evidence from Northumbria University, I want to try again. Will the First Minister agree to mass routine testing for students so that we can stop further outbreaks in our universities?

The First Minister: First, I will go back to test and protect, because I am conscious that there

are lots and lots of people across the country working in test and protect right now who are doing exceptional work, and I do not want to leave hanging the statement that test and protect is not protecting the country. Test and protect cannot suppress the virus on its own, but the work of test and protect is preventing countless infections, which will save countless numbers of people from becoming ill and potentially countless numbers of people from dying. Those working in test and protect are doing an excellent job and we should all be deeply grateful to them for that.

I think that Willie Rennie, who is a really smart, intelligent guy—don't quote me on that in your next election leaflet, as I will deny it to the end of days—in some respects is choosing not to understand the elimination strategy point, but we will no doubt continue to debate these things, and both of us enjoy that debate, although I am not sure that it helps anybody who is watching the debate.

We are doing more asymptomatic testing, and our testing strategy will develop in line with proper consideration of the clinical advice that we have—again, I say that with the greatest of respect. The latest review, as I said yesterday, is due to be carried out over the next couple of weeks. We will look at where it is sensible to take asymptomatic testing next; we have already extended it to care homes and to national health service staff and that discussion will continue.

On the university outbreaks that we have had—and I am not complacent about this—our data right now shows that the impact of those is beginning to abate, so the work that test and protect has been doing has been helping to contain the university outbreaks and prevent them from getting bigger. I take Willie Rennie's points about testing, and I assure him that we will continue to consider his points, as we will consider the points that others make to us.

Sporting Organisations (Support)

5. Fulton MacGregor (Coatbridge and Chryston) (SNP): To ask the First Minister whether she will provide an update on discussions with the United Kingdom Government regarding support for sporting organisations most affected by a delay to the return of spectators. (S5F-04473)

The First Minister (Nicola Sturgeon): Joe FitzPatrick, the Minister for Public Health, Sport and Wellbeing, met with his counterpart in the UK Government on Friday 2 October, which was last Friday, to discuss financial aid for sporting organisations that are most affected by the delay in the return of spectators to stadiums. Those discussions are on-going, and we do not yet have confirmation of any proposals that would lead to Barnett consequential funding for us, but we will

continue to pursue those constructively. This week, the sports minister met footballing authorities, and we will continue to engage and work with them to ensure that we provide whatever support is possible.

Fulton MacGregor: [*Inaudible.*] There have been numerous suggestions this week in football circles that the decision to exclude fans from football matches is in some way a political decision rather than a scientific one. Will the First Minister share the advice on which that unfortunate but necessary restriction is based? Does she agree that football and other sports clubs at all levels play a vital role in their communities that goes far beyond the activity itself? Will the Government support clubs to continue to think of other solutions to survive the current tough time, such as live streaming? Will she confirm that supporters will be allowed back when that is possible, but only when it is safe for that to happen?

The First Minister: The statements that Fulton MacGregor refers to confused me, because I cannot work out what the political motivation would be for the restrictions. We all want life back to normal, and that includes having spectators back in stadiums. Plenty of my supporters are enthusiastic football fans. My father asks me literally every night on the telephone when he is going to get back to watch Ayr United play—I am not sure why he is so desperate, but people want to get back to normal. It is just a bit odd to suggest that I have any sort of political motivation to prevent that from happening.

Jason Leitch has addressed the issue during the week, and I will summarise the position. In a pandemic of an infectious virus, when we are trying to keep the virus under control, we can bear only so much normal activity that brings people together without the virus then getting out of control. Obviously, the point is also relevant to the discussion on hospitality. The virus spreads through human contact, and we have to be careful about the different circumstances, not just individually but collectively, of the ways in which we are enabling people to come together and potentially spread the virus. We continue to take decisions on that as carefully as possible.

To go back to what I said earlier, we are trying to strike as good a balance as we can in a situation in which there is never a perfect balance to be found. We will continue to discuss with the football authorities how we can better support them in that. All of us, me included, want football, all sports and all of society to get back to normal as quickly as possible.

Emergency Workers (Attacks)

6. Liam Kerr (North East Scotland) (Con): To ask the First Minister what the Scottish Government's response is to statistics stating that attacks on emergency workers have risen approximately 6 per cent on the previous year and occur at a rate of more than 20 a day. (S5F-04468)

The First Minister (Nicola Sturgeon): Any act of violence or aggression towards emergency workers is completely unacceptable. I was very concerned by the report on that. Some time ago, we extended the Emergency Workers (Scotland) Act 2005 to cover general practitioners, other doctors, nurses and midwives when they are working in the community. The national health service charter of patient rights and responsibilities makes clear that any abusive, violent or aggressive behaviour towards staff when people are using NHS services might be subject to legal action.

We are absolutely committed to improving staff safety and ensuring that all instances of violence and aggression are reported so that perpetrators can be held to account. Nobody should face abuse or violence while at work. Our courts have extensive powers to deal robustly with those who carry out attacks on emergency workers.

Liam Kerr: Despite a rise in the number of attacks a year of more than 1,000 since 2014-15, court proceedings have plummeted by 55 per cent over the same period. Why is that, and what is the Scottish Government doing right now to address that statistic?

The First Minister: As Liam Kerr will appreciate, I do not take decisions—nor should I—on which cases are prosecuted and which cases are not. That is a matter for the Crown Office and prosecutors. I do not take decisions on the disposal of cases that come to court, either. My responsibility—and the Government's responsibility—is to ensure that we have the right legal framework in place. I have already mentioned the Emergency Workers (Scotland) Act 2005, which was extended—I think that I was health secretary when we extended it—to make sure that the courts had the right mechanisms in place to deal robustly with such cases.

I say openly that, if there are members across the chamber who think that there are further changes to that legal framework that Parliament should make, we would be very open to considering that. I will be corrected if I am wrong here, but I think that when the Emergency Workers (Scotland) Bill first went through Parliament, the Scottish Conservatives voted against it. I hope that there is now more of a

constructive willingness on their part to consider how we improve the legal framework.

I think that all of us would want to agree that abuse of or attacks on emergency workers at any time is completely unacceptable and, in my view, utterly inexplicable, but particularly at this time, when so many of our emergency workers are working so hard to help to keep the rest of us safe, we should all be united in sending out a very clear message about how completely unacceptable such behaviour is.

Child Poverty

7. Pauline McNeill (Glasgow) (Lab): To ask the First Minister how the Scottish Government plans to meet its interim child poverty targets, given that the Joseph Rowntree Foundation report published this week says that it is not on course to meet them. (S5F-04467)

The First Minister (Nicola Sturgeon): We are determined to continue to progress towards, and to meet, our child poverty targets, which are obviously incredibly important for reasons that everybody understands. That will be challenging to do in the face of continued welfare cuts by the United Kingdom Government, the economic impacts of Covid and the potential that is looming before us of the end of the Brexit transition period.

That makes the action that we take here all the more important. That is why we are prioritising, even amidst the Covid challenge, the delivery of the Scottish child payment, which opens for applications next month. It is estimated that just under 200,000 children could benefit from that. If the Scottish child payment is taken together with the best start grant and the best start food support payment, an eligible two-child family will be provided with around £10,000-worth of support in the early years of their children's lives.

I call on the UK Government to take a similar approach. In the short term, it could decide to retain the £20 uplift to universal credit and to extend that to legacy benefits. That would make a big difference—the Joseph Rowntree Foundation noted that, alongside our new payment for under-sixes, that could help us to lift 25,000 children out of poverty.

Pauline McNeill: I thank the First Minister for her answer, but she will know that 24 per cent of children in Scotland are growing up in poverty, which is an increase on five years ago. The Scottish Government's target was to reduce that number by a quarter to 18 per cent by March 2024. Therefore, I hope that the First Minister agrees that we need to make a bigger effort to meet that target.

I want to ask the First Minister specifically about single parents. In comparison with two-parent

families, double the level of single-parent families are in poverty. Recently, Glasgow City Council withdrew funding from One Parent Families Scotland, which is the only dedicated single-parent support service. The First Minister will know that the Child Poverty (Scotland) Act 2017 includes a specific target on single parents. Would she be prepared to remind local authorities such as Glasgow City Council of that fact? If we are to have a joined-up anti-poverty policy, such a decision should be reconsidered.

I would also be grateful if the First Minister could say more about what specific policies will be aimed at single-parent families.

The First Minister: The point about single-parent families is important. Obviously, it is for local authorities to take their decisions, but I hope and believe that all local authorities share the Scottish Government's determination to implement the child poverty action plan and to meet the targets that we have discussed.

The policies that I have talked about—especially the Scottish child payment—will benefit single-parent families, as it will benefit other families. I will be happy to write to Pauline McNeill with details of the specific policies that the Scottish Government is pursuing and will pursue in the future that are geared towards single-parent families.

I do not think that there is anyone in the chamber who would say anything other than that meeting the child poverty targets is absolutely essential and a priority. In my view—I am sure that it is also the view of Pauline McNeill and others—one child living in poverty is one too many. Poverty levels in Scotland are lower than in other parts of the UK, but they are still too high. It is important that we do everything that we can to tackle child poverty and we are doing that, although we are always open to doing more where that is possible.

However, we have to recognise that many of the levers that impact on child poverty are out of our hands. Welfare cuts and the austerity agenda that we have seen in years gone by have a massive impact on our ability to meet those targets. I hope that we get support—certainly from the Labour side—in asking for different policies and, more fundamentally, for those decisions to lie with this Parliament and not with the Conservatives in Westminster.

Intensive Treatment Unit (Inverclyde Royal Hospital)

Stuart McMillan (Greenock and Inverclyde) (SNP): The First Minister will be aware of the news that broke this past weekend about the intensive treatment unit at the Inverclyde Royal hospital. The health board has now clarified that

the unit itself has not been closed, but that the process of transferring the most unwell patients to the Queen Elizabeth hospital in Glasgow, which equated to nine patients throughout Covid, has been formalised.

The inappropriate manner in which that news was conveyed to both staff and the public has caused a great deal of justifiable anger and concern to people in my community, who rely on those vital services. Had the Greater Glasgow and Clyde NHS Board conveyed those changes in a transparent and clear communication strategy—both internal and external—much of that anger and worry would have been avoided.

Can the First Minister therefore confirm that the future of the IRH is not in doubt and can she provide an assurance that the ITU service will remain there?

The First Minister (Nicola Sturgeon): First, I thank Stuart McMillan for raising that issue. He is a dedicated champion of Inverclyde Royal hospital as the constituency MSP, and I know that his constituents will be grateful to him for that. Secondly, his points about communication are well made, and I am sure that the Cabinet Secretary for Health and Sport will pass them on to the health board, which will hear those points here as well.

Most important, on the substance, NHS Greater Glasgow and Clyde has given assurances that the critical care unit at the IRH is not closing. Both the Government and the health board have been consistently clear in our commitment to the continued provision of comprehensive hospital, community and primary care services across Inverclyde, including Inverclyde Royal hospital.

The intensive care unit beds at the IRH will remain open and patients will continue to be admitted to the beds, assessed and stabilised. The high-dependency unit and coronary care unit will continue to treat patients at the IRH as is the case at present. When a patient no longer needs critical care support, they will transfer back to the IRH for their continued recovery and rehabilitation.

Free Ports

Peter Chapman (North East Scotland) (Con): I read this morning with utter disbelief that Ivan McKee, the Minister for Trade, Investment and Innovation, suggested yesterday in Westminster that he might reject the opportunity of setting up free ports in Scotland. I can tell the First Minister that several ports in the north-east are interested in becoming free ports, which could turbocharge them and greatly boost local economies. Does the First Minister support that reckless position and total lack of ambition for the Scottish economy?

The First Minister (Nicola Sturgeon): That is a complete mischaracterisation of our position, but I will put that to one side. I do not think that free ports are any substitute for being a full member of the single market, which the Conservatives are of course ripping us out of against our will.

Let the Conservatives tell us exactly what they mean about free ports, how they will work and whether they are anything other than a race to the bottom. We will of course listen to and support anything that is in the interest of Scotland. What is absolutely against that interest right now is the Tories' obsession with Brexit, and their determination to drag us out of the single market and the European Union and to potentially leave the transition period with no deal.

The Conservatives should really have a long, hard look at themselves with regard to Scotland's trading position before levelling any accusation at the Scottish Government.

Licensed Cafes (Covid Restrictions)

Jackie Baillie (Dumbarton) (Lab): There are cafes in my constituency and across Loch Lomond and the Trossachs national park that have a license. They will be forced to close their doors as a result of the new restrictions, but the reality is that 99 per cent of what they do is about food and only 1 per cent about alcohol. Can the First Minister consider a way of allowing those cafes to suspend their licenses and continue to trade by offering just food? They might otherwise have to close their doors permanently.

The First Minister (Nicola Sturgeon): I will not consider it in the future, because I already have done. I am delighted that Jackie Baillie has given me the opportunity to clarify this point. Cafes will be able to open, whether they are licensed or unlicensed, as long as they do not serve alcohol. The regulations that we will shortly introduce to close certain premises will include a specific exemption for cafes. The regulations will be published tomorrow. Of course, environmental health officers will be responsible for ensuring that the regulations are adhered to. I hope that Jackie Baillie will welcome that.

Mossmorran (Unplanned Flaring)

Annabelle Ewing (Cowdenbeath) (SNP): The First Minister will be aware of the further unplanned flaring at Mossmorran, resulting in more than 56 hours of hell for my constituents, who are not just fed up and worried, but increasingly very angry. For the future, a just transition for Mossmorran will be essential, but, dealing with the here and now, I urge the First Minister to have the Scottish Government consider all available options to bring to an end the

operator's blatant disregard of the interests of the local community.

The First Minister (Nicola Sturgeon): I completely understand the community concerns in relation to the issue, and I understand the frustration and anger that people in the local community will feel. I can hear that expressed on their behalf by Annabelle Ewing today. It is entirely understandable and, in my view, entirely legitimate.

The Scottish Environment Protection Agency is looking at the cause of the flaring and how it was managed over the duration of the incident. The local concerns are clear and well understood by both Government and regulators. Of course, the Crown Office is currently considering a report of a previous incident of flaring that SEPA submitted. I will not say any more about that, for obvious reasons, but I hope that it is an indication of the seriousness with which SEPA is treating flaring incidents at the plant.

That is what is under way. I give Annabelle Ewing an assurance that, of course, we will continue to consider all options and be open to discussing them with her on behalf of her constituents.

Inverclyde Royal Hospital Intensive Care Unit

Jamie Greene (West Scotland) (Con): My question follows on from Stuart McMillan's. The *Greenock Telegraph* today launched a campaign to save the intensive care unit at Inverclyde Royal hospital. I am being careful with my language here—I am talking about the intensive care capability of its critical care unit, not the entire unit.

The campaign page has already had 10,000 signatures, and the campaign has my backing and, I hope, the backing of every party in the chamber. The campaign page says that the First Minister

"made a commitment to this paper that Inverclyde Royal would be protected. We now call on her ... to make good on that promise."

The question is: will she?

The First Minister (Nicola Sturgeon): I just made that very clear in my response to Stuart McMillan. We are clear in our commitment to the continued provision of comprehensive services across Inverclyde. I have already said that, and I have said that the intensive care unit beds will remain open. Patients from Inverclyde will continue to be admitted to the beds, assessed and stabilised. The high dependency unit and the coronary care unit will continue to treat patients at Inverclyde Royal hospital, as is the case at present.

I understand absolutely the concern that local people will have when there is ever any threat or perceived threat to local services, which is why I agree with Stuart McMillan that it is important that the national health service board communicates clearly to local residents, as boards should do in any case. The commitment to the IRH is there and it is clear, and this Government stands by it.

Covid-19 (Scottish Government Response)

Anas Sarwar (Glasgow) (Lab): The First Minister is a better communicator than Boris Johnson, and I think that everyone in Scotland would say, "Thank goodness for that." However, the rise in the number of cases in the past two weeks shows that an effective communication strategy is not the same as a virus elimination strategy.

I support our trying to beat the virus, but I genuinely fear that parts of our response to it might lead to more deaths than the virus itself. The pausing of cancer services is one example; others include the cancellation of thousands of operations and, indeed, the further restrictions, which will have an impact on people's mental health as they worry about their jobs or businesses.

I understand that assessments will be made of the Covid impact of all those measures. Is a health impact assessment being done on the long-term impact on Scotland of our response to the virus? If there is, will the First Minister publish that information? If there is not, will she say why there is not and commit now to making such an assessment?

The First Minister (Nicola Sturgeon): We assess all our decisions against the four harms that were set out in one of the early papers that we published about how we would chart a way through the pandemic. We have published analysis of that, and I will look on an on-going basis at what more we can publish.

I assure members that we do not look at just the direct impact of Covid, although anybody—I am not suggesting for a minute that Anas Sarwar is doing this—who suggests that that should not be a real priority is wrong. We need to have that very high up in our minds.

This morning, I looked at an Office for National Statistics report about England and Wales that showed the relative numbers of deaths from Covid versus the flu. That puts paid to the argument that Covid is no worse than the flu. We cannot take our eye off that, but Anas Sarwar is right that there are other things that we have to look at and assess.

Yesterday, I said that, if the decision that we reached yesterday had been purely about the Covid impact, we would undoubtedly have gone much further in closing the country down to stop

Covid in its tracks, but things are not that simple or one dimensional. We have to assess the economic impacts, because they impact on jobs and people's health and wellbeing, and, of course, we have to assess the impact on wider health issues. Part of the reason for trying to continue to suppress the virus is so that we do not have to pause things again in the national health service to free up capacity. Obviously, we need capacity for Covid, but we want to ensure that we have the balance right.

I am not going to say that there is a perfect balance to be struck in such a situation. Every decision that we take involves balancing different harms and trying to minimise harms overall. It is not the case, and it cannot be the case, that the issue is one dimensional. That possibly was the case back in March, when we just shut everything down to stop Covid, but that cannot be the case seven months in. We will try to ensure that the wider impact across all those different factors is assessed in all our decisions.

Rail and Road Network (Safety Checks)

Maureen Watt (Aberdeen South and North Kincardine) (SNP): Following the very heavy rainfall over the weekend, especially in the east and the north-east, can the First Minister give us an assurance that all the necessary safety checks are being carried out on Scotland's rail and road network?

The First Minister (Nicola Sturgeon): Obviously, that is an extremely important issue, given recent events, and Maureen Watt is right to raise it.

Because of the severe weather that was forecast for 3 and 4 October, an emergency rail passenger service timetable was implemented. That resulted in a blanket speed restriction of 40mph and a controlled closedown in the east and north of the country. Once the weather had passed, the impacted routes were checked using empty trains to ensure that the lines were safe for passenger services to resume.

Trunk roads have weekly safety inspections and patrols to identify defects or hazards, which are repaired by operating companies within strict timescales. Following Saturday's heavy rainfall, special inspections were undertaken of structures that were known to be susceptible to scour, but no issues were identified. The inspection and maintenance of local roads is, of course, the responsibility of local authorities.

Sports Organisations (Covid-safe Environments)

Brian Whittle (South Scotland) (Con): Many sports clubs and organisations have gone to

extraordinary lengths to make their training and participating areas Covid safe—the club that I coach at is managing its training regime like an SAS operation. I accept that it is easier to maintain social distancing in my sport, because we have lanes, but the kids at the club wonder what they are training for. Sport is a lot about competition. What work is being done with sportscotland and the governing bodies to maximise the opportunities for competition in a Covid-safe environment?

The First Minister (Nicola Sturgeon): The Government is working with sportscotland and a whole range of agencies and organisations throughout the country to try to allow, as far as possible, all aspects of our lives to operate as normally as possible in a Covid-safe environment. I will ask the Minister for Public Health, Sport and Wellbeing to write to Brian Whittle, particularly to address the point about competitive sport and the actions that can be taken on that.

I absolutely recognise that, for the wider health and mental health and wellbeing of the country—this goes back to Anas Sarwar's question—having physical activity and sport operating as normally as possible is really important but, unfortunately, in everything, we have to take account of the wider issues and the bigger perspective.

It is always easy in trying to manage our way through the situation—I find myself doing this—to focus on the things that we do not want to be affected. We can all do that, and we all have things that we would prioritise if we could, but we have to make a balanced decision. However, sport is important, and I will ask the Minister for Public Health, Sport and Wellbeing to give more detail on the specific question that has been raised.

Covid-19 (Phone Apps)

Colin Smyth (South Scotland) (Lab): In May, I asked the First Minister whether, given the decision to develop different Covid-19 phone apps in different parts of the United Kingdom, those apps would be compatible with one another. The First Minister's answer was yes. That has not happened. Five months on, the Scottish test and protect app does not work in England, and the thousands of my constituents who travel south of the border every day cannot use the English app properly when they are in England because it does not recognise a Scottish postcode. Why has the disconnect between the UK and Scottish Governments allowed that basic failing in any credible test and trace system to happen, and when exactly will it be fixed?

The First Minister (Nicola Sturgeon): Work is on-going on that. The member will recall that, at a much earlier stage of the pandemic, I said—probably in the chamber—that it was never our

intention to establish a separate Scottish proximity tracing app. We wanted to have the UK-wide app but, unfortunately, it was not introduced in the predicted timescale, and there was a period in which we did not really know whether it would ever happen. We therefore took a decision, once the Republic of Ireland had successfully launched its app and Northern Ireland had used it, that we would actually just get on and get it operational. We have done that and it has been very successful. If people who are watching have not yet downloaded the Protect Scotland app, please do so.

Now that the England and Wales app has launched, work is on-going to get the interoperability issues fixed. I hope that that will happen soon. I think that it is likely that there will be interoperability between the Scottish and Northern Irish apps sooner, because we are using the same software, which is part of a federated system. That work is under way and will be completed as quickly as possible.

The only alternative to getting our own app up and running would have been to wait for one that we really did not know was ever going to materialise. I do not think that that would have been the right thing to do.

Prestwick Airport (Job Losses)

Willie Coffey (Kilmarnock and Irvine Valley) (SNP): Does the First Minister agree that Peter Chapman's outrageous comments on the future of 300 direct jobs at Prestwick airport and countless other associated jobs, and Ayrshire Tory councillor Tom Marshall's call for the airport to be shut altogether, display a callous disregard for the Scottish aviation industry, and are further proof that the Tories cannot be trusted to stand up for Scottish workers?

The First Minister (Nicola Sturgeon): The notion that Conservatives cannot be trusted to stand up for Scottish workers would probably be agreed with by the majority of people across the country, not just by me. There is a wealth of evidence going back for my entire life, and probably before that, that would prove that point.

The aviation sector has been hard hit by Covid, and that is very difficult for it. It faces possibly one of the longest recovery periods of any sector. In line with the powers that are available to us, we have been providing support to the sector, including rates relief for airports and ground handling providers. We are also working with Scotland's airports to help them to rebuild route networks and return to growth. However, I do not underestimate the impact of the decisions that we have had to take on the sector and all its different aspects.

In relation to Mr Chapman's comments, we should all remember that this is a difficult time for those who have lost jobs in the sector and an uncertain time for those who are still working in aviation, aerospace and travel. I would encourage everyone—all of us, without exception, because we can all be guilty of these things—to show understanding and empathy all the time as businesses try to respond to the current challenges and take tough decisions to ensure their recovery.

Mossmorran (Unplanned Flaring)

Mark Ruskell (Mid Scotland and Fife) (Green): I listened very carefully to the answer that the First Minister gave about Mossmorran flaring. However, the fact is that many live investigations into the flaring will be continuing for the foreseeable future and communities cannot wait for those investigations to end. They want to see change and they want to see a just transition at the plant. What message does the First Minister have for the 5,500 people who have written to Roseanna Cunningham calling for an inquiry into the crumbling plant?

The First Minister (Nicola Sturgeon): My message to people is that I absolutely understand their views, frustration and anger over the issue. As I said to Annabelle Ewing, the Government is willing to look at all options. If Mark Ruskell wants to be part of that conversation, I would very much welcome that. As a result of his question, I will have a further discussion with Roseanna Cunningham about the call for an inquiry and any further action that we can take or support, or encourage the Scottish Environment Protection Agency to take.

I understand that it is not any help to people who are living with the situation for me to say that I understand what they are saying. However, there are legal processes that we cannot simply cast aside, which involve SEPA and the Crown Office. If there is further work that we can do beyond those processes, particularly looking ahead to the legitimate issue of just transition, we are very keen to do it. I know that Mark Ruskell, as somebody who has a genuine and long-standing interest in the issue, will be keen to be part of that.

Covid-19 Restrictions (Orkney)

Liam McArthur (Orkney Islands) (LD): Yesterday, the First Minister acknowledged that neither Orkney nor Shetland has a rising number of Covid cases, but she added

“even they have had cases in recent weeks.”—[*Official Report*, 7 October; c 23.]

My understanding is that there have been five recent cases in Orkney. Two turned out to be false

positives, and the other three relate to Orkney students who became infected, self-isolated and remain in other parts of Scotland. I am also told that there has been no community transmission of Covid in Orkney since April.

However, the restrictions that the First Minister announced three weeks ago apply every bit as much in Orkney as they do in Glasgow and Edinburgh. Yesterday's statement offered islanders no respite from those restrictions, which are clearly taking a toll on people's health as well as on jobs and businesses. Can the First Minister advise my constituents why more account is not being taken of local circumstances and relative risks?

The First Minister (Nicola Sturgeon): I assure Liam McArthur and his constituents that we take great account of those issues. The Minister for Energy, Connectivity and the Islands had discussions in recent days with island authorities, and we are willing to continue to have a discussion to see whether a different balance might be struck for islands in particular.

Earlier this week I had a call with party leaders. It was not specifically on the islands context, but a more general discussion—as Richard Leonard will recall—about the balance that we are trying to strike between nationwide restrictions, which allow us to avoid travel restrictions, and more localised restrictions, which would probably necessitate travel restrictions. I am open to discussion on that—it is one of these things that can be argued both ways.

I am happy to have a discussion with the local authority in Orkney, but if we were to say that, if Orkney does not have cases, it can be exempted from national restrictions, the quid pro quo would probably be that there must be travel restrictions from the mainland to Orkney. It is not for me alone to say what the islanders would prefer, but it is for me to be frank about the choices and trade-offs that have to be made.

I say, in all sincerity, that we are happy to have those discussions with the islands on an on-going basis. We have had a significant outbreak in the Western Isles in recent days, and there have been cases in Orkney, although I absolutely take Liam McArthur's point about the circumstances. One of the early outbreaks of Covid was in Shetland.

These are not easy issues, but, if there are different ways of protecting our island communities, we are open to them. However, I will not stand here and pretend that it will be easy or straightforward. There will always be trade-offs in how we deal with the situation. I would be happy to have the islands minister follow up with Liam McArthur and the other islands MSPs to see

whether there is a different way that they would be interested to pursue.

The Presiding Officer: Thank you. I apologise to those MSPs whom I could not call. That concludes First Minister's questions. I urge members to be careful while leaving the chamber and to observe social distancing, particularly on the steps, by following the one-way systems.

I suspend the Parliament until 2:30 pm.

13:33

Meeting suspended.

14:30

On resuming—

Portfolio Question Time

Justice and the Law Officers

Frontline Policing Resources

1. **Sarah Boyack (Lothian) (Lab):** To ask the Scottish Government what additional support it is providing for front-line policing in light of the impact of reduced income streams from areas such as football and airports. (S5O-04673)

The Cabinet Secretary for Justice (Humza Yousaf): Police Scotland has been at the front and centre of the response to Covid-19 in Scotland. I thank all its police officers and staff for the immense and incredible work that they have done. Police Scotland continues to work closely with partners, including local authorities and the national health service, to support that response.

This year, the Scottish Government has increased funding for policing by £60 million to more than £1.2 billion. However, I recognise that the Scottish Police Authority set its budget for 2020-21 before the impact of the Covid-19 pandemic was known and I acknowledge that Covid-19 has had an impact on the policing budget in a number of ways, including those that Sarah Boyack mentioned. The Scottish Government will continue to work closely with the Scottish Police Authority and Police Scotland to monitor and manage the financial impacts of Covid-19 on the policing budget, and any specific financial ask from Police Scotland will be considered.

Sarah Boyack: The cabinet secretary will be aware that there has been a rise in domestic violence during the pandemic, an increase in assaults on shop workers and more burglaries of shops, and all alongside the impact of the coronavirus restrictions. What additional conversations is the cabinet secretary having with Police Scotland about the need to fund areas that have additional requirements to protect the public?

Humza Yousaf: Sarah Boyack makes a hugely important point, because it has been business as usual for crime and we are starting to see pre-pandemic levels of crime. On top of the core business that Police Scotland has to deal with day in and day out, it has pressure in relation to the Covid regulations, the potential for disorder in relation to Brexit and the continuing planning for the United Nations 26th conference of the parties—COP26—even though that has been postponed. There are therefore huge amounts of pressure on Police Scotland, which is why I continue the budget discussions with the SPA and

Police Scotland. In fact, I facilitated a meeting between Police Scotland, the SPA, the finance secretary and me; in that quadrilateral, we discussed the financial pressures and challenges for Police Scotland. Those pressures will be at the forefront of my mind as the budget discussions continue, and I know that the finance secretary is also aware of them.

The Deputy Presiding Officer (Christine Grahame): To try to get through all questions, I remind members to keep supplementary questions brief and I ask for brief responses, if possible.

Margaret Mitchell (Central Scotland) (Con): As well as financial support, what welfare support and/or counselling is being offered to front-line police officers and their families in recognition of their health and safety concerns and the associated risks and anxieties following the implementation of emergency Covid powers to police indoor gatherings and house parties?

Humza Yousaf: I did not quite get the last part of Margaret Mitchell's question, but she will know that the chief constable takes the matter of officers' mental health extraordinarily seriously. I am reassured that Police Scotland has taken proactive steps in relation to minimising the risk of virus transmission among its officers and staff; and I agree with Margaret Mitchell that there will also be concerns for their families around Covid.

A range of services are available to care for police officers' physical and mental health, including Police Scotland's your wellbeing matters programme. Police Scotland is also one of the first police services in the United Kingdom to implement mental health and suicide intervention training for all officers. There is a range of other initiatives in relation to mental health for police officers that, for brevity's sake, I will not go through, but I am happy to write to Margaret Mitchell with further details of those interventions.

Police Custody Support Services

2. **Jamie Halcro Johnston (Highlands and Islands) (Con):** To ask the Scottish Government how Police Scotland ensures that people held in custody have access to all appropriate support services that they require. (S5O-04674)

The Cabinet Secretary for Justice (Humza Yousaf): The care and welfare of persons held in police custody are, of course, of paramount importance to Police Scotland. That is an operational matter for the chief constable.

Police Scotland always aims to provide the highest standards of care to persons held in custody, operating under the terms of the "Care and Welfare of Persons in Police Custody Standard Operating Procedure", which provides guidance to officers and staff; the "Criminal Justice

(Scotland) Act 2016 (Arrest Process) Standing Operating Procedure"; and the Police Service of Scotland solicitor access guidance.

A detailed vulnerability and risk assessment takes place at the point of processing into a custody facility and, where appropriate, any referrals will be made to the national health service, or to other appropriate support services, depending on an individual's needs and circumstances.

Jamie Halcro Johnston: A constituent has contacted me with concerns about disparities in how addicts receiving methadone are treated in different police custody suites. NHS Grampian, which covers Moray in my region, has said that it will not provide opiate replacements to people in custody. That is different to the position in much of Scotland and, apparently, runs contrary to wider NHS guidance. Regardless of individual views on such prescribing, does the cabinet secretary consider that there is the need for a national approach to support addicts in custody?

Humza Yousaf: I am certainly happy to look into that issue. I think that we trust our health boards and local partners to make decisions that are suitable for their locality. Notwithstanding that, if there is an issue that is causing a concern to Mr Halcro Johnston's constituent, I am more than happy to look into that in more detail offline.

Liam McArthur (Orkney Islands) (LD): The Scottish Liberal Democrats worked hard to secure a commitment from the Government to increase the mental health workforce, and it has promised that an additional 800 mental health professionals will be made available in accident and emergency departments, general practitioner practices, police stations and prisons. However, in March, only nine additional full-time equivalents were in place in custody suites. Can the cabinet secretary update me on the current figure, or at least write to me with more details on the progress being made?

Humza Yousaf: Yes, progress was being made in relation to additional mental health workers in our prisons and custody facilities. The member will forgive me, but I do not have the most up-to-date figure to hand. I will, of course, write to him with the details.

Hate Crime and Public Order (Scotland) Bill

3. **John Mason (Glasgow Shettleston) (SNP):** To ask the Scottish Government what its position is on whether the Hate Crime and Public Order (Scotland) Bill will give increased protection to people of any religion. (S5O-04675)

The Cabinet Secretary for Justice (Humza Yousaf): My view is that, yes, it will. The bill creates new offences relating to stirring up religious hatred. We know that behaviour that stirs

up hatred is corrosive and it can leave entire communities feeling isolated and vulnerable to attack. The bill extends protection to people of any religion from those who seek to stir up hatred against religious groups.

As per my statement on 23 September, I will amend the threshold of the bill's new stirring-up offences, so that they are committed only where the accused intends to stir up hatred.

It should also be said that, of course, we have freedom of expression sections in the bill, one of which refers to the right to religious practice and expression of faith. I hope that that gives reassurance to religious groups.

John Mason: Does the cabinet secretary agree that it is a bit ironic that some religious groups oppose the bill because they think that they will lose some of their freedom of expression, whereas in fact the bill will give extra protection to people with a religious background?

Humza Yousaf: I simply say this to those groups. I know that the concerns that they express are genuine and I will engage with them. There are concerns around, for example, the section in the bill on the possession of inflammatory material. Again, I hope that my earlier statement to the chamber on moving the threshold of the stirring-up offences to apply only where there is intent would help to calm and mitigate many of the fears that some have expressed.

I will continue to engage with religious groups and other stakeholders throughout the bill process, just as I have done from the very beginning.

Victims of Crime (Covid-19)

4. Rhoda Grant (Highlands and Islands) (Lab): To ask the Scottish Government how it is supporting victims of crime during the Covid-19 pandemic. (S5O-04676)

The Cabinet Secretary for Justice (Humza Yousaf): This year, we are investing £18.7 million to help victims and witnesses, including funding Victim Support Scotland and other support organisations.

In response to the pandemic, we increased the victims fund from £30,000 to £100,000. I welcome Victim Support Scotland's announcement yesterday that it is able to use more of its current Scottish Government grant to add to the fund. Victims are accessing support worth up to £3,000 for food vouchers, help with bills and practical assistance for domestic abuse victims who may have to leave their homes urgently.

We are particularly aware of the risks for women and children experiencing domestic abuse and have provided an additional £5.75 million since

lockdown to organisations working on the front line across Scotland.

Rhoda Grant: Analysis of the impact of the Covid-19 restrictions on women and girls who have suffered violence has highlighted frequent reports of victims losing faith in the justice system. Delaying or rescheduling court cases can be a significant cause of anxiety and concern for them. Does the cabinet secretary accept that failure to address the court backlog successfully will have severe repercussions for victims? How will he ensure that they continue to have confidence in Scotland's justice system?

Humza Yousaf: I agree with the substance of Rhoda Grant's point. Even in normal times, outwith the pandemic, the changing of a court or trial date would undoubtedly cause severe anxiety to—and potentially retraumatise—many victims of violence against women, whether such incidents involved sexual offences, domestic abuse or other forms of violence. With the coming of the pandemic, the backlog and the fact that jury trials were suspended for almost seven months will, of course, have added to such trauma and anxiety.

I assure Rhoda Grant that we are investing to ensure that High Court trials can begin and that sheriff and jury trials can resume. Summary trials in which evidence is led should return to up to 80 per cent of pre-Covid levels. I hope that that will provide some reassurance. I will also continue to work regularly with women's organisations to tackle all violence against women.

Hate Crime and Public Order (Scotland) Bill

5. Richard Lyle (Uddingston and Bellshill) (SNP): To ask the Scottish Government for what reason part 2 of its hate crime bill does not require the consent of the Lord Advocate before proceedings for stirring up offences may be instituted, when similar sections of the Public Order Act 1986 and Public Order (Northern Ireland) Order 1987 require the consent of the attorney general or director of public prosecutions, and whether it will amend part 2 to include this safeguard. (S5O-04677)

The Cabinet Secretary for Justice (Humza Yousaf): In Scotland, all public prosecutions are brought by prosecutors within the system of prosecution for which the Lord Advocate is responsible. It is a matter for the Lord Advocate, as head of that system, and acting independently of any other person, to prescribe prosecution policy and to issue such directions as the Lord Advocate considers appropriate in relation to prosecution of any particular offence or category of offences.

In England and Wales, many public bodies in addition to the Crown Prosecution Service

prosecute crime. As a result, there are a number of criminal offences for which, as a legislative safeguard, the Attorney General's consent is required before a prosecution can commence.

The distinction between the jurisdictions is routinely recognised in the drafting of offences. For example, the Public Order Act 1986 does not include provision requiring the Lord Advocate's consent to prosecute the current Scottish offence of stirring up racial hatred.

Richard Lyle: The Scottish Government recently outlined a significant change to the Hate Crime and Public Order (Scotland) Bill by clarifying that intent would be required for the offence of stirring up hatred to be committed.

I welcome that change, which will provide much-needed clarity and will reduce the possibility of the freedoms of speech and of expression being undermined. However, as far as I can tell, the issue that I have raised today has not been discussed. It is important that it be discussed and addressed at the earliest possible stage.

In England and Wales, offences of stirring up hatred—

The Deputy Presiding Officer: No, Mr Lyle—this is not a speech. Can I just have your question, please?

Richard Lyle: Will the Cabinet Secretary for Justice rectify that omission? If he will do so, I will then be happy to support the bill.

Humza Yousaf: I do not agree with Mr Lyle's characterisation of that as an "omission". As I have explained, there is no requirement to obtain the Lord Advocate's consent before a prosecution, because all public prosecutions in Scotland are brought by prosecutors within the system of prosecution for which the Lord Advocate is responsible, independent of the Scottish ministers.

That is in contrast with the position in other jurisdictions in the United Kingdom, in which, as I have said, prosecutions can be brought by many other bodies. That being the case, providing that prosecution of certain offences requires the consent of the Attorney General ensures appropriate oversight of those other bodies. That is not the case in Scotland, so I suggest to Mr Lyle that the provision that he seeks is not required.

Liam Kerr (North East Scotland) (Con): The bill has provoked unprecedented responses from fundamentally different sections of Scottish society and, as more and more views are published, it is clear that the majority of passionately voiced opposition is to the stirring up hatred offences in part 2. Does the cabinet secretary concede that, by not even considering removal and reconsideration of part 2, he is ignoring public

opinion and, ultimately, that he risks undermining the important purposes that underlie the bill?

Humza Yousaf: I think that Liam Kerr ultimately undermines the decision of the Parliament by suggesting that.

When he secured a debate on the issue, using his Opposition debating time to do so, the motion was to scrap the bill in its entirety. As we know now from press reports of his leaked emails, that was not his preferred strategy, but was, nonetheless, the strategy that he proposed to the Parliament. It was roundly rejected, so I suggest that Liam Kerr put the victims at the heart of his considerations, rather than politicking around this important issue.

If he were to do that, he might well listen to the victims who say that the stirring up hatred offences being extended to them is hugely important. He has every opportunity in the parliamentary process—I am due in front of the Justice Committee later this month—to create and lodge amendments, if he wishes to strike out entire sections of the bill. We have a parliamentary process, so let us engage in it, but my plea to Liam Kerr is that he think about the victims in all this.

"Recorded Crime in Scotland, 2019-20"

6. Graham Simpson (Central Scotland) (Con): To ask the Scottish Government what its response is to the 2019-20 "Recorded Crime in Scotland" statistics. (S5O-04678)

The Cabinet Secretary for Justice (Humza Yousaf): The stats show that recorded crime in Scotland remains at one of the lowest levels since 1974, and is down by 41 per cent since 2006-07.

The stats also highlight that almost 1,700 new crimes were recorded following implementation of the Domestic Abuse (Scotland) Act 2018. That is welcome, because it demonstrates that victims are coming forward to access justice.

On a like-for-like basis, the figures show that violent crime fell by 5 per cent between 2018-19 and 2019-20. That complements the long-term picture of huge reductions in violent crime. Let me clear, however, that any crime of violence is, of course, unacceptable. Such crime will not be tolerated, and we will continue to tackle it through tough enforcement and, importantly, by addressing the underlying causes of violence.

Graham Simpson: The stats actually show that violent crime has been rising for the past five years. It is now at an eight-year high, so will the cabinet secretary admit that a soft-touch approach to crime, such as the Scottish National Party's ban—or what is, in effect, a ban—on short sentences, has contributed to that rise?

Humza Yousaf: As I have already explained to Graham Simpson, the reason for the rise this year is the new domestic abuse offences. If we take them out, the figures show a 5 per cent reduction in violent crime compared with the year before.

Graham Simpson might have seen the reconviction stats that came out this week, which show a 21-year low in reconvictions. The number of reconvictions per offender is also down. The evidence that was released this week also shows that short custodial sentences are more likely to lead to reconviction than a community sentence is.

If people are reoffending less, we have fewer victims. Despite Graham Simpson and I having different approaches to the justice system, we undoubtedly both have victims at the forefront of our minds, so I respectfully suggest to him, and to other Conservative members, that although it is easy to play to the hang 'em and flog 'em brigade, I will—as Graham Simpson should—follow the evidence. The evidence is unequivocal: if we invest in alternatives to custody, people are less likely to offend, reoffend or be reconvicted, which means fewer victims of crime.

Shona Robison (Dundee City East) (SNP): As the justice secretary has just said, reconviction levels are at a 21-year low. Can he outline how the Scottish Government is investing in community justice in order to reduce reoffending and keep our communities safe?

Humza Yousaf: We have increased our funding of community justice initiatives. Our presumption against short sentences is a demonstration that we believe that there are better options than custody, so we will continue to invest in those alternatives. Shona Robison made the point well. I hope that that will disproportionately affect women, because we see far too many women in our criminal justice system.

We will continue to make this a debate not about hard justice versus soft justice, but about smart justice and following the evidence.

Prison Population

7. Daniel Johnson (Edinburgh Southern) (Lab): To ask the Scottish Government what the prison population is, and how this is projected to change over the next 12 months. (S5O-04679)

The Cabinet Secretary for Justice (Humza Yousaf): Prison population figures are published weekly by the Scottish Prison Service. On 4 October, the prison population was 7,488 in custody and 69 on home detention curfew, which is 7,557 overall. That is a reduction from a population of over 8,300 last year.

Daniel Johnson: Although that represents a reduction, the cabinet secretary will be aware that

the prison population has been rising in recent weeks and months. In particular, the number of prisoners who are awaiting trial is now 80 per cent higher than it was at the low point just after lockdown. Concerns have been raised by Hannah Graham, among others, that that is a consequence of the courts' backlog. Can the cabinet secretary set out how the issue will be addressed and how potential issues arising from overcrowding will be averted?

Humza Yousaf: I note that Daniel Johnson and Dr Hannah Graham, whom he mentioned, have taken a keen interest in the subject over the years. Mr Johnson is right about the figures and, really, he answered his question in asking it. The single most important way to reduce the current remand population is to get the criminal courts operating more normally, and at pre-Covid levels. Our £5.5 million investment in external jury centres so that High Court trials can resume, and our £6.5 million funding to extend external jury centres to sheriff and jury trials, with a focus on and priority for custody cases, will help to reduce our prison population.

As the member knows, I am keen to ensure greater use of alternatives to remand, including use of electronic monitoring for bail. My officials and I are progressing that at present.

“Transforming Parole in Scotland”

8. Annie Wells (Glasgow) (Con): To ask the Scottish Government whether it will provide an update on the action it is taking to implement the measures for victims outlined in the 2019 report, “Transforming Parole in Scotland”. (S5O-04680)

The Cabinet Secretary for Justice (Humza Yousaf): The Scottish Government is progressing, at pace, three victim-centred measures that will come into force in early 2021. They are to expressly provide that the Parole Board for Scotland may take the safety and welfare of victims into account when deciding on release of a prisoner, and requirements for the board to publish decision summaries and for it to include a process to allow permitted victims to attend parole hearings as observers.

Annie Wells: As the cabinet secretary will know, two years ago the family of murder victim Michelle Stewart launched a campaign to improve victims' rights. However, Michelle's father recently slammed the “zero” action that has been taken in implementing Michelle's law. Why does the Scottish National Party continue to let down victims of crime with empty promises, thereby causing considerable distress for victims and their families?

Humza Yousaf: Again, I disagree with the premise of the question. I have just outlined some of the work that we are taking forward.

Annie Wells referenced Mr Kenny Stewart, the father of Michelle Stewart. I have met the Stewart family on a number of occasions. Directly after one meeting—literally hours after it—Mr Stewart was on the BBC “Drivetime” programme. I have the transcript here, and I will quote him directly. When asked about the meeting, he said that it was “a positive meeting”, and he acknowledged that the changes would “take some time”. As I said, I am quoting Mr Stewart because Annie Wells referenced him in her question. At the end of the interview, he said:

“I think it seemed pretty positive—yes, I was pretty pleased with the information I got today.”

Therefore, Annie Wells’s characterisation is, perhaps, incorrect. We are taking forward work in a number of areas. I will keep the Stewart family and other families—as well as the Parliament, of course—updated on changes to parole. Ultimately, I will say to her what I said to Graham Simpson and Liam Kerr: instead of playing politics with these issues, it might be better if she keeps the victims at the forefront of her mind.

Mental Health Transition and Recovery Plan

The Deputy Presiding Officer (Linda Fabiani): The next item of business is a statement by Clare Haughey on Scotland’s response to the mental health challenge of Covid-19. The minister will take questions at the end of her statement, so there should be no interventions or interruptions.

14:55

The Minister for Mental Health (Clare Haughey): We are all in the process of learning how to live with Covid-19. To say that a full national lockdown was tough is perhaps putting it mildly, but the introduction of temporary measures now will also be really challenging for people across the country. It shows that the road to recovery from the pandemic will not be linear or straightforward. We have all been through a lot and the importance of mental health and wellbeing has never been clearer.

It has been difficult enough to maintain good physical health during the pandemic and lockdown, but the experience will also have been immensely draining psychologically for many of us. I doubt that there is a single one of us who has not thought of our own mental wellbeing, or worried about that of others, at some point during 2020. The effects could include feeling down or anxious. People might have needed to be signposted to support, and levels of distress might have increased. There will also be cases of more serious mental illness.

Throughout this year, mental health has continued to be an absolute priority for the Scottish Government. We have been proactive in our approach and have announced a range of additional support. Reflecting how fundamental the issue of mental health is, today we have published our transition and recovery plan, “Mental Health—Scotland’s Transition and Recovery”. Given that the Parliament will debate the new temporary measures straight after my statement, the focus on mental health and wellbeing is very apt. The document lays out the Government’s response to the mental health impacts of Covid-19 and addresses the challenges that the pandemic has presented, and will continue to present, for the population’s mental health.

I want to speak about the process of developing the plan. From the beginning, we have known that it would be crucial to develop a full understanding of the mental health effects of the pandemic. In April, we established the mental health research advisory group to ensure that our response would be led by a robust understanding of evidence and data. The advisory group has followed closely

research developments across the globe, and has provided us with timely and expert advice on how Covid-19 is impacting on mental health.

As well as embedding evidence at the heart of our approach, we have been determined to work collaboratively. A prerequisite for us was to hear at first hand about the effects that the pandemic was having. We have striven to reach mutual agreement on key areas in which we need to progress work. We have done so through sustained engagement with a stakeholder group that has met regularly over the past six months. I extend my sincere thanks to everyone who has contributed so passionately to that work. The organisations that have been involved have included, among others, the Scottish Association for Mental Health, the Mental Health Foundation, the Royal College of Psychiatrists, the Mental Welfare Commission for Scotland, Unison, Penumbra, Samaritans and voices of lived experience.

Echoing what we heard, we have structured the document around key themes. I hope that members will see that the plan is comprehensive—it contains more than 100 actions. To take some examples, we have included sections on whole population mental health. We want everyone across Scotland to remain engaged with and informed about mental wellbeing, including the need to reduce stigma, which is of critical importance.

We have concentrated on how the pandemic might impact on employment, including the impact that it might have on people who are in uncertain employment, those who might have been made unemployed as a result of lockdown and those who are currently trying to find a job.

We know that children and young people have been particularly affected, and we have laid out a range of actions to respond to the needs of our young citizens. Those actions cover emotional wellbeing, the support that is available in education settings and the route into specialist mental health services when those are needed.

We also recognise that older people have been just as impacted, as have those who are at higher risk because they have a long-term health condition or a disability. Many of those people have been shielding, which has been exceptionally difficult. In all those cases, we believe that further targeted action is needed to support good mental wellbeing.

We know how important specialist mental health services are and will continue to be. We have laid out our approach for the recovery and renewal of child and adolescent mental health services and psychological therapies. That includes a programme of enhanced improvement support.

We will also work with NHS Boards to ensure that they are able to respond to any increase in demand over the coming months.

We now have a unique opportunity to focus on improving the quality of those services. We will make use of data, evidence and digital technology, where that is appropriate, as well as implementing a set of quality standards. We also know how vital the mental health services are that others—local authorities, health and social care partnerships and the third sector—provide. Those services will continue to be central to how we meet demand.

Through the pandemic, we have driven national action and worked with partners to promote examples of good practice across the country. The clear your head campaign has become nationally recognised. We have expanded NHS 24's mental health hub so that it now provides telephone support for people 24 hours a day, seven days a week. We have established mental health assessment centres, rolled out the distress brief intervention programme nationally and launched PRoMIS, the national wellbeing hub for health and social care staff, unpaid carers, volunteers and their families.

The plan outlines how we will build on success stories such as those, but it is really important to recognise that what we have laid out in the document is not set in stone. The situation remains fluid, as developments this week have too clearly shown.

I started by saying that the road to recovery will not be linear. That is likely to mean that different types of mental health need will emerge as time passes, and that will affect the extent to which further targeted measures are needed. Our response, as laid out in the plan, will be flexible and adaptable and will continue to evolve over the short, medium and long term and to be informed by the work of the mental health research advisory group. Our on-going use of evidence and data will be key.

As well as our stakeholders, I thank members across the chamber for their constructive input over the past few months. During the Government's statement on mental health in June, I listened carefully to the priorities that members raised, which included the help that was available in schools, bereavement support, the importance of the third sector, and issues that can affect women, in particular during the perinatal period.

I hope that members will see their input from June specifically reflected in the plan and I look forward to working with colleagues as we move into its implementation and delivery phase. The focus on implementation is crucial: our plan is comprehensive and ambitious, but it is the work

that we do now to deliver it that will make the difference.

We do not yet have all the answers for some of the emerging issues that we have identified—no single person or organisation does. The situation is not unique to Scotland; populations across the world face it as well. We will therefore continue our close work with stakeholders and voices of lived experience to develop detailed implementation plans where necessary, and introduce comprehensive governance to ensure that progress is made towards each action.

One of our commitments is for our third sector partners to be embedded in this process: we will ensure that that happens, because their involvement will be fundamental to our success. We will also closely involve those with lived experience to ensure that our commitments will make a real, positive and lasting difference to people's lives. We will establish an equality stakeholder forum to ensure that equalities issues and a focus on rights are firmly at the heart of our approach.

Finally, I will briefly address the relationship between the plan and our parallel work on dementia, autism, and learning disabilities. Reflecting the critical importance of each of those issues, we are working with partners to develop a separate national Covid-19 dementia transition and resilience plan. That will build on our pandemic response for people with dementia and their families, as well as on our three dementia strategies to date. Work is on-going at a national and local level and across all sectors, and will continue when we come to the implementation phase of the new plan.

We also want to address the barriers and inequalities that exist for the autism and learning and intellectual disabilities populations—issues on which Covid-19 has shone a light. We are developing an additional framework and will shortly start national engagement. We will involve people with lived experience and organisations across sectors and publish that framework in December.

I once again thank everyone who has contributed to the development of the plan—our partners, stakeholders and MSPs alike—and I look forward to working together as we face, and respond to, the further challenges that lie ahead. Our transition and recovery plan sets out how we will do that and it will ensure that the mental health of the people of Scotland continues to be a fundamental consideration in our Covid-19 response. I commend the plan to the Parliament.

The Deputy Presiding Officer: The minister will take questions on the issues raised in her statement. I have around 20 minutes for that.

Loads of people want to ask questions, so if they could be succinct, that would be extremely useful.

Brian Whittle (South Scotland) (Con): I thank the minister for advance sight of her statement, and I caveat the questions that are about to follow by recognising the difficult decisions that the Government—and Governments the world over—are making as we tackle the Covid-19 pandemic.

The minister rightly highlights the severe psychological strain that the pandemic and the measures to combat it are having on the population as a whole. It has led to increased anxiety, loneliness and poor mental health, while restricting access to things that can help to alleviate such feelings, such as access to family, loved ones and friends, and the ability to participate in activities that we use to destress.

I would also highlight the plight of our teaching staff, who have told me that they are becoming overwhelmed by cases of pupils reporting anxiety and poor mental health. Teaching staff say that their concern is that, in their attempts to help everyone, they might miss something that leads to a much greater tragedy, which, in itself, compounds any anxious feelings that they already have.

Given that CAMHS was already under extreme pressure prior to the pandemic, what will the Scottish Government do to bolster the service? What will the engagement with the third sector that the minister mentioned look like, given that it might be better placed to deliver specialised help in many instances? What will the Scottish Government do to support staff in our schools to deliver mental health support to pupils who need it?

Given the importance of regular contact to positive mental health, what will the Scottish Government do to ensure that care home residents have regular visits from loved ones in a Covid-secure environment that is warm and welcoming?

Clare Haughey: I thank Brian Whittle for his questions; I will try to answer each of them in turn. We recognise that it might be a difficult time for some pupils who are going back to school, but we also recognise that being at school actually helps some children, in terms of their mental health and socialisation, and provides them with support that they might not have if schools were not open. However, I appreciate that that can put stress on teachers.

One thing that we have committed to in the plan is to develop training resources for teachers by, I think, summer 2021, to give them the confidence to deal with some of the difficulties and issues that Mr Whittle raised. We are also committed to ensuring that there is a counsellor available to

each secondary school in the country, and we are on track for that to be delivered by autumn this year. In addition, mental health first aid training is available to teachers and other appropriate staff in schools.

Mr Whittle asked about engagement with the third sector. We absolutely want to work with the third sector to support children and young people. We have some good examples across the country of third sector organisations already embedded in schools; one example is Place2Be, which is an organisation that works closely with schools in Edinburgh. I have seen personally some of the work that it does in schools to support children and the teachers who support them.

The issue that Mr Whittle raises about care homes is really important. It has been raised in the Parliament on many occasions and addressed by the Cabinet Secretary for Health and Sport. I accompanied the cabinet secretary to a meeting last Friday, I think—I am sorry, I lose track of the days, but I am pretty sure that it was last Friday—to meet a group of people whose family members are in care homes and who were expressing their concern and distress about being separated from their loved ones. The Minister for Older People and Equalities was also in attendance at that meeting.

The stories that we heard were heartbreaking. We recognise that it is very distressing for relatives to be separated from their loved ones in care homes, but we also recognise that we have to protect the health of the staff and residents in care homes. The cabinet secretary gave an undertaking to keep under review the current guidance and I am sure that further information on that will be coming soon.

Mary Fee (West Scotland) (Lab): I, too, thank the minister for advance sight of her statement. The statement would have been more welcome back in March or April. The statement and the transition and recovery plan lack urgency, with many of the deadlines being set for next spring and summer. The Scottish Government has not grasped the enormity of the mental health crisis that the country faces.

I want to raise two specific issues with the minister. On employment support, thousands of people face unemployment now, and they require mental health advice and support urgently, not in March next year. On shielding, it is unacceptable for people with long-term physical health conditions and disabilities to have to wait until March next year while the Government develops a plan for those who are shielding. The Scottish Government must prioritise the mental health of those who face redundancy and those who are shielding now, not next March.

The transition and recovery plan refers to mental health services being restarted by March 2021. I would be grateful if the minister could tell members which mental health services have been stopped.

Clare Haughey: I think that Mary Fee has perhaps misunderstood some of the contents of the plan, which is about things going forward. Mental health services have continued during the Covid pandemic, albeit that some of them—group therapy, for example—have had to stop. Because of the Covid restrictions, a number of people could not physically be in a room; that simply would not have been safe. However, mental health services have continued, and they have prioritised urgent and emergency presentations and people in distress. Mental health units have remained open, wards have been open, and staff have provided care and treatment.

Mental health services are currently open. We are looking at providing almost a bespoke response to the situation that we currently find ourselves in, and which we expect that we will find ourselves in in the coming months. None of us is able to predict what the mental health impact will be across the country, so we are trying to ensure that, from services to tackle discrimination and stigma right through to specialist in-patient services, mental health services are able to provide care, treatment and support for people throughout the country.

Mary Fee raised the issue of shielding. We absolutely recognise that people who were shielding faced a particularly difficult time when all of us were facing a difficult time. There was support for people who were shielding, and they were able to access services. We expanded some of our online and telephone services in response to some of the demands that were being made on the service that could not be facilitated face to face. For example, we expanded the NHS 24 mental health hub to a 24/7 response, and we rolled out distress brief interventions throughout the country.

The Deputy Presiding Officer: Come to a close, please, minister.

Clare Haughey: We have been responding to mental health needs, and we will continue to respond to them throughout Scotland.

The Deputy Presiding Officer: The front-bench questions and answers have taken far too long. If we want to get through the questions, members need to be a bit speedier. There is no spare time to eat into this afternoon.

Emma Harper (South Scotland) (SNP): How has the Scottish Government worked with health boards throughout the pandemic to promote the mental health and wellbeing of our incredible NHS

workforce and ensure that it is supported in carrying out its vital roles on the front line of the pandemic? I remind members that I am a registered nurse.

Clare Haughey: We have worked closely with partners across health and social care, including NHS boards, health and social care partnerships and local employers, to ensure that a range of mental health and wellbeing support is in place for our amazing workforce. During the pandemic, a wide range of measures to protect staff wellbeing has been put in place at the local level. Sometimes those measures have been site specific and sometimes they have been across entire health boards. They have included dedicated private staff spaces to rest and recover, peer support, leadership development and coaching initiatives, mental health guidance and support, staff communication, and digital tools.

We have also taken action at the national level. We have launched the national wellbeing hub, which signposts staff, unpaid carers, volunteers and their families to relevant services and provides a range of self-care and wellbeing resources. We have set up a new national wellbeing helpline for the health and social care workforce, which is based within the NHS 24 mental health hub. That provides a 24/7 service to those who need psychological support, including in the light of the coronavirus crisis.

We have also established—

The Deputy Presiding Officer: I must stop you there, minister. I am terribly sorry about that. I know that there is a lot of information, but members have lots of questions that they want to ask so I would ask you please to shorten your responses.

Donald Cameron (Highlands and Islands) (Con): The minister will know that, before the pandemic, there was a mental health crisis in rural and remote parts of Scotland such as the Highlands and Islands. That crisis will no doubt be exacerbated by the pandemic. What specific actions is the Scottish Government taking to help organisations that support those who are suffering in rural communities during the Covid-19 pandemic?

Clare Haughey: The Scottish Government provides funding to the national rural mental health forum for work to improve mental health and wellbeing in areas of rurality. In our transition and recovery plan, we have committed to work in partnership with the national rural mental health forum to develop an approach to ensure that rural communities have equal and timely access to mental health support services. When the four DBI pilot areas were chosen, we deliberately included a broad mix of urban and rural locations.

The Deputy Presiding Officer: I call Fulton MacGregor, to be followed by Pauline McNeill.

Fulton MacGregor (Coatbridge and Chryston) (SNP): [*Temporary loss of connection.*]

The Deputy Presiding Officer: We will go to Pauline McNeill, and then try to come back to Fulton MacGregor.

Pauline McNeill (Glasgow) (Lab): I am dealing with a young 19-year-old woman who made an attempt on her own life after a general practitioner twice refused a mental health referral, and she is yet to get an appointment from NHS Greater Glasgow and Clyde. She says, “No one cares, not even the NHS.”

The Mental Health Foundation says that urgent measures need to be put in place for those aged between 18 and 24. The Scottish Youth Parliament has called for that, and SAMH has said that the Government already has a commitment to it. When will the dedicated mental health service for that particular age group go live? I believe that it will happen in 2021, but I would like more information about whether that will be in the first or the second half of the year.

Clare Haughey: If Pauline McNeill wants to write to me with the details of that specific case, I would certainly be happy to look at it.

The community mental health and wellbeing centres, which we are developing in conjunction with our local authority colleagues, are for people in the five to 24 age range. Some of the centres will be in place before the end of the financial year. I am certainly happy to get further detail for Ms McNeill about the Glasgow area so that she is aware of what resources there will be for her constituents.

The Deputy Presiding Officer: We have found Fulton MacGregor.

Fulton MacGregor: Thank you, Presiding Officer.

Following on from the previous question, I, too, welcome the Scottish Government’s commitment to introduce community mental health support services for children and young people. In addition to the update that she has provided, can the minister expand on what children and families should expect from those services?

Clare Haughey: The community wellbeing services will support children and young people to access support for their mental health and emotional wellbeing in their communities. We have allocated £2 million to local authorities towards the development of community mental health services for children and young people, and we are allocating a further £3.75 million in this year’s budget specifically to fund those services.

The majority of services are expected to be in place for the last three months of 2020-21, and a further £15 million is expected to be available from 2021-22 onwards, assuming that those services are fully in place. A framework developed by the children and young people's mental health and wellbeing programme board will support the development and delivery of those services.

Alison Johnstone (Lothian) (Green): The emotional impact of the pandemic on those who are living and working in our care homes will be considerable and difficult to bear, particularly at this time, when we see cases rising once again.

What specific steps are being taken now to prevent a mental health crisis among care home residents, who may have lost close friends? What specific mental health support is in place now for Scotland's skilled care workers, who provide companionship and support to many residents and maintain their dignity in their final hours and moments?

Clare Haughey: Alison Johnstone speaks of the care home workforce as highly skilled people who provide care to some of our most vulnerable residents, which is what we all feel about them .

As I mentioned in a previous answer, we set up the staff wellbeing hub, which we have now expanded so that it is available not only to NHS staff but to care home staff. We did so in recognition of the difficult situation that care home staff find themselves in and because they might not have as easy access to occupational health services as NHS employees do. That service, which is available online, can signpost them to resources that can provide a range of support, from emotional to financial. In addition, the helpline, which I have also mentioned and which is hosted by the NHS mental health hub, is available to social care staff.

Alex Cole-Hamilton (Edinburgh Western) (LD): Before the onset of the pandemic, a record number of children were waiting more than a year for first-time mental health treatment. What is the tailored programme of enhanced improvement support, and how will it succeed where previous efforts have failed?

We still do not have suicide statistics beyond 2018. When we will see them, and will the minister look again at moving to a system in which services can understand what is happening right now, in real time, and respond accordingly?

Clare Haughey: I will take the point on suicide statistics first. My understanding is that the statistics will be published in November this year; they have been delayed because of the Covid pandemic. With ISD Scotland, we are looking at how we can get more real-time statistics on suicide and self-harm, so that we can work with

the national suicide prevention leadership group to target interventions more effectively. That is certainly on our radar.

Mr Cole-Hamilton also asked about CAMHS. The Government has identified mental health as a clinical priority. We know that there has been a regrettable knock-on effect with regard to some of the timescales for the delivery of care and treatment. CAMHS have continued throughout the pandemic, although there will have been adjustments in how they are delivered. Services are in the process of returning to previous levels of activity and are dealing with any backlogs that have developed.

Our transition and recovery plan sets out a number of actions to progress improvement on access to CAMHS, including the implementation of our CAMHS service specification and the restarting of our improvement programme of work, which will include targeted support.

George Adam (Paisley) (SNP): The minister previously mentioned the digital mental health resources that were launched during the early part of the pandemic. What mental health support is available for those who are elderly or who might not have access to online support services, to ensure that there is no digital divide for those who need the support?

Clare Haughey: I thank George Adam for raising that important issue. We understand that older people are more likely to experience circumstances that contribute to poorer mental health, such as poverty, isolation, loneliness and poor physical health. The wider impacts of Covid-19 might exacerbate those circumstances further.

That is why we have set out key actions in the document to support the mental health and wellbeing of older people. We have committed to ensuring that older people have equitable access to mental health support and services. We will also work with stakeholders to support the development of the peer support approaches to maintaining good mental health that have emerged among older people during lockdown.

We know that many older people have found this period particularly difficult, as physical distancing restrictions have made it more challenging to stay connected to friends, family and loved ones. We will develop further actions to support people who are experiencing loneliness as a result of the pandemic and the associated physical distancing restrictions, building on the Scottish Government's existing strategy for tackling social isolation and loneliness.

Annie Wells (Glasgow) (Con): Research from the University of Glasgow has highlighted the disproportionate impact of Covid on the mental health of black and minority ethnic communities. In

particular, men from south Asian backgrounds have seen a 23 per cent rise in mental distress due to lockdown, compared with a rise of 6.5 per cent for white men. With that in mind, what actions will the Scottish Government take to improve its understanding of the experiences of our black, Asian and minority ethnic communities, in order to ensure that no part of Scotland gets left behind?

Clare Haughey: I am really pleased that Annie Wells has asked that question, because that issue has not been raised yet in questions from members, although I spoke of it in my statement.

In the transition and recovery plan, we have committed to establishing an equality forum to help us identify the specific actions that we should take to address mental health inequality on an individual and a structural basis. The issue of ethnicity is relevant in all aspects of that work, and as part of that we will actively review what research is required nationally to further our understanding of the impact of the pandemic on the mental health of black and ethnic minority communities.

The Deputy Presiding Officer: That concludes questions on the minister's statement. I apologise for not being able to take questions from Rona Mackay, Joan McAlpine, Claudia Beamish, Liam Kerr and Neil Findlay. It is particularly difficult when members are asking questions remotely, but I ask all members to bear in mind that, if questions and answers are overlong, all that that does is disadvantage fellow members.

Reducing Covid-19 Transmission

The Deputy Presiding Officer (Linda Fabiani): The next item of business is a debate on motion S5M-22985, in the name of Jeane Freeman, on Covid-19.

15:25

The Cabinet Secretary for Health and Sport (Jeane Freeman): Yesterday, the First Minister set out the further essential measures that we need to take to control the spread of Covid-19 in Scotland. The First Minister set out the steps that we are taking to support those who are most affected by the measures and some longer-term actions to help us to manage and live with Covid-19. The additional measures respond directly to the evidence that was provided by our chief medical officer, our chief nursing officer and the national clinical director in a paper that was published yesterday. The measures affect us all, so it is important that members can scrutinise our decisions and that we explain them and, I hope, secure Parliament's support for our approach.

Today's figures, which were announced by the First Minister earlier—1,027 new cases and, tragically, five further deaths—alongside yesterday's clear advice from senior clinicians paint a stark and compelling picture. We are facing an exponential growth of the virus. The current rate of growth—between 7 and 8 per cent a day—means that, without further action, by the end of this month we could reach the same level of new cases per day as we experienced in March.

When the number of cases began to rise in late summer, that increase was focused in younger age groups. That meant that there were fewer hospitalisations and deaths. However, the situation is changing rapidly. The number of cases in people aged over 80 increased by 60 per cent in the past week alone, and the number of cases in those aged 60 to 79 more than doubled, so the virus is again beginning to reach those who are most likely to suffer seriously from its impact.

In the first week of September, 28 people were admitted to hospital with Covid-19. Two weeks later, there were 79 admissions. In the week to 4 October, there were 212 admissions. Yesterday, we reported that 309 patients were in hospital. Today, that number is 377.

In the first week of September, two people were admitted to intensive care units with Covid-19. Two weeks later, eight people were admitted to ICUs. In the week to 7 October, 12 people were admitted. Yesterday, we reported that 28 patients were in ICUs. Today, that number is 31.

We are seeing cases all across Scotland, including in our rural and island communities, but reported rates are higher, and therefore particularly worrying, in five health board areas across the central belt. NHS Greater Glasgow and Clyde today reported a seven-day rate of 190 new positive cases per 100,000 of the population. The figure is 168 for NHS Lanarkshire, 125 for NHS Lothian, 92 for NHS Ayrshire and Arran and 76 for NHS Forth Valley.

We are at the point at which the size of the infectious pool of people makes it difficult to limit transmission without further restrictions to social interaction. The seven-day rate for Scotland overall is 101.4. It is 138.2 for England, 116 for Wales and 238.8 for Northern Ireland.

If we look elsewhere, we see that Scotland is continuing to track the situation in France, with a four-week time lag, and in Spain, with a six-week lag. We currently have half the number of new infections that France has and a quarter of those in Spain. However, death rates in Spain increased significantly in mid-September and are now at a level that is 10 times the rate in Scotland.

Both France and Spain have had to introduce strict new measures to reduce their rising numbers of infections and deaths, including even stricter controls on hospitality than we are proposing. Across the United Kingdom and mainland Europe, countries are facing the challenge of resurgence.

Alex Cole-Hamilton (Edinburgh Western) (LD): On the issue of stricter measures around hospitality, I am grateful for the movement today to allow cafes with on-sales licences in the central belt to keep trading over the two-week period. However, why do pubs and restaurants that could safely provide food and soft drinks but not sell alcohol still have to stay shut?

Jeane Freeman: In the past, Mr Cole-Hamilton has been critical—as he is entitled to be—of the measures that we have introduced, because people have found them confusing. We have to balance what we need to do to interrupt the progression of the virus with communication that is clear for the public to follow. That is why we have taken the steps that we have taken. There is never—trust me—a perfect balance in all this. Scotland is not alone in trying to strike that balance, but it is our job and our responsibility to take the decisions that are necessary to limit and reduce the prevalence of Covid-19.

We are lagging behind other European countries precisely because of our success in suppressing the virus over the summer months. However, unlike New Zealand, we do not have control of our borders, which makes total elimination not practically possible, although our strategy remains to suppress the virus to the

lowest level that we can. Despite that situation, we took the decision to get the virus—the infectious pool—to the lowest possible level over the summer months and to keep it there for as long as possible. That allowed us to build our public health infrastructure even further, including our test and protect service.

Buying that time has meant that we can now take more targeted and focused action than we did in March. We do not have to go back into full lockdown. We are not closing schools, colleges or universities; we are not stopping manufacture or construction; we do not all have to stay at home, shut the door and come out only for a brief period of exercise; and those people who made some of the hardest sacrifices of all—the 180,000 people who shielded—can bring back some normality to their lives. We are not stopping the remobilisation of the national health service, and we are not shutting off access to residents in care homes. However, more targeted measures are, by necessity, more complex. That is the trade-off.

We could take simpler action—full lockdown is simpler to communicate and it would suppress the virus—but, as we have said and as we have seen, full lockdown cannot last forever. The virus does not go away, and full lockdown causes harm to our economy and jobs as well as to our mental health and wellbeing. With all that we have learned and continue to learn about the virus and about what we need to do to suppress its transmission and reduce its harm, we must ensure that life goes on and we must keep people as safe as we can.

Anas Sarwar (Glasgow) (Lab): I note what the cabinet secretary says, and I completely agree with her, but I wonder about something on which I pressed the First Minister at First Minister's question time: do we make an assessment of the impact of pausing certain services? For example, has an assessment been done of how many more cancer deaths are expected in Scotland as a result of having paused cancer services over the past six to seven months?

Jeane Freeman: We do make that assessment as we go, and I am very conscious of the number of patients who have not been able to have the treatment that they need because we had to lock down those services. That is precisely why, right now, we are trying to strike a balance between taking targeted measures and not stopping the remobilisation of the NHS. That is the trade-off.

We could lock down completely and the virus would be suppressed, but the NHS would stop doing just about anything except urgent care and Covid. That is not what we want. That is why the balance is important, and it is a constantly fluctuating balance. It is not one that we can reach on a Thursday and that will last us all the way through the next month; it is constantly changing—

the numbers constantly have to be looked at and the advice constantly has to be taken.

Yesterday, we announced targeted measures that will apply for 16 days from Friday 9 October to Sunday 25 October inclusive. Those are a mix of national measures and extra measures that apply directly to those parts of our country where we are seeing the highest number of cases and those health board areas where we are seeing the virus at its most prevalent: Forth Valley, Lanarkshire, Lothian, Ayrshire and Arran, and Greater Glasgow and Clyde. Our measures are targeted at those situations where the virus has the best chance of moving from one person to another. Our evidence tells us that the risk is where people from different households are mixing without consistent protection, including face coverings and distancing. That means in people's homes and where people socialise.

Two weeks ago, we introduced strict conditions on mixing in homes, and yesterday we announced measures to limit mixing in hospitality, with important exemptions for weddings and funerals. We are also introducing additional temporary measures in the five health board areas with the highest prevalence. The intention of all those measures, alongside those that we introduced two weeks ago, is to interrupt the growth trajectory of the virus. We know that that comes at a cost to those businesses and jobs that are most directly affected, which is why we have confirmed a £40 million support fund to mitigate that harm.

Jackie Baillie (Dumbarton) (Lab): Can the cabinet secretary publish the evidence that indicates that there is a direct correlation between rising infections and traceability to hospitality settings? I ask that because I understand that Public Health England has a figure of just 4 per cent of traceable Covid-19 transmissions occurring outside the home. Is there a comparative figure for Scotland? Is that something that track and trace has the ability to collect?

Jeane Freeman: Yes, it is, but it is not about causality—I think that we have gone through that before—and our system is track and protect, not track and trace. The track and protect system has demonstrated an incidence of between 20 and 26 per cent, among those who followed through on that system, of people testing positive after having those encounters in hospitality settings. Ms Baillie knows as well as I do that that is not causal—it does not necessarily mean that those individuals were infected in those circumstances, but it does mean that they were in those hospitality settings, and we have to take that seriously.

Ms Baillie and I know that the virus transmits itself most easily when we are mixing and not taking all the precautions that we know we need to take. That is why all of us wandering around the

Parliament are wearing masks. We know why we are doing it and why we are following the signs: mixing gives the virus a perfect opportunity to jump from one person to the next.

I go back to the funding. The money needs to go directly to the affected businesses quickly, and we are already engaging with the relevant sectors and the Scottish Trades Union Congress. The funding, delivered through local authorities, will be paid through a two-tier support system, consistent with the approach that was taken in Aberdeen in August and with UK Government support for local restrictions in England.

I am happy to accept Donald Cameron's amendment, which seeks more support for the hospitality sector. We have found all that we can but I am hopeful that the UK Government will soon recognise that more support is necessary. I do not have time to go into the other important steps we are taking, but members will know of them from what the First Minister has said.

I am happy to accept Alison Johnstone's amendment, as we will be reviewing testing to consider where asymptomatic testing could be expanded as capacity rises and in line with clinical advice. When we introduced the route map, we said that our approach to the pandemic would evolve, and we are now in a new phase of the pandemic.

I am also happy to accept Willie Rennie's amendment on thresholds underpinning the application or otherwise of restrictions. As the Cabinet Secretary for Health and Sport, I am acutely aware of the impact of the virus. We all remember the devastation of the first wave, and none of us wants to return to that. Action is required. None of us in the Scottish Parliament disagrees with that. We are proposing targeted action with financial support.

Finally, I pay tribute to our NHS and carers, including our test and protect teams, who are working night and day, tirelessly, to do what they need to do to help us to protect people across Scotland. They cannot do that if the virus is out of control.

I know that people are growing weary, but I have faith in the people of Scotland and in how we look out for each other. That spirit has served us well for the past few months. Where we are now will pass. We will move on, but we can do that only if we do it together.

I move,

That the Parliament recognises the considerable efforts of people across Scotland to suppress COVID-19; notes that the prevalence of the virus has increased in recent weeks and that the numbers of people hospitalised, in intensive care and tragically dying from the virus has also increased; recognises that this is not confined to younger

age groups and agrees that further actions need to be taken in order to reduce the level of transmission across Scotland; notes the evidence paper published on 7 October 2020 and the national and regional targeted actions set out by the First Minister; recognises that these actions will be accompanied by additional measures to boost compliance, provide support for those self-isolating and financial support for those areas of the economy impacted by the measures; welcomes the ongoing four nations discussions and shared commitment to suppress COVID-19 to the lowest possible level across the UK and to keep it there, and notes the commitment to explore additional parliamentary scrutiny and the commitment to bring forward an updated strategic approach to COVID-19 transmission to the Parliament within the next two weeks.

15:40

Donald Cameron (Highlands and Islands) (Con): I begin by setting out the Scottish Conservatives' general position. We understand why the restrictions are necessary. The number of cases is rising, prevalence is up and it is clear that the virus is spreading in Scotland, particularly in the central belt, where there have been sharper increases. However, we have also seen sporadic outbreaks in rural areas, such as the Uists in the Western Isles.

For those reasons, we support the general thrust of the measures and we accept with great reluctance that tighter restrictions are needed, although we have deep reservations, which I will come on to talk about in a moment.

We regret the impact that such restrictions will have on everyday life. Yes, there is relief that we are not returning to the stark full lockdown that we all experienced earlier this year, but that relief is tempered with anxiety. Let us be in no doubt that this will be very difficult for many people, especially those in the central belt as they go about their lives. Many of them will be prohibited from enjoying food and drink with friends, from socialising at events, and from spending time at leisure facilities. It is going to be very tough to take, even for a short time. People are being asked to give up a lot when they have already made many sacrifices and the country has been through so much.

Although we will always support measures that are proportionate and protect public health, our support for such measures is not unconditional. We have very serious concerns about the knock-on effects of some of these restrictions, particularly the impact on certain parts of the economy.

I turn first to hospitality. There is no doubt that that sector will be significantly affected, even by a temporary shutdown. Reserves were already low, confidence was shot and many businesses were still on their knees, let alone picking themselves up. Pubs, bars and hotels were relying on a busier end of season than normal this month before

winter really kicks in. As we know, pubs and restaurants are now closed across the central belt completely and elsewhere in the country are facing stricter curfews and limits on where and when they can sell alcohol. That will particularly affect smaller and independent businesses, especially family-run ones. In short, the measures will be catastrophic, and I do not shirk from describing them thus.

It is easy to think of these new measures affecting hospitality only in its own silo. However, that is not true because there is a supply chain, and there will be suppliers, wholesalers and other connected businesses that will also be affected, especially in the wider tourism sector. I will illustrate that with an example from someone from the Highlands and Islands who wrote to me just this morning. I was emailed by a bed and breakfast owner on Skye, who said that she relies on local restaurants and bars being open for guests to get food in the evenings. Guests come to her B and B particularly to go to those places, and they will probably cancel their visit if they cannot eat and drink there. She operates a five-day cancellation policy, so she faces the unenviable decision whether to charge someone for a stay that they no longer want because of the measures that have come with no warning. That is just one example, and there is a lot that we still do not know.

We urgently need details about the promised £40 million support package from the Government, and I listened very carefully to what the cabinet secretary said, but we do not know how businesses apply, where they apply, what funding is available, what the conditions are, how long it will take to get support, and whether that financial package will be enough.

The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney): I am following Mr Cameron's speech with great interest, because he said at the outset that he recognises the necessity for more significant action. He has now set out arguments against what the Government has proposed. What measures does Mr Cameron think that the Government should take to address the situation?

Donald Cameron: I do not accept that. I am not setting out arguments against what has been proposed. I am saying that there are knock-on effects and consequences for businesses that need to be considered.

As I was saying, we know that the Scottish Government has to ensure that those jobs and businesses are supported. It seems wrong that the Government is only now engaging with affected businesses in that sector, despite trailing a circuit breaker for weeks. Discussions on how to compensate business should have opened weeks

ago, and a one-day consultation, literally hours before doors are to be closed, is not acceptable. CBI Scotland said that it was deeply disappointing that firms are being instructed before any specific detail has been provided on what funding will be made available and how it can be accessed.

I spoke earlier about how much Scotland has gone through and, although public compliance has generally been good, things are changing; people are feeling weary as the weather turns and the nights darken. We have a long winter ahead and patience is beginning to wear thin. In many ways, we are at a tipping point, which means that there is all the more onus on the Government to justify the measures to us all, not only in terms of the evidence that informs its political decisions but in terms of what the rules are, given the increasing plethora of complicated regulations and guidance. As of tomorrow, we will have an even more complex set of rules. At the COVID-19 Committee yesterday, the national clinical director, Jason Leitch, said

“if I am honest, I cannot keep up with all the regulation and advice; there is simply too much of it to keep on top of every day”—[*Official Report, COVID-19 Committee, 7 October 2020; c 17.*]

Jeane Freeman: Will the member take an intervention?

Donald Cameron: I will in a second. I like and respect Jason Leitch, I commend him for his frankness and I sympathise with him, but when the national clinical director—someone who advises the Government and helps to draw up the rules—cannot keep up with the guidance, what hope do the rest of us have?

Jeane Freeman: Does Donald Cameron accept that the point that our national clinical director was responding to was on a specific piece of guidance about physical education in schools that Education Scotland had issued and that, in fairness, he quite rightly said that he would write about that because he wanted to be sure that his response was accurate? It is not necessarily obvious that, because he does not know the detail of every piece of guidance, the guidance itself is complicated.

Donald Cameron: The guidance is complicated. I listened very carefully to what Jason Leitch said, and I commend him for what he said, but that comment was given in general terms. The complexity is compounded by contradictory messages. That inevitably leads to media speculation, which feeds into confusion and uncertainty from the public, because the public want clear, simple and consistent messages. We all accept that things change from day to day but, given the need for compliance and buy-in from the public, it is imperative that there is clarity about what people can and cannot do. Further confusion

has arisen today over whether cafes with alcohol licences can open and, if they can, how cafes, restaurants and pubs are defined. The Scottish National Party Government must clear that confusion up, because business owners need to know whether they can open in two days' time.

I will briefly touch on parliamentary scrutiny, which is mentioned in the Government motion. We support greater scrutiny by Parliament, and the process should be driven by Parliament. The key problem is one of timing, which yesterday shows us—in the morning, the COVID-19 Committee voted on measures that had been announced almost three weeks ago and, four hours later in the chamber, an entirely new suite of measures was announced. That is a problem that the Parliament needs to solve—[*Interruption.*]

The Deputy Presiding Officer: Mr Cameron is just closing.

Donald Cameron: I am afraid that I cannot take the intervention.

We acknowledge the need to react to the worrying increase in cases and recognise the tough challenge of balancing public health with the need to protect jobs. The measures that were outlined yesterday are not easy or desirable, and they raise more questions than answers. We have to ensure that our pubs, bars and restaurants are closed for the shortest times, because those businesses are on the edge. They have already been hit hard by the pandemic and those measures will add to that hardship. It is right that they receive financial support, and clarity on that is needed.

We can beat the virus. Winter will give way to spring, and it is right that both of Scotland's Governments continue to work in partnership to ensure that we move in the right direction.

I move amendment S5M-22985.1, to insert at end:

“; urges the Scottish Government to do more to support the hospitality sector, and calls on it to outline the specific details of what financial support is available to protect the jobs and businesses affected by the restrictions that have been announced.”

15:48

Richard Leonard (Central Scotland) (Lab): These are the most difficult of times and these are difficult calls to make but, as I set out last week, it is paramount that the Parliament is central to the decision-making process and is not an afterthought, so we welcome this afternoon's debate and vote. That must also mean that regulations should be voted on by Parliament before they take effect, not after. We are all agreed that we need a path to recovery in health and an economic recovery. It cannot be one or the

other—it is both or neither, which is why any legislation and any regulations passed by the Parliament must reflect that at all times.

We have always said that we must be guided by the evidence and that the gloom of the pandemic must be illuminated by the light of scientific reason, but that evidence—that light—must be trusted by the people.

I take no satisfaction from this, but Government ministers know that confidence in the strategy is diminishing. They cannot console themselves with the laurels of past support. The new measures and restrictions that were announced to Parliament yesterday and come into force tomorrow have not won unquestioning support.

We understand that the choices are stark, but they can be made to work only by the establishment of trust and by winning the consent of the people. It must be won by persuasion and not by coercion. I accept that the public hesitancy and questioning that the Government now faces are, in part, born out of fatigue in the desperate search for light at the end of the tunnel. They are also born out of a growing restlessness and discontent that yet more is being asked of people without the compelling and persuasive evidence that is needed to back it up.

I say again to the Government that the evidence must be published now and in full, and it must differentiate between different parts of the hospitality industry, rather than lumping them all together. It is not good enough to put all sporting activities together. We must see more of the detail of household-to-household transmission in order to understand what is going on, what must be stopped and also what might be permitted.

It is not enough simply to invoke common sense. Trust the people with the evidence. The selfless sacrifice of the people has been unlimited—the emotional strength, the effort and the endeavour especially of those key workers who have worked for month after month with no break and have done so in the name of nothing other than common humanity.

That selfless sacrifice has also been made through the tears of loss, the desolation of loneliness and, for too many, the anguish of ever-deeper poverty. We know that many working people now face the grim prospect of unemployment and joblessness in the lead-up to Christmas. That is why they want a Government and a Parliament that are on their side, defending their rights to health, safety and life but also ensuring that they do not pay the price for a crisis that they did not create and cannot control.

That is why we have said that the workers, as well as the businesses, impacted by the new restrictions must be guaranteed compensation. It

is also why we are saying that we must use the next 16 days to step up our testing system. We know that weekly testing for key workers is not routinely happening—look at the HC-One workers in West Lothian, where frail and vulnerable people have lost their lives and where the testing regime has rightly been described as a shambles. That must be fixed.

Yesterday, the First Minister spoke of extending testing

“to more individuals and groups of people in our society who do not have symptoms.”—[*Official Report*, 8 October 2020; c 27.]

We have asked for months for more testing of asymptomatic people. We have asked for testing of incoming travellers and for routine testing to be expanded to home carers. Today, when I asked the First Minister when that would be delivered, I did not get a clear answer. Perhaps I will get one this afternoon.

This morning, I was contacted by a day care service worker called Alan, who told me that, although staff in care homes are now supposed to have weekly tests, day care staff and home carers do not. He said:

“This week in our place of work we have had two staff members test positive after showing symptoms and a number of staff are to isolate on the instruction of test and trace. Under the current guidelines, with no routine testing system, it is simply a mystery as to whether service users and staff are spreading the virus in our service. It defies any logic.”

I ask the cabinet secretary and the Deputy First Minister to use the next 16 days not only to publish a revised testing strategy but to roll out routine testing to staff in Scotland’s home care and day care centres.

It is not simply a matter of passing the motion or voting for an amendment; it is, in the end, about winning the hearts and minds of the people and being in touch with what is happening out there in the real world. That is about asking questions about any new restriction. Is it proportionate? Is it targeted? Will it work? What impact can we expect? Does it have the support of the people? Will every one of the measures be followed not out of fear of repercussions but out of a sense of social solidarity and a belief that sticking to them will help us all? That is the test for the Scottish Government and the test for us as representatives of the people as well. It is a test that we cannot afford to fail.

I move amendment S5M-22985.4, to leave out from “, and notes the commitment” to end and insert:

“; calls for additional parliamentary scrutiny and the commitment to bring forward an updated strategic approach to COVID-19 transmission to the Parliament within the next two weeks; recognises that the public have

overwhelmingly been compliant and tolerant of restrictions and thanks them for their efforts; calls for full financial mitigation for all impacted sectors, including the hospitality sector, to support businesses and workers; expresses regret that weekly testing for frontline workers is still not happening routinely, and calls for an expansion in testing and for an increase in contact tracing capacity.”

The Deputy Presiding Officer: I call Alison Johnstone to speak to and move amendment S5M-22985.3, for up to six minutes.

15:55

Alison Johnstone (Lothian) (Green): I wholeheartedly thank those who have been on the front line working incredibly hard throughout the pandemic, often at personal risk and cost. Their dedication and bravery in extremely challenging circumstances is to be commended. I also thank all those who have been striving to adhere to what have been extremely tough restrictions over the past seven months. I know that those rules have caused considerable distress to many, so their commitment to following them must be recognised.

To suppress and ultimately eliminate Covid, we must all continue to abide by the rules, but none of us should be in any doubt that that is an enormous ask of everyone across the country, young and old alike. We were told in yesterday’s report that just 38 per cent of people report complete compliance with the Covid measures. People are beginning to feel fatigued and they need to see light at the end of the tunnel. Transparency is vital, and the objective of the new restrictions must be clearly communicated so that people know that, by making these sacrifices, they will be moving Scotland further towards ending this terrible pandemic. People need to know what will be different at the end of the 16 days. However, I understand that the measures are intended to act as a short, sharp shock that will give us time to address the rising number of cases of Covid-19 and help us prevent its spread.

As the cabinet secretary mentioned, the evidence paper states that a quarter of positive cases have been linked to hospitality and that that sector therefore presents one of the highest risks. However, what is to prevent case numbers from rising again when the restrictions are lifted? If hospitality presents such a risk, what will prevent a similar rise in cases when people are able to attend venues as before? The fact is that, unless things change, we face a devastating cycle of lifting and re-imposing restrictions, which is not sustainable. It is devastating livelihoods and costing us so much in terms of all that we have come to expect as a society. That is why things need to change and why the Scottish Government must use properly the time that we are buying over the coming weeks.

Defeating Covid requires businesses and the public to do more, but it also requires the Government to do more. I will focus on two critical elements of the Government’s response that must be addressed: supporting self-isolation to enable and maximise compliance with that essential measure and rapidly delivering a mass-testing programme for Scotland. As revealed by the paper published this week, compliance with self-isolation and quarantine is clearly very challenging. That is often due to non-voluntary factors such as being forced to go to work or having no option but to do so.

It is clear that when individuals are asked to isolate, they should also be offered immediate wraparound support so that all barriers are removed. For example, how can university students in cramped accommodation with shared facilities who are running out of food and have no way to wash their clothes be expected to self-isolate effectively? What about workers on precarious contracts forced to choose between their health or their jobs? The motion states that the Scottish Government will

“provide support for those self-isolating”,

which I warmly welcome. I appreciate, too, the fact of the £500 grant, but I want to hear more from the cabinet secretary about how that grant can be made available more widely and quickly. The cabinet secretary knows only too well the delays in accessing universal credit and so on, so speed is of the essence here.

In return for the public’s compliance, the Scottish Government must step up to the challenge and establish mass testing. That means a new drive by NHS Scotland and Scottish universities to expand testing capacity, rather than continuing to rely on the chaotic and failing UK Government’s privately run testing programme. That extra capacity could mean weekly tests for those who are at heightened risk of exposure to the virus because they work in hospitals, schools, universities and colleges, or provide care.

The Scottish Greens have said consistently throughout the crisis that mass testing must form the basis of Scotland’s response to the virus, and I welcome the cabinet secretary’s comments with regard to the review. Now, with cases rising rapidly, and the privatised UK testing system failing to keep up, the case for that is stronger than ever, because the more information that we have about who has the virus and where it is, the more chains of infection we can break and the more lives we can save.

I have been calling for weekly testing for carers and front-line NHS staff since April. That has been implemented only in care homes and for healthcare staff working in limited circumstances.

The evidence that regular testing can reduce the spread of Covid is irrefutable, with Imperial College London researchers advising that

“regular screening irrespective of symptoms could prevent about one third of transmission”.

It is no wonder that the proposal is backed by those who represent front-line workers, including the Royal College of Emergency Medicine, the Royal College of Nursing and Scottish Care. With cases rising, that has to happen now.

The widespread outbreaks in student halls throughout Scotland and the UK are alarming. There is no doubt that many aspects of university life make that sector particularly vulnerable to Covid, and more must be done to reduce the risk of transmission. We believe that mass testing can make a major contribution. That should start with readily available, unlimited, on-demand testing for students and staff, by accelerating the roll-out of walk-in centres as soon as possible.

I appreciate that I am coming to the end of my time, Presiding Officer. I conclude by asking members to support my amendment. The science is clear that weekly testing is effective at reducing the spread of the virus, and it is high time that we got down to that.

I move amendment S5M-22985.3, to insert at end:

“; recognises that New Zealand has recently achieved elimination of community transmission of COVID-19 for the second time, and that routine testing has been a key aspect of that country’s response to the pandemic; further recognises the significant demand for testing and the need to continue to build further capacity within the NHS, but considers that the Scottish Government must work with NHS Scotland to introduce regular weekly testing for specific groups in the population to be determined in line with clinical advice, and believes that hospital workers, social care staff, school and university staff and students should be considered as a priority.”

The Deputy Presiding Officer: I call Willie Rennie to speak to and move amendment S5M-22985.1. You have up to six minutes.

16:02

Willie Rennie (North East Fife) (LD): When faced with the prospect of a terrifying disease, we put aside differences and worked with the Government and others to save lives and livelihoods. It was what people expected of us and it was the right thing to do.

We made suggestions. We put forward positive, constructive ideas on pay for front-line workers, such as nurses and carers, on testing for residents in care homes, on testing for students and on support for artists, fishermen, the self-employed and tourism businesses. We made the case for a universal basic income to fill the gaps in financial

support and we offered solutions on enforcement and guidance.

There was good engagement on issues that needed to be fixed. We worked in the spirit of co-operation and I found ministers open and co-operative. I have been impressed with officials on councils and in Government and its agencies. That showed the vast mass of work that can get done when we put aside the fundamental difference and divide on the constitution.

I have personally complimented—probably too many times—the First Minister on her communications. I continue to support the cautious approach to the virus, weighing up the competing harms on, for example, health, wellbeing, the economy and education.

However, over the past few weeks, I have been tested—so have the public. We warned about outbreaks at universities and suggested a programme of testing. That was rejected and there are now outbreaks at universities. We warned about the inadequacy of the quarantine spot checks, and more than 1,000 people have now been missed from those checks and the latest figures show that we are nowhere near achieving this week’s 20 per cent target. In addition, the First Minister admitted that holidaymakers returning from Greece brought back the virus and spread it.

The talk of elimination over the summer does not look wise today, with an R number up at 1.7 and infections high.

On 17 April, the First Minister said:

“None of us have all the answers ... I’ve got a duty to try to be ... open with people. ... I’m treating the public like the grown-ups that they are.”

Fast forward six months and the country gets two days’ notice of a plan to close pubs and advice against non-essential travel. With one day’s notice, some cafes were told that they could stay open after all. My colleague Alex Cole-Hamilton has just highlighted another element of that confusion.

Is that being open? Is it treating people like adults? The First Minister is doing exactly what she criticised Boris Johnson for doing earlier this year.

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): I totally agree with Willie Rennie about the lack of notice from the Scottish Government. A post that I have just seen on Twitter reports that Paul Waterson of the Scottish Licensed Trade Association has said:

“This has come totally out of the blue, and really I can’t help because we just do not know what it means. And there’s no clarification.”

Does Willie Rennie think that the Scottish Government knew that the R number was on the rise and should have given us more notice?

Willie Rennie: To be fair to the Government, all this stuff is difficult. I understand how challenging it is, but it should let other parties help. Such issues can be clarified if members are given an opportunity to scrutinise them. That is what the Parliament is for—to debate the issues and challenge the Government on them, rather than their being introduced and then changed at the last minute, as has had to be done today. We need to have clarity earlier. Of course, I understand that there will still be difficulties, but such an approach would let us help to resolve issues.

Over the past few weeks, during which the First Minister has been talking in general terms, with very few specifics, about a circuit breaker, she should have been using that time to acknowledge that the route map is out of date and openly to debate and discuss a new strategy. Such a strategy should include an updated route map and transparency on the thresholds that underpin the implementation and lifting of tougher measures, nationally or locally, to help people to understand and contribute effectively to those efforts, and that strategy should be the subject of a meaningful vote in Parliament.

I am pleased that the Cabinet Secretary for Health and Sport indicated that she will support my amendment, the wording of which describes what we want to see.

We also need to consider the issues around testing, which Richard Leonard mentioned, and on access to care homes for residents' families. We also need to talk about support for businesses in a more comprehensive sense and, of course, to consider and openly debate quarantine checks and so many other matters. Question times are good, but we need to have debate and scrutiny.

We should embrace such a change in approach, because we are seeing the public's patience being tested by the Government's handling of the pandemic. Over the summer, people made huge sacrifices for longer periods than the one just announced. However, they are now being expected to make new sacrifices earlier than people elsewhere, so they need to see the Government's workings. What is happening no longer feels like a strategy; instead, it feels like a series of knee-jerk reactions that are causing confusion and frustration.

Teachers were told, at the last minute, that they would be changing to teaching full time. Students were told to go back to university, but then that there would be no in-person teaching and that they could not even go to the union any more.

Restaurants were given two days' notice to close, even though they have stocks of food that will now go to waste. Pubs were told that it was common sense that they were the source of the spread of the virus, even though the majority were complying with the Government's advice. Yesterday, the First Minister said that people can still go on booked holidays, but also advised those in the central belt against non-essential travel outside their own area. No wonder there is confusion.

Then there is the evidence document that the Government published yesterday, which mentions concern about the potential that the virus will overwhelm the NHS again, yet we are closing down the Louisa Jordan hospital. It just makes little sense. *[Interruption.]*

I am about to conclude.

The Deputy Presiding Officer (Lewis Macdonald): Mr Rennie is in his last minute.

Willie Rennie: That is why we need discussion and debate on such issues. We need to have openness and scrutiny of the strategy and to see the science so that we can understand it and overcome the confusion. There is growing doubt. As the cabinet secretary will know, over the past few weeks I have been irritated by the Government's changes in approach. Speaking on behalf of the people whom I represent, I do not want to be irritated any more. I reiterate that I want to help, but the Government will need to change its approach if we are to achieve that.

I move amendment S5M-22985.1, to insert at end:

“, and calls for this updated strategic approach to include an updated routemap and transparency around the thresholds that underpin the implementation and lifting of tougher measures, nationally or locally, to help people understand and contribute effectively to these efforts, and for this strategy to be the subject of a meaningful vote of Parliament.”

16:09

Clare Adamson (Motherwell and Wishaw) (SNP): I welcome the opportunity to take part in the debate. It is said that hindsight is a wonderful thing, but I think that Mr Rennie expects not only that everything be viewed through the lens of hindsight, but that the Government should have a crystal ball to predict how the virus will affect us, which is simply not tenable.

For me, the debate is all about FACTS—wear a face covering, avoid crowded places, clean hands and surfaces regularly, stay 2m away from other people, and self-isolate and book a test if you have Covid symptoms. That advice is key to each and every one of us as we go about our daily business, whether that is at work, while studying in

our schools, colleges and universities, while shopping or in our social lives.

My case load has many comments about the “F” in FACTS—face coverings. I ask everyone to do the right thing by one another and to wear face coverings where required and where it is appropriate to do so. Far and away the bulk of my contacts remain concerned and, in some cases, fearful, about the lack of adherence to wearing face coverings on trains and buses, and in shops. I hear that concern from friends and family, too.

Rachael Hamilton: Does Ms Adamson believe what she is saying—that hospitality businesses have not been compliant?

Clare Adamson: That is not what I said at all. I am saying that I am regularly contacted by friends, family and members of the public—my constituents—who are concerned that face coverings are not being worn in public places, including on transport when people are going to and from work.

The cabinet secretary paid tribute to our carers and to our workers in the NHS; I extend that tribute to shop workers and people who work in hospitality. They, too, are essential to our way of life, so we should do the right thing by them in their places of work and on their journeys to work, which we can do if everyone wears a face covering.

I was delighted when the Cabinet Secretary for Health and Sport announced that the Scottish Government is working on a card that will be available to people who are exempt or are unable to wear a face mask or covering. That is extremely helpful, but I make it clear again for the rest of us: do the right thing.

The other facts that are at play here are the facts in the scientific evidence that was published prior to the First Minister’s announcement yesterday. They make for very difficult reading, indeed. The rate of growth of the epidemic is increasing and the R number is now in a range of 1.3 to 1.7, which is leading to acceleration in the increase in numbers of cases and a rising test-positive rate in most areas of Scotland. We know that the total number of confirmed cases is lower than the total number of new Covid infections, because some people are asymptomatic and some people with symptoms do not manage to get a test. It is also very sad that the facts show an increase in the number of deaths.

Cases are increasing most rapidly among young people, but they are increasing across all ages, which is worrying. It is in the context of those scientific facts that the Government has taken the necessary action to interrupt spread of the virus by the series of measures that have been

announced. They are tough and challenging, but they are absolutely necessary.

Much has been asked of the people of Scotland so far, and much will be asked of them going forward, but it is essential that each and every one of us does what we can in order to—literally—save lives. We need only examine the facts around us to realise that.

The cabinet secretary alluded to our European neighbours. It is exceptionally concerning that Paris hospitals recently reported that 40 per cent of intensive care units’ capacity is taken up by Covid patients. The French Government has taken action: all bars in Paris will shut for two weeks from 6 October; university lecture halls can be no more than half full; and, last week, bars and restaurants in Marseille were shut completely for 15 days. Face coverings are compulsory in closed spaces, and in Paris and hundreds of other areas of France, it is compulsory for anyone over the age of 11 to wear a face covering.

Madrid is in lockdown, and we know that the Netherlands and many other European countries, including Germany, have had to introduce new measures to curb the increase in the Covid virus outbreaks that are happening around us.

We are not unique in this: it is a global pandemic, and each and every one of our European neighbours is taking necessary action, tough though it is, to stop the spread of Covid. It is all about facts.

16:15

Jamie Greene (West Scotland) (Con): Let us be honest with ourselves: at decision time today, we will not be passing regulations or legislation that will introduce the 16-day shutdown that was announced yesterday, so in that respect, there will not really be a meaningful vote, to use the fashionable phrase.

However, we are having a debate, which is welcome, because in just 24 hours the regulations will affect millions of lives in our country. Many cafes and bars will close their shutters, and I fear that some will be closing their doors for the last time. Like most folk, I am trying to strike a balance in considering the need to combat the spread of the virus while staring down the barrel of economic abyss. That is the dilemma that all Governments across the world are continuously facing.

I want to flag up three questions for the Government. First, does the Government think that the public have confidence that the measures that we have introduced, and those that we will introduce, are fair, are working and will work? This morning, we heard from UK Hospitality that there are 16,000 licensed premises in Scotland. The

£40 million that the First Minister announced is welcome, but it has been described as

“a drop in the ocean”

compared to what is actually needed to keep those premises afloat.

The restrictions that we introduce have consequences. The hospitality sector, which is bearing the brunt of most of them, deserves comprehensive support that is not just obvious but is easy to access. Hospitality businesses will run out of cash in days, not weeks. They are at the tipping point, after months of disruption. Let us be frank: they have busted their guts to do what we have asked of them. On the radio this morning, one owner said that they are “stunned, shocked and depressed”, and they are not the only ones.

Jeane Freeman: Will Mr Greene therefore join us in urging the UK Government to ensure that the furlough scheme is extended and continued rather than ended, and to make available to the Scottish Government, in addition to the £40 million that we have found, which is as far as we can go, resource precisely in order to help the businesses that he is talking about?

Jamie Greene: I would like my time back for that, Presiding Officer, because I have a lot to get through.

The Scottish Government is making the decisions and introducing the measures, so it must back them up with the funds to support the businesses that those decisions affect. They are not UK Government decisions; they are decisions that are made in the Scottish Parliament.

Those sectors—*[Interruption.]* Please let me finish. Those sectors are asking us where the evidence is. *[Interruption.]* I will not give way. Those sectors are asking us for evidence that the restrictions are working. Why does the Government believe that closing cafes and bars will compensate for spread of the virus, as the people who are currently drinking in pubs, which are regulated, will move to drinking in their houses, which are not regulated? Where is the evidence that arbitrary curfews of 6 pm and 10 pm will work? If the virus is moving from home to home, and it is, why did it not stop spreading from home to home when we banned people from going into others' homes? We have had weeks and weeks of that.

All that people are asking for is evidence that the measures that we introduce are working. We have taken a cautious approach in Scotland. Whatever our views are on that, all that we are being asked is, “Why are we being asked to do it again? What has gone wrong?” People are rightly asking the Government, “Are you keeping your side of the bargain? Are you testing, protecting,

mitigating and preparing? If the route map has not worked as planned, why not?” People are saying, “I will do my bit, but you also must do yours.”

My second question is this: are people confused? A quick look at my inbox is testament to the months of changing regional advice and time-constrained regulations, guidance and laws. They are all intertwined and they are all changing and, I am afraid to say, they are rarely debated. If we are confused, the public must be confused, too, and that has an effect on compliance.

That takes me on to my third and most important question, which is this: will people comply? What happens when we stop people drinking in bars and pubs? The rise of alcohol sales in supermarkets and off-licences is testament to what happens. It is no surprise: people gather in houses. Do the police have sufficient powers to prevent that or to deal with that? Do they have the resource that they need in order to be able to do so? It is absolutely right and fair to ask why we are punishing compliant businesses for the recklessness of others. Patience is wearing thin, and that should be a big red flag to all of us.

The freedoms to travel, work, live, love and learn are the foundations of our society. We took them away because we had to, and we are doing the same again because we have to, but are we saying that this endless rollercoaster of locking and unlocking is the Government's strategy? When we give the Government the powers to curb our freedoms, some simple tests must be met. The powers must be justifiable and necessary, they must be used proportionately, they must be time constrained and they must have certainty of ending. The truth is that, for so many people, they are looking down the barrel, but the end is far from sight.

We must ask valid, probing and even difficult questions of the Government, but that is not the same as denying the need for restrictions. It is our job and our duty to do so, and it is one that we must all do better.

16:20

Fulton MacGregor (Coatbridge and Chryston) (SNP): I think that it is fair to say that yesterday's news of new restrictions came as a blow to many people. It is okay for us to feel like that. As a nation, we have worked hard through lockdown. We have been wearing masks and sacrificing much, but unfortunately, here we are, with numbers rising again. I get how people feel; I have had constituents contact me who are upset that, for example, long-arranged plans to meet up with a friend or a family member are now off. We are living in scary times.

However, for me, what is even more scary is the increasing the numbers of infections, hospital and ICU admissions and, sadly, deaths. We absolutely must do something to arrest the spread of the virus and prevent another lockdown. As others have said, the outcry would have been so much worse had we simply sat here and done nothing. That is why I fully back yesterday's announcement by the First Minister of the new short, sharp measures to get Covid-19 back under control.

I want to talk about how people and businesses in my constituency have been affected by the measures that have been put in place. There can be no doubt that the hospitality sector is bearing the brunt of the new measures. People in the sector have had a difficult year since March, and I know that they are beginning to feel as though they are being singled out.

Last night, a constituent who works as a bar manager and in a local primary school emailed me to say that she thought that there is much more risk of transmission in school settings than there is in hospitality, where mitigation is in place. I hear what she says—similar opinions have been expressed in the chamber—and I know how much mitigation has been put in place to minimise risk. Owen's pub in Coatbridge, for example, has been commended for its response, after it was identified through contact tracing as being part of an outbreak in Lanarkshire that was connected to the Sitel call centre, back in July.

However, we know that the virus is transmitted in places where people congregate together, and we know that although the level of transmission in hospitality is much lower than it is in households, hospitality is a source of spread. Therefore, we must do something, and we must do it now.

We need to think now about how we support the hospitality sector. I welcome the £40 million investment and will wait to hear the details of it. However, the owners of the businesses in Coatbridge and Chryston who contacted me last night think that it might not be enough; that is what the early indications suggest to them. If that is the case, we must listen and do what we can. If we need to have further discussions with the UK Government about it providing more money or extending the furlough scheme, so be it. No one in my constituency or elsewhere should lose their job as a result of the 16-day circuit breaker. Across Governments and local authorities, we must all work together to make sure that that does not happen.

We should also not forget about sectors whose premises have remained shut, including the soft-play sector, the situation of which I have raised in Parliament and with the Government on several occasions.

We must think about how the hospitality sector can move forward after the 16-day period. For example, does the 10 pm curfew need to stay? There are already well-documented concerns about that, as we have heard. People might go back to houses at closing time. We should use the 16 days to consider the evidence. Is the virus spreading faster or slower with the curfew? I do not know, but it would be good to have that discussion.

The owner of Envy Gin & Cocktails, which is a pub and club in Coatbridge, has raised the issue of background music with me. He says that the absence of background music in his establishment has led to more people talking louder, which has increased noise levels and risk. I had not thought about it from that angle before, and I am not particularly sure what the science says. I am open minded, but again, what does the evidence say? Has the ban on background music slowed the spread of the virus or not?

Let us give the hospitality sector something to hang on to for when we come out of these 16 days—a hope that the situation might be better for them than if there was no circuit breaker, and a hope of a better future as we go through the winter. Background music and curfew times are just two examples, but I feel that we will bring the sector with us by having those conversations. I know that the Scottish Government will do that.

Like other members, I have been contacted about adult sports and clubs, and about classes such as parent and toddler groups. Although the news from the other day about baby and toddler groups was welcome, it will give hope to some people if we can think about how all those things, and the hospitality sector, might return in a safe way after the 16 days. Sometimes those classes or activities are the difference between people being isolated and not being isolated, and between their having good emotional health and not having it. Again, I know that the Government gives consideration to those things.

I also want to raise the issue of some of the household restrictions, which my constituents have contacted me about, specifically the restriction whereby an individual who is in a relationship cannot meet their partner indoors because one of them lives with other people—perhaps parents. I ask that those types of restrictions are thought about in the coming weeks, with more bespoke solutions found—perhaps through use of testing where possible and if necessary, although I understand that that is difficult.

We all know that house parties and mass indoor gatherings have been major causes of concern, so if we are going to have this virus with us for a long time, we need to find ways to distinguish between

types of gatherings, although I appreciate how difficult that is.

I am not sure how much time I have left, because I am online. I emphasise that I fully support the measures that were introduced yesterday. The Government has always put the health and wellbeing of the nation first. Seven months in, the balance is becoming more difficult to strike, so I welcome the proposed additional parliamentary scrutiny, and suggest that it is for all of us, across the parties, to raise the concerns of our constituents and to work together collaboratively to strike the right balance in all areas of our life, while keeping everyone safe and driving the virus back.

The Deputy Presiding Officer: Mr MacGregor makes the case for reliable time pieces for members who make remote contributions.

16:27

Pauline McNeill (Glasgow) (Lab): The First Minister's announcement yesterday was a sad day for the hospitality sector—we all agree on that at least. Stephen Montgomery of the Scottish hospitality group said that it signed a

“death sentence for many businesses ... while the real problem is socialising at home.”

The vast majority of businesses in the sector have adhered to the guidelines and ensured that their establishments are safe, because they know how much rides on that. I visited O'Neill's, a pub in Glasgow, this past week: it is orderly and clean; people cannot go to the bar but are waited on at the tables. Yesterday's announcement devastated its staff.

It is easy to understand why such businesses feel that the latest round of restrictions overpenalises them. I pay tribute to Paul Waterson who, throughout the six months of the pandemic, was understanding and fair about the fact that the hospitality sector could not open. The fact that he is criticising this week's restrictions speaks volumes.

Richard Leonard talked about the lack of consultation, which means that we have already had to make corrections to our understanding of cafes and licences. Hospitality businesses have had to keep up with so many changes, and they now get a bolt from the blue, with less than 48 hours to shut down their operation, decide how they will deal with staffing arrangements and assess whether they can survive for another three weekends with no business.

If Fulton MacGregor is listening, I tell him that the measures are not “short and sharp” and that it is naive to think that people will not lose their jobs—people unfortunately will, unless they can

get some guarantees from the Government today. However, I agree with Fulton MacGregor about the 10 pm curfew and the background music; if he is listening, I hope that he will sign my reasoned and measured motion on the matter.

The £40 million that has been announced to cover 15,000 businesses seems an awfully small amount of money and I do not think that the sector can survive on it. I plead with the Government to reconsider that amount: if it was meant to mitigate, mitigation will not happen with that figure. Whether or not one thinks that the new rules are justified, the Government must make some assessment of the losses that those businesses will incur, and I do not know that that has been done.

The Scottish Trades Union Congress and Unite have said that they are already hearing reports of employers asking already precarious workers to shoulder the pain and take long, sustained periods of unpaid leave. I think that Patrick Harvie mentioned that earlier today. We need to make sure that whatever the funding package is, it reaches workers as well.

We need a serious discussion with politicians, communities and Government ministers about a step change in our approach to the virus. We have already had many questions and discussions about the accuracy and speed of testing and track and trace, especially here in Scotland, where it is not as good as it should be.

There is a poor level of compliance, which is partly why the hospitality sector is questioning the data behind the measures. A recent study showed that, of those whom the NHS track and trace service had alerted that they had had close contact with a confirmed Covid-19 case, only 11 per cent did not leave home in the following 14 days, and only 18.2 per cent of those who had shown symptoms isolated—the rest did not. If those figures are true—I can cite the study—there will have to be a serious look at them. Perhaps that is what Clare Adamson was getting at.

We cannot stand still. We need testing in the community in order to live with the virus. What I mean by that is not just what we have been discussing the past few weeks. Testing is an industry that is not standing still—many people understand that they can make money from it, which is fair enough. Saliva tests, RNA lamp tests—it is a moving thing. We need to have a discussion on what kind of tests would be acceptable to the Government. I know that there are on-going discussions with aviation, and I am pleased about that. Those discussions need to include some of the detail of how not to impact on current capacity.

In Italy, tests are carried out on arrival at airports and the result is given in 30 minutes. Jersey

airport is testing people on arrival. The World Health Organization put together a plan at the end of last month to roll out 120 million rapid diagnostic tests to help lower-income countries to fight the virus.

I am in my closing seconds. We all believe, I hope, that test, test, test is the way. If we are going to live with the virus until a vaccine is available, we need to step up our approach and see what kind of tests can work in aviation, live music and football audiences. That is the way forward.

I discovered just this afternoon that Geoff Ellis and others have been discussing with the Department for Digital, Culture, Media and Sport what will happen with the live music sector and whether there is a way forward with testing. That is the direction that we need to head in.

16:32

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): “Pandemic”, “lockdown”, “self-isolate”—how quickly those terms have become part of our lives. Some months ago, confined to my home with just a short walk each day, I learned new skills in Zoom and Teams. I kept a diary of those weeks, partly to give structure to the day, partly as therapy and partly, perhaps, so that one day I could look back on those dark times. There were also bright moments when I spoke to neighbours whom I never used to see during the working week, and later I clapped along for carers and health workers with strangers in distant tenements, in an emotional demonstration of community.

Why do I say that? Because then, we were truly all in it together. Fear—absolute fear—of the unknown united us in purpose and kept us sticking to the rules. The impact on those living alone, and particularly on some who are elderly, was and is very hard. Not all elderly people are in the same boat, of course. We are as diverse in our health, personal circumstances and temperaments as the next. However, we have one thing in common: we are more vulnerable, statistically, to a severe reaction to the virus than almost any other group.

There have been some suggestions—although not in this chamber—that are gaining traction: that politicians should change tack; that even targeted lockdowns are not working; that, as the economy cannot take much more of this, we should let the majority of the population move about more freely, and perhaps even give that elusive herd immunity a chance, while we protect the elderly and vulnerable. The trouble is that, to my knowledge, no one has said what that “protect” involves. Is it the option of either personal lockdown for an indeterminate period or taking our chances and

going out and about? To me, that is like asking us to cross a busy road without looking right and left. As people get older, life becomes more precious for them in many respects. They no longer take life for granted.

Of course the economy and jobs have to be protected to the best of our collective ability. It is distressing to see family businesses in my constituency on their knees and to read the emails of desperation. There must be Scottish Government and UK Government support for them to see us through to the spring of next year at least.

The furlough, whether sectorally targeted or not, must be reinstated, and those who must isolate must know that they will have financial support, because it is clear from the figures yesterday that it is a minority who comply. I welcome the recently announced Scottish Government support within the constraints of its limited budget. That is the key: a limited budget.

The major intervention to allow businesses to function is what we do ourselves. We know how the virus operates: it operates through us—through our need to socialise and be close to others. Back in March, we understood that and, perhaps through naked fear, we complied. Now the scary words “pandemic” and “Covid” have become familiar. With that comes a degree of contempt, as the adage goes.

Of course test and protect is important, but it is not a panacea. The strategic approach, which I welcome, will not be worth the paper that it is written on if some of us continue to defy what we know is required. We must keep to those rules not just for ourselves or for granny or grandad, but for strangers whom we will never know. In so doing, we must also give the economy a fair chance at recovery.

16:36

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): I want to pick up on some of the things that Christine Grahame has just been saying and what Clare Adamson said earlier. Testing has preoccupied quite a few speakers in this debate, but it has, of course, to stand a long way second to the behaviours that we adopt. If anybody doubts that prioritisation, they should just think about what we have seen happening at 1900 Pennsylvania Avenue, which is otherwise known as the White House. The President of the United States has been tested for Covid every single day for a very long period of time, but that did not protect him from catching the disease, because the behaviours that he and many around him adopted were not safe. It is the behaviours that protect us. However, testing is important, because

it is a component of understanding where the disease is going and how we can follow it as it passes from one person to another, so that further sources of infection can be cut off. It is therefore vital that we have a good testing system.

I have read that blame is being attached to software in England that was used for doing some of the statistics associated with the pandemic. Using 13-year-old Excel software was not intrinsically a problem. The software was not to blame for the difficulties that were experienced in calculating the people who tested positive; the problem was the lack of professionalism of the people who used the software. It is like blaming a four-seat car for being unable to carry two soccer teams to a match. The car was designed to carry four people, and 22 people in those soccer teams would be the normal thing. We cannot blame the car, whether it is new or 20 years old; the issue is the person who decided to use the car in the way that they did. The deficiency that has been attributed to the software is actually a deficiency in the professionalism of the people who were using it.

In a sense, that goes to the heart of who we have as our experts. With software, we need experts who understand software. I speak with a particular interest as a professional software engineer—I am not the only one in the Parliament. I have software that I wrote more than 40 years ago that is still used millions of times every week. Age can bring maturity.

On the issue of age, I heard Richard Leonard say that we should have no restrictions until they have come to the Parliament and been approved there. I say to the member that I took my first driving test in the year in which he was born and I do not want somebody to have to stop me from stepping in front of the traffic that might be coming down the road—Christine Grahame referred to that—by going to the Parliament to get permission first. Grab me and then, post hoc, homologate the decision that is made. That is the approach that we need to take with the pandemic.

I have used the word “expert”, and it is important that we have all the experts that we require to hand and the statistics that they can gather explained to us laypeople who have to make the decisions. I do not envy the Cabinet Secretary for Health and Sport and I certainly do not envy the First Minister. I congratulate them on their fortitude in the face of the most impressive workload. I cannot believe that it is possible for them to be doing anything other than about 40 hours of work a day; it certainly looks that way. An expert is someone who brings expertise to the problems that we have to beat, and they do so without bias or taking a prior position.

We have heard quite a lot about the economy and I agree that it is vital that we protect it. That is why the money that is coming from the Scottish Government is to be welcomed. The hospitality sector has suffered in particular, and we need to be careful to support many small businesses. There are others, such as Tim Martin of Wetherspoons, who initially refused to pay his staff. He is worth about £0.5 billion and he has stopped paying his suppliers. I do not particularly want to be supporting the Tim Martins of the month; however, I want to support his employees, as that is very important.

I am delighted to see that we have a broad consensus and will support all the amendments, bar the Labour Party’s amendment. I welcome the debate.

The Deputy Presiding Officer: I call Rachael Hamilton, to be followed by Richard Lyle. *[Interruption]*. Order, please.

16:42

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): I refer members to my entry in the register of members’ interests.

We know that Covid-19 cases are rising across the whole of Scotland, and that is very concerning for businesses that are operating in an already fragile and fast-changing environment. Let me be clear: the Scottish Conservatives support measures to bring the R number down and to curb the virus, but we are asking for clarity over the detail and the decisions.

As my colleague Donald Cameron said, this is a worrying time for businesses. Many thought they that they had weathered the worst of the storm, just to be knocked back again.

The economic implications of the pandemic and the new lockdown restrictions will be a “catastrophe” for businesses. That is not my description; it is the description of Willie Macleod of UK Hospitality. Others have also been clear, as Pauline McNeill said. Stephen Montgomery has called the measures a “death sentence”. Let us be clear: the frustration is born of the 11th-hour nature of the Government restrictions, which have wounded a £14 billion sector and put a good chunk of its 206,000 jobs on the line.

We welcome the £40 million to support closed businesses, but require detail regarding eligibility for the two-tier process based on rateable value that the First Minister talked about today. Does it require full lockdown or partial lockdown? Perhaps the cabinet secretary could clarify that in his closing speech.

The SNP has neglected to bring the hospitality and tourism sector on board in its latest round of

restrictions. Businesses employ people, they pay taxes and they are the beating heart of our economy. They deserve to be consulted prior to any decisions on more restrictions that are coming down the line. Moreover, that sector has a duty to their employees to give them certainty and reassurance so that they know that their wage packet is on its way.

Mark Crothall of the Scottish Tourism Alliance set the record straight yesterday when he said:

“The details of the new restrictions as announced by the First Minister this afternoon which will come into force in just two days’ time are nothing short of devastating for the majority of those operating in the hospitality industry.”

The same knee-jerk reaction happened with the self-catering industry. The Scottish Government knew for weeks that the R number was on the rise, yet it did not give the self-catering industry notice, causing widespread cancellations, especially in the run-up to the October holidays.

Knee-jerk reactions are causing economic damage. Furthermore, restaurants plan shifts seven to 10 days in advance, and orders are placed at wholesalers up to weeks ahead. We heard yesterday from Iain Gray that Greene King, which owns Belhaven brewery in East Lothian, is making redundancies. It is an industry left in tatters.

Once the data was finally revealed, the Scottish Government admitted that the rise in infections cannot be entirely attributed to hospitality. Between 20 and 26 per cent of individuals who have tested positive have been exposed in a hospitality setting. That is fair enough, but, as the cabinet secretary said, the data does not indicate where people who have tested positive were infected. It is not a measure of causation, except if there is an outbreak.

Jeane Freeman: I am sure that the member understands that it is not possible to get binary causation data that will tell us that. However, we do know—she knows and I know—how the virus transmits itself between one person and another. The more people there are in any particular setting, whether household or hospitality, the greater the chance of virus transmission. That is what we know.

Rachael Hamilton: I think that the evidence needs to go further. There was no consultation with hospitality businesses regarding the measures. The cabinet secretary is throwing them off a cliff.

The measures that were enacted yesterday tar all hospitality businesses with the same brush—a point that was echoed last night on “Debate Night” by Stephen Leckie, who is chief executive officer of Crieff Hydro. Making bars, pubs and restaurants the scapegoat will not bring back jobs and

livelihoods. The measures also imply that the sector is flouting the rules, which is galling for those who have implicitly complied with them.

Protecting jobs in Scotland should be top priority when new restrictions are being introduced. Many across the hospitality and tourism industry welcome the additional funding, but they are concerned that it simply does not go far enough. Businesses on the ground simply have no detail about if and when they will receive a portion of the funding. That was echoed by the Scottish Tourism Alliance, which is concerned that the funding will not be sufficient to protect businesses from being forced into full-time closure, with job losses incurred.

The Scottish Conservatives want to see testing and testing capacity increased. We want to see a commitment to putting more boots on the ground in the form of test and protect staff. We know that testing is improving, but the contacts of 925 people who have tested positive since 22 June have not been traced. As the R number is increasing, that is quite concerning.

A total lack of planning and prior consultation with businesses has caused heartache and confusion. As Alison Johnstone said, it is just “not sustainable”. The hospitality industry in particular has suffered immensely over this period, and it demands clarity. The least that the Government can do is get the balance right. All parties are calling for sensible measures in their amendments today. The hospitality industry deserves a lifeline, but the offering on the table from the Scottish National Party is, I am afraid, not good enough.

The Deputy Presiding Officer: Richard Lyle will be the last speaker in the open debate.

16:48

Richard Lyle (Uddingston and Bellshill) (SNP): Since March, we have witnessed the tremendous efforts of the people of Scotland to try to deal with an unseen, untouchable virus—a virus that has affected every one of us and the world as a whole. It is a virus that, sadly, looks like it will not go away any time soon. We are in a pandemic—we need to deal with it.

I wish to thank health professionals and everyone who kept their services running. Every grocery firm and local shop deserves our thanks for what they are continuing to do during the pandemic.

Yesterday’s announcements affect many in central Scotland. At the start of March, we as a family decided that my daughter and my grandchildren would come to stay with my wife and me. We formed our own bubble, to ensure that we could see one another every day. I know

that that has not been possible for many grandparents.

Over the past months, there have been many changes in restrictions on where people can meet. Grandparents not being able to see their families has been hard for both families and grandparents, and when they have been able to meet, it has been hard to answer the question, “Gran and Grandpa, why don’t you give me a hug?”

I have been lucky during lockdown to have been able to spend a lot of time with my grandchildren. I have spent more time with them than I ever spent with my own children, as I was always out as a councillor and balancing two jobs during that time. I have taught my granddaughter Iona to ride her bike, although Iona would say that she taught herself. She now calls me “Grampi”; colleagues here will surely now change that and call me “Grumpy Grampi”.

My grandson, Ruaridh, is an expert in building Lego. He asked me to help him to build a monster truck, but I had a Microsoft Teams meeting that day. I said that I would not be long but, as usual, the party meeting went on and on, and he had built it himself by the time that the meeting had finished.

I note that, as the Government motion says,

“the prevalence of the virus has increased in recent weeks and that the numbers of people hospitalised, in intensive care and tragically dying from the virus has also increased”.

This is a trying time for us all. As I have stated previously, Highgate care home, which is in my constituency, was the first care home in Scotland in which residents contracted Covid-19. My brother was in that home. The care home faced the challenges and gave him an excellent service—he was in a five-star hotel. Sadly, as I have said, my brother died, but not from Covid-19. I thank the home again for letting me see him before he passed away.

I agree that further action needs to be taken in order to reduce the level of transmission across Scotland. I note the evidence paper that was published on 7 October and the national and regional targeted actions that were set out by the First Minister. I for one recognise that the actions will be accompanied by additional measures, which will have to be explained in order to boost compliance.

The public want to know the reasons for the restrictions. During the past months, councillors, MSPs and MPs have seen tremendous growth in our daily emails. People have asked us for every reason under the sun why something is closed. We have to take people with us and give reasons why places have to close. If we have to close down businesses—even for a short time—we should help them financially.

Covid-19 has been a learning curve for us all. I pay tribute to our cabinet secretaries and ministers for their extra work. I give special thanks to the Cabinet Secretary for Health and Sport. She and the First Minister have made choices, not mistakes, in my mind. We have provided support for those who have needed to self-isolate and financial support for areas of the economy that are impacted by the measures that were announced yesterday.

I welcome the on-going four-nations discussions and the shared commitment to suppress Covid-19 to the lowest possible level across the UK and keep it there. There should be a commitment to explore additional parliamentary scrutiny and a commitment to bring an updated strategic approach to Covid-19 transmission to the Parliament shortly.

During the pandemic, there have been many issues to deal with, and I have asked many health-related questions and got many answers. I encourage the health secretary to ensure that, when they can, operations start again, and that cancer treatments continue or restart. Covid-19 is very important, but so are all the other health issues that affect everybody, including people in my family. People have to be able to get the flu jab if they wish, and to meet their GP when they can—at least virtually.

I constantly raise the subject of dental treatment, so I have to ask what reply I am to give to constituents with a chipped front tooth or who have been diagnosed as needing a non-urgent filling. Currently, the treatment cannot be completed under the NHS, but the same patient is able to have the same problem fixed by the same dentist in the same practice on the same day outwith the NHS, if they can afford to pay for the treatment. It cannot be for science reasons, as the procedure can go ahead with the correct personal protective equipment, so what is the reason for the two-tier system of dental care that is currently operating in Scotland? That is one of the other choices that has to be made.

I hope that we will get back to normal. When? I do not know. It will possibly be when a vaccine is found. I have seen many posters in the past months. The best one said, “We are all in this together.” Yes—we are. I thank everyone for doing what they can for their fellow human beings. I say to all: stay safe.

The Deputy Presiding Officer: We now move to the closing speeches.

16:53

Alex Cole-Hamilton (Edinburgh Western) (LD): I am glad to be closing the debate for the Liberal Democrats. At the start of the debate,

Donald Cameron quoted the national clinical director, Jason Leitch. The cabinet secretary understandably took exception to that, because the remarks were taken out of context. Nevertheless, I will repeat them, because, within them, there is a very eerie echo of many of the emails that we are all getting from constituents across the country. Jason Leitch said:

"if I am honest, I cannot keep up with all the regulation and advice; there is simply too much of it to keep on top of every day."—[*Official Report, COVID-19 Committee, 7 October 2020; c 17.*]

Even if he did not mean to say those words, or if they were taken out of context, we are all Jason Leitch today, to some extent. It was telling that one of the most important clinicians in the Government said that, because it echoes the hundreds of emails that we get every day.

The measures announced yesterday are not just clinical decisions—they are political as well. I accept that, given the nature of the emergency, by necessity a lot of this is guesswork. A balance has to be struck between infection control and livelihoods and between protecting the NHS and protecting people's mental wellbeing. I do not doubt the intentions of the First Minister or her cabinet secretary, or the place where any of this comes from. However, there is massive confusion out there and every time there is a rule change other members and I spend the next few weeks mopping up inquiries.

The First Minister must know by now the extent to which people have begun to hang on her every word when she makes announcements such as the one that she made yesterday. Words matter, and in such statements clarity is everything. When she says, in practically the same breath, that her Government is not insisting that people cancel their October week staycation but advises them against all travel outside their region unless it is absolutely necessary, what are people supposed to think?

The First Minister has to realise that the commitment of normal people to doing their bit in the national effort to fight coronavirus is such that the assessment of whether to travel from Edinburgh to a hotel in the Highlands, for example, will be laced with guilt. Small wonder that, on Radio Scotland this morning, Stephen Leckie, the CEO of Crieff Hydro, revealed that within an hour of the First Minister's statement yesterday, 50 bookings had been cancelled for the October week. Her words matter and they have consequences.

The Liberal Democrats have worked as constructively as possible from the start of the emergency to support and amplify the Government messaging around infection control and we continue to do that to this day. In the

foothills of the crisis, the Government was very good at including Opposition politicians in briefings and decision making and that approach was welcome. However, as my leader Willie Rennie said, that has fallen away over time. Briefing and consultation have started to become an afterthought.

Indeed, it says a great deal about the diminishing effort of the Government to include Opposition parties that the last time that I met the chief medical officer in my role as shadow health secretary, that CMO was Catherine Calderwood. I have not raised that with the health secretary or the CMO, who have much better things to do than meet me. However, although I am tasked with explaining the changes and measures imposed by the Government and the rationale behind them to literally hundreds of local people who get in touch with me every week, I am nearly as much in the dark as my constituents.

How can 50 people be allowed at Sunday worship but only 20 at a funeral in the same church the following day? Why did the science suggest that five adults was the absolute maximum limit for parent and baby classes last week, but allow that to double to 10 this week, although only if the children are under 12 months old? Why is it that cafes in the central belt could stay open, but—until this morning—cafes with on-sales licences, such as Craigies Farm in my constituency, could not? Now such cafes can stay open, but pubs that can switch to providing breakfast, coffee, soft drinks and meals still cannot.

Rachael Hamilton: Alex Cole-Hamilton sounds as though he is speaking from a position of having read the instructions. If someone had a pub in Glasgow or a lockdown area and suspended their licence, would they be able to open until six o'clock?

Alex Cole-Hamilton: It is almost as though Rachael Hamilton and I rehearsed this, because I am coming to that in my next breath. In my intervention on the cabinet secretary earlier, she said that I often criticise her for producing confusing guidance. However, given the measure that Rachael Hamilton has just alluded to, I would say that the hundreds of emails that are being sent to licensing boards right now, asking for a temporary suspension of liquor licences, are evidence of just how clumsy the measure is.

The business owners of this country are crying out for clarity from the Government; their survival depends on it. [*Interruption.*] I do not have time to take an intervention.

I know that it is hard and that the Government and cabinet secretary are doing their best, and I do not doubt their intentions. However, a route

map is only a route map for as long as people know where they are on it. I do not think any of us in the chamber knows whether the five-stage route map revealed to Parliament in May even exists any more.

I cannot help but think that, if the Government and cabinet secretary had brought us with them, as they did at the start of the emergency, including us in the discussions, showing us the evidence and treating us as adults, as we were promised, we could have helped them. We could have helped them to see that hot-housing thousands of first-year students without a testing regime in place for their arrival would lead to mass infection. We could have helped them to work with the licensed trade to remove the risk of alcohol to social distancing while keeping those businesses open on a paying basis. We could have helped them to better understand the wellbeing needs of bereaved families who cannot grieve together in a place of worship.

I am not saying that our ideas are any better than the Government's, but surely getting us back to where we were at the start, feeling our way through the crisis together in co-production and giving us some ownership of the decisions that the Government takes, would better equip us to bring our constituents with the Government on the awful journey that still lies ahead. I say to the cabinet secretary: take us with you—we do not want you to fail.

17:00

Andy Wightman (Lothian) (Green): This has been a welcome and overdue debate. It is understandable that, in the early weeks and months of the pandemic, Parliament's role in the scrutiny of the Executive was necessarily limited. As Donald Cameron pointed out, we have passed regulations weeks after they were made and came into force. We will do so again this evening. We have done our best to scrutinise the on-going policy decisions of the Scottish ministers.

However, we stand now at something of an inflection point. Covid has and will always be primarily a public health crisis, but it rapidly became and remains an economic crisis. Although it is no longer a political crisis, it is now a broader political issue. That is to say, it has been running for so long, continues to have such a profound impact and will do for months to come that the public are becoming increasingly confused and tired and thus, it risks becoming a wider political issue.

The Government's commitment to engage with Parliament over a refreshed strategic approach is welcome. As many members have said, there needs to be wider buy-in and consent to the

measures that are put in place to eliminate Covid. To get that, we need to address four key aspects of the governance of the crisis.

First, there is the science, which is widely available and is being published on open access terms. That is all good. Much uncertainty exists and dispute takes place, but that is normal in scientific inquiry and we can leave it to one side.

Secondly, there is the evidence. Helpfully, ministers are now publishing more of that in a more timely fashion. Yesterday set a good example. Although evidence can be selective, partial and biased, by and large the evidence that we have is useful. However, there remains much more that could be shared. Jamie Greene asked about the impact of household restrictions—that is set out, at least in part, in figure 12 of the evidence that we got yesterday.

Thirdly, there are the options and advice provided to ministers by officials. None of that to my knowledge has been published or shared outside the Government. Fourthly, there are the decisions themselves and the guidance and regulations associated with them.

I want to focus on the second and third aspects. On evidence, we know that between 28 May and 4 October 14,997 people were recorded as index cases in the test and protect system. We know that 65,755 contacts were traced. Of these, 48,243 are unique individuals, but that leaves 17,512 individuals who are associated with more than one index case—some will be associated with two cases, but some may be associated with dozens. What do we know about those 17,000 people in that example? That question relates to the K number, which is a measure of the concentration of the pattern of infection. Is it a few people spreading to many, or is the spread more evenly distributed? Does the cabinet secretary know what the K number is or what the distribution is of those who have been in contact with more than one index case? That is one example of evidence that may well exist and which it would be useful to have in the public domain.

More important is the third factor: the options and advice given to ministers, which are not the same as the evidence, need to be shared more widely. I know that that is not done routinely because it can compromise frankness in engagements between officials and ministers, but we are at a stage where it is vital to public confidence that the public know what the options are—or were before the decisions were made—what the pros and cons of various approaches are and why the Government has decided on a particular course of action.

In her opening remarks, the cabinet secretary argued that the Parliament should scrutinise

decisions. We have done our best. However, we cannot fully scrutinise decisions if we are not fully informed of the options and the advice made available to ministers. Options and advice are not the same as evidence, which has been published—although we need more. The judgments that are made are presented as *faits accomplis*, but we do not know what the counterfactual is or what the alternative might have been.

If we are not more transparent and more inclusive with the decision-making process, we should not be surprised if public consent were to start to erode to a point where it may be very difficult to re-establish the levels of compliance that we need to eliminate the virus. We are already seeing quite poor levels of compliance in critical areas of our test and protect strategy, such as in respect of self-isolation.

As my colleague Alison Johnstone argued in her opening speech, and as outlined in the Green amendment, increased testing is fundamental. In most cases, testing is still accessible only to people who are suffering symptoms or who have been in contact with someone with Covid-19. That will prevent some from seeking testing immediately, as they might wait until they are convinced that their symptoms are Covid before seeking a test. To ensure that such cases are identified, those workers who are most at risk of exposure and who are not part of a weekly testing programme should be allowed access to a test regardless of symptoms. That would include, for example, retail and hospitality staff who work in the kind of enclosed environments that have been identified as posing significant risk. That is already being done in other countries. New Zealand has engaged in routine testing of border workers and asymptomatic at-risk groups, such as health workers, hospitality staff and transport workers.

Key to our approach is also ensuring the wellbeing of those who are most at risk and those workers who face the greatest risks to their livelihoods. I urge ministers to respond promptly and constructively to the letter that the STUC sent today.

The Scottish Greens support a precautionary approach to dealing with the pandemic. As the virus is spreading in the community at an alarming rate, it is clear that further action needs to be taken to halt the spread. We must recognise, however, the huge toll that months of restrictions have taken on people's mental health, on workers and on the livelihood of many small businesses. Although two weeks ahead might seem to be a relatively short space of time, to those who are isolated, experiencing a mental health crisis, or having to shut down their business, it might seem like a lifetime.

Short of the climate crisis, this is the most critical issue facing most of us in our lifetimes. To its credit, the Government has recognised that it cannot do this on its own. The public need to be on board, but for that to happen over the winter months and over perhaps much of next year, we need a new, inclusive and participatory approach to assessing evidence, devising and appraising options, and deciding on the best way forward.

17:06

Monica Lennon (Central Scotland) (Lab): The opening line of the Government's motion asks Parliament to recognise

"the considerable efforts of people across Scotland to suppress COVID-19."

On behalf of Scottish Labour, I repeat our thanks to the public for their compliance and their care for one another, and to the front-line workers who have kept the country going.

The impact of Covid-19 has been devastating. Our thoughts are with everyone who has lost a loved one to the virus. No one in the chamber underestimates the severity of the illness and the need to stop the virus in its tracks.

In June, the Scottish Government said that Scotland was not far away from eliminating coronavirus and, if we all followed the rules, we would keep the virus at bay. The public have followed the rules, and that is why people across Scotland have reacted with dismay at these tough new restrictions. Despite the public's sacrifices and co-operation, we are now facing a huge growth in the pandemic, with accelerating numbers of cases and growing positive rates in most areas of Scotland.

Although we welcomed the evidence paper that the Scottish Government published yesterday, ministers must do more to improve transparency. Measures are being brought in with little or no time for Parliament to scrutinise them, and we are moving on to the next set of restrictions just as people are getting used to the previous ones. That is where the public are starting to lose patience.

People are asking where the evaluation is of what works and what does not work, and what the measure of success will be for the new restrictions. Andy Wightman covered it excellently when he said that we, as MSPs, want to be better informed. We want to see as much as possible of the modelling, options, scenarios and advice that ministers are receiving. Two days ago, Michael Russell said to me that it is possible that too much information is being put out in the public domain, but it is not just about the volume of information; it is about the quality of what we are all getting.

When Professor Jason Leitch said to the COVID-19 Committee that he struggles to keep up with all the guidance and the pace of change, I do not think that we should criticise him. Ministers should reflect on what it is like for the public and those small businesses that are trying hard to keep up.

Professor Leitch also said that the two biggest factors affecting the spread of virus are human behaviour and test and protect. If we all agree that compliance with the restrictions is high, we must look at the record of test and protect. The First Minister has consistently argued that it is working well. The health secretary said last month that she wanted to use testing to

“actively hunt down the virus”

and that is a sensible strategy, but more than six months into the pandemic we are still falling far short of the WHO advice to “test, test, test”. Every week, Scotland still has thousands of tests going unused, and for months experts such as Professors Linda Bauld, Devi Sridhar and Sir Harry Burns have consistently called for routine mass testing, including of asymptomatic individuals, but the Government has been slow to act on that.

Why has unused capacity not been used to expand routine testing? Scottish Labour strongly believes that everyone in health and social care should have access to regular testing, including family carers and front-line workers such as teachers. Why was there not the foresight to ramp up testing capabilities before bringing thousands of university students into halls of residence? Regrettably, there is a danger that the Scottish Government is being complacent on test and protect. The outbreak at Redmill care home in West Lothian, which was raised by my colleagues Neil Findlay and, today, Richard Leonard, where it took more than a week for staff to be tested, is a shocking example of where test and protect is not good enough. Alison Johnstone is absolutely right on routine testing, and she says that every week.

Concerns are growing that a stop-start approach to lockdown will be disastrous for our economy and jobs. That is why Scottish Labour is calling for full financial mitigation for all workers and businesses—many of which are on a knife edge—that are affected by yesterday’s announcements. We are also clear that we are strongly against the exploitation of workers, especially in the hospitality sector, where many are low paid and on casual contracts in precarious work. I quickly looked this up on the Parliament website, Presiding Officer—my colleague Richard Leonard recently lodged a motion on a good business commission and I urge colleagues from across the chamber to sign it. Forty million pounds, which I know others, including Jamie Greene, have welcomed, will not

go very far; the industry is saying that it is a drop in the ocean.

I will give one example; I know that many MSPs have also had this email today about Ten Hill Place hotel, which is run and operated by Surgeon’s Quarter, a wholly owned subsidiary of the Royal College of Surgeons in Edinburgh. The managing director, Scott Mitchell, said:

“the hotel provided a safe controlled environment for healthcare workers who tested positive and require to self-isolate from their households and at the start of the pandemic provided free accommodation to NHS staff.”

The hotel has now entered—this will be familiar to many hoteliers—a negative pace, which means that it has had more cancellations than bookings. It has already made staff redundant and he makes the point, which others have made in the chamber today, that if we engage with stakeholders as much as possible, we will avoid some of the confusion that we have heard about. I encourage ministers to take part in that early consultation.

We all want to defeat the virus, but we also need to prevent other increasing harms, including excess deaths, the mental health crisis, social isolation, jobs and opportunities going, increasing poverty and fading hope—all while Covid is still rising. The people of Scotland have made considerable efforts and sacrifices and we know that it will be a tough winter, especially for our NHS, so we encourage both Governments to urgently redouble efforts on testing and to act quickly to prevent catastrophic job losses so that no worker or business is left behind.

17:13

Oliver Mundell (Dumfriesshire) (Con): Reflecting on this afternoon’s debate, I recognise that reimposing major restrictions across the country, and particularly in the five large health boards in the central belt, is an extremely lonely place for the Government to be. However, we must remember that it is not anywhere near as lonely or as desperate as the position that many businesses are left in, with their employees and communities desperately waiting for news and financial support. Those in the hospitality industry and the associated supply chain are being asked to bear the brunt.

Strong language has been used this afternoon, and we can all understand the anger. It was always going to be impossible to please everyone. This is a public health issue, and it seems likely that difficult and unpalatable decisions will have to be taken for some time to come. We accept that, but what we cannot accept is the, at times, confusing way in which changes are announced and the shameful lack of detail on lifeline support to protect jobs and livelihoods.

As my colleague Donald Cameron showed, the country is increasingly weary. Many members have made the point that morale is extremely low. We have captured some of that today, which shows the importance of this debate.

Like many, I wanted to believe that the elimination strategy was succeeding. I suspect that the Scottish Government and the First Minister hoped the same. Months on, it has become clear that elimination is a long way off and that we face a cold, dark winter after so many sacrifices have already been made.

I cannot imagine how it feels to be one of those who missed out on saying goodbye to loved ones, or to have been told that my planned surgery or health treatment was not important enough to go ahead, or to have missed out on taking my exams and leaving school with my friends.

That is not to say that there were no other good options. Andy Wightman made an important point about the need to set out what those options are and what they could have been. However, no matter what choices we make, we must be aware of how much we are asking of people.

In that spirit, as Jamie Greene argued, it is imperative that we ask and answer some of those difficult questions now. What will success look like for the measures? What if they do not work? What modelling has the Scottish Government done on the case numbers we anticipate seeing when we get to 26 October?

Andy Wightman: The member asks what success will look like. I broadly agree that we need a better grasp of that. There is some evidence in figure 12 of a reduction in exposures of confirmed cases in family clusters and in gatherings of family and friends. There is therefore some evidence that the measures that were taken a few weeks ago were successful. I agree that we need more of that, but does Mr Mundell accept that some of the evidence is quite encouraging?

Oliver Mundell: I would be loth to use the word “encouraging”, because it is hard for people to accept that those measures were needed. That comes from a natural human instinct. We all look at ourselves, and at our own situations and families, and it is difficult to understand that our individual actions can have a collective impact.

One of the other key themes to emerge today has been the inconsistency, or perceived inconsistency, of many of the restrictions and the accompanying guidance. Where that confusion exists and where it is hard for people to follow what they are being asked to do, it is more difficult to justify it. If we do not get this part of the process right, there is an increasing risk that a number of people will decide, “Stuff this.” I do not say that

lightly, and I encourage everyone to follow the advice that they have been given.

I disagree with the cabinet secretary. It was important that Jason Leitch was willing to say that it is difficult to keep up with the changes. I know that he was asked about specifics—I heard the cabinet secretary say that—but we all have specifics in our own lives. Everyone faces specific circumstances and difficult choices and issues in their own family and life, and everyone has to deal with a plethora of guidance. People who send their children to school or whose children go to sports clubs, as well as people who go to work, all face different rules and restrictions and slight variations in almost every setting that they go into. It is hard for people to follow that.

The First Minister is right to talk about balance and the need for common sense, but the frustration for many people who are determined to do the right thing is that they are struggling to understand the logic and to see how those different decisions fit together.

With more thought and contingency planning—and with more consultation with experts in industry—some of that could have been avoided and some practical answers could have been given ahead of time. As Rachael Hamilton highlighted, we saw that just two weeks ago with self-catering accommodation, when there was a mix-up in what people were being asked to do

I am not criticising the Scottish Government for taking those decisions, but there is no way that anyone can think it is fair that sending out mixed messages and treating people’s businesses as an afterthought is acceptable when the Government is taking decisions that damage and destroy people’s livelihoods.

When it comes to the changes that were announced yesterday, I, personally, find it disappointing and astonishing that there was no time to engage properly with the hospitality and tourism sectors ahead of those announcements being made. After all, we had had weeks of speculation in the media that something like that was being considered. What is even more galling is that, after six months of going it alone, the First Minister found time to speak to Opposition leaders on top of briefing the media twice but did not find the time to pick up the phone to those who will be most directly affected. That, to me, is not leadership, and people deserve better. We must remember that, in taking these difficult decisions in Government and in Parliament, we are not the ones who are paying the price for these measures. We do not have to let staff go and we do not have to close the doors on businesses that we have built over many years.

The only thing that we can do is provide the right support and, most important of all, provide it in a timely manner. However, what has been offered so far is insulting, both in terms of the sum and the lack of clarity in advance around eligibility. Imagine the anxiety that that will cause on top of many hospitality businesses being told in October that operating outdoors is their only option at a difficult time of the year for that. What a bitter pill that is to swallow after many businesses have spent thousands of pounds in trying to do the right thing, doing what the Government has asked and keeping their customers safe.

We can do far better, and we can start by curtailling the endless speculation ahead of these announcements. Either the Scottish Government is a leaky ship or people are deliberately briefing proposals out to the press. That helps no one; it only contributes to unease, and it has destroyed what little confidence is left. What is worse is that, in between all of that, the consultation and communication have not been right.

Today's debate has been an important opportunity to air the issues and make a start on a much-needed return to parliamentary and democratic scrutiny. Ultimate responsibility for the decisions lies squarely with the Government alone, but it is right that the Parliament has a greater voice, as this is no longer a short-term emergency but a long-term reality.

The Presiding Officer (Ken Macintosh): I call the Deputy First Minister and Cabinet Secretary for Education and Skills to wind up the debate.

17:22

The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney): This has been a helpful and informative debate that has addressed the most important question—there has been broad agreement on that—which is that there was a necessity for us to take further action. The Government set out yesterday the basis on which we decided to do that. The necessity for action is demonstrated in the evidence paper that was published by the Government yesterday, which of course comes with a huge amount of data published on a daily basis about the development of the pandemic, with further series of information that reflect the pattern of the pandemic.

I will highlight from the evidence paper three particular graphics that make important points. The first is figure 2, on the estimated total number of infections, which illustrates that at the current rate of infection growth of 7 per cent per day, the number of infections would be at the level of the March peak by the end of October. To me, that one illustration is the compelling indication of why

further measures are required to be undertaken. Faced with that evidence and data, I cannot see how it would be possible to say that there is no case for action to be taken. That point has been pretty broadly accepted across the chamber.

Jamie Greene: Those are concerning figures—I do not think that anyone disagrees with that. However, why is it that we would be in that situation if we did not make the current intervention? Presumably, given all the measures that we have introduced and all the lockdowns and restrictions, we would not expect to be in this position. What has gone wrong?

John Swinney: What is happening is that a virus that we had suppressed significantly in Scotland has not disappeared—at no stage has the virus disappeared. What we are seeing in Scotland, England, Wales, Northern Ireland, the Republic of Ireland, countless European countries and the United States is that the virus makes a reappearance—a reoccurrence—because it is transmitted by human contact and interaction.

I will address Mr Greene's question directly. Yesterday was not the first time that we took further action—we took action a fortnight ago to tackle the issue of household gatherings. We had to put in place tight restrictions on the ability of individuals to meet in households. Essentially, those were to stop people meeting in households indoors.

I come to the second chart, which is the one that Mr Wightman has just highlighted. I refer to "Figure 12: Percentage of Covid-19 cases that were exposed to different settings per week". I want to draw out two points from that data. The first point is that the proportion of cases attributed to family interaction in family settings is declining, which should give us some encouragement that the measures taken as a consequence of the restrictions that we applied a fortnight ago are beginning to have an effect. As our clinical advisers have confirmed publicly, in the west of Scotland, the restrictions were blunting the rise of Covid in family settings.

The second point is that, although it is difficult to draw a direct line, we are generally seeing an increasing proportion of cases attributed to activity in the hospitality sector.

Oliver Mundell: I fully recognise the Deputy First Minister's point, but does he understand the frustration that some hospitality businesses feel, having spent thousands of pounds and a lot of time putting in place safety measures? I am not saying that that is the wrong conclusion to draw, but does he understand their frustration?

John Swinney: I completely understand their frustration. If we answer the first question that I posed—is there a case to act further?—by saying

that there is a compelling case to act as a result of figure 2, which I think there is, we then have to think about what to do about it. Figure 12 shows that the first thing that we should try to do is to limit household interaction. We did that a fortnight ago. There are some grounds for encouragement, but the action was not enough, as figure 2 shows, and, consequently, we have to look at the other causes. That takes us to hospitality. I completely understand the frustration on the part of the hospitality sector.

That brings me to the third illustration: “Table 1: Number of new cases in the last 7 days per 100,000 people by age”. At this point, I come to Christine Grahame’s compelling contribution. Although a large number of cases per 100,000 people are in the 0 to 19 years age group, that has largely become static. The worrying element is the growth in the number of cases in the recent seven-day period in the age groups above 40. That is when we start getting to the acute issues of hospitalisation and, ultimately, sadly, into fatalities.

In marshalling that evidence, we see that there is a compelling case for us to act further. We have taken steps on the hospitality sector. The Government engages regularly with the hospitality sector—we have frequent discussions with it. Fergus Ewing, who is the responsible minister, is in constant dialogue with the sector and has been throughout on issues relating to the pandemic.

Brian Whittle: I listened carefully to the Cabinet Secretary for Health and Sport’s response to Alex Cole-Hamilton’s intervention. Does the Deputy First Minister accept that there seems to be an anomaly between cafes with a licence being allowed to operate and restaurants that can offer exactly the same service not being allowed to operate? Is there any movement on that restriction, and might the Government look at it again?

John Swinney: The point that we come back to is that we must take sufficient action to address the danger that is shown in figure 2. If we exempt everyone from the action, frankly, there is no point whatsoever in taking it. We must take enough action to reduce the opportunity for social interaction in order to enable us to interrupt the spread of the virus.

The health secretary has set out the Government’s position on a number of the amendments. We cannot support the Labour amendment. It makes reference to giving “full financial mitigation” in all circumstances. We would love to be able to do that, but we do not have the resources or the scope to borrow to enable us to do so.

We are putting in place £40 million of Scottish Government resources. We hope that, as the

United Kingdom Government reflects on the same dilemmas as we have here—

Liam Kerr rose—

John Swinney: If Mr Kerr will forgive me, I am required to wind up my comments now.

Mr Mundell made a comment about the Scottish Government perhaps pre-advertising its direction of travel. I point out that in the newspapers that I was looking at this morning, the United Kingdom Government was setting out where it might move. It might bring forward further financial resources, the deployment of which the Scottish Government will consider.

My final point is on parliamentary scrutiny. The debate has been a welcome one. The Government is happy to come to the chamber: we have debated Covid issues on a number of occasions, and there have been myriad opportunities to raise questions. As far as I am aware, every invitation for Government ministers to appear before the COVID-19 Committee has been accepted and fulfilled. Indeed, the Cabinet Secretary for Health and Sport and I were at a meeting of the committee—I want to say last week, which it was, although it feels as though it was an eternity ago.

The Government is absolutely willing to engage in all manner of parliamentary dialogue, and we look forward to doing so. These are vital issues, but I come back to where I started. If the Government is faced with compelling evidence to which it has to respond, it has to take difficult decisions. There are no easy ones in all of this. We will engage as much as we possibly can but, ultimately, we have a duty to protect the public and to take the actions that we consider to be necessary to enable us to fulfil that objective.

The Presiding Officer: That concludes our debate on Covid-19.

Trade Bill

The Presiding Officer (Ken Macintosh): The next item of business is consideration of a legislative consent motion. I invite Ivan McKee to move motion S5M-22970, on the United Kingdom Trade Bill.

Motion moved,

That the Parliament agrees that the relevant provisions of the Trade Bill, introduced in the House of Commons on 19 March 2020, which relate to the implementation of the Agreement on Government Procurement, the implementation of international obligations arising from UK trade agreements, which stem from existing EU trade agreements and the sharing of trade related information by public bodies, so far as these matters fall within the legislative competence of the Scottish Parliament or alter the executive functions of the Scottish Ministers, should be considered by the UK Parliament.—[*Ivan McKee*]

The Presiding Officer: I believe that Patrick Harvie would like to speak to the motion.

17:31

Patrick Harvie (Glasgow) (Green): Yesterday, every member in the chamber who is not a supporter of Boris Johnson and the Brexit ultras joined together to reject the United Kingdom Internal Market Bill. From that debate, it was apparent that most of us see clearly the fundamental connections between that bill and the United Kingdom Government's trade agenda.

The Trade Bill that is the subject of today's legislative consent motion might be narrower in scope than its predecessor, which was an earlier iteration, but it is absolutely not an approach to the negotiation of trade policy within these islands to which we should sign up. Neither is it a bill to which we should consent.

I want to acknowledge the constructive work of my colleagues on the Finance and Constitution Committee, who have been scrutinising all the legislation, and of our clerks, who have recently had to work very hard on a complex and interconnected set of reports. Some of my concerns are shared by the majority of members of the committee, who agreed, at paragraph 52 of its report on the LCM, that in the bill

“there is no role for devolved legislatures to scrutinise ... new parts”

even of roll-over agreements

“which impact on devolved areas.”

Although the committee welcomed the Minister of State for Trade Policy's commitment to work on that, we said that that work

“should have been done prior to the passage of the Bill”,

but it has not been done.

The committee also noted that the UK Government has committed—using the old familiar phrase—to “not normally using” its powers under the bill

“in areas of devolved competence without ... consent”.

We know very clearly that the UK Government is willing to use its legislative power in devolved areas—not only without the consent of this Parliament, but in defiance of a refusal of such consent. Therefore, I do not think that we can take its commitment seriously. The committee has made it clear that the bill should be amended in that respect. However, I see no prospect that we will get the kind of amendments to the bill that the committee's report has called for.

In its report, the committee also highlighted the evidence of Ivan McKee, the minister who I presume will seek to defend the bill in a moment. He explained to us that the engagement that he has seen from the UK Government

“fell short of what the Scottish Government expected”.

He said:

“Irrespective of the extent to which UK trade policy engages with and impacts on areas of devolved policy and competence, the Scottish Government has had no meaningful involvement in trade negotiations, nor has it had any input into the identification of priority partners for trade negotiations.”—[*Official Report, Finance and Constitution Committee, 23 September 2020; c 48.*]

If the approach of the UK Government is to freeze out Scotland, Wales and Northern Ireland from those matters in the run-up to the development of legislation, why should we think that it will not take exactly the same attitude once the bill has passed?

The committee has recommended, at paragraph 66 of its report, that

“it is essential that the devolved institutions are involved at all stages of the trade negotiation process.”

It is abundantly clear that we are not going to be involved in that way. The bill fails to create a framework for that involvement. It should do that—it should be giving an opportunity for input to the negotiating priorities of the UK Government, scrutiny of draft agreements while they are under negotiation, and approval of completed agreements, especially in respect of devolved impacts. The bill does none of those things.

Finally, the thing that I find most frustrating is that we have the opportunity to speak for only a few minutes—I repeat, a few minutes—on the issue. The bill and devolved scrutiny of the LCM have not been accompanied by the kind of broader debate that we ought to be having about trade policy and how it can be developed in an open, deliberative and democratically accountable way, involving this Parliament as well as the

Welsh Parliament and the Northern Ireland Assembly, rather than simply being imposed by a UK Government that is not democratically accountable for the devolved policy areas on which trade agreements will impact. Trade agreements will impact on sustainability, human rights, and trade justice. None of those principles is embedded in the legislation.

I welcome the fact that the Scottish National Party Government often seeks to distance itself from the free market extremism that we see from people in the UK Government, but it is not willing enough to stand in opposition to it. More trade is always seen as a good thing, whether it is in relation to environmentally damaging industries such as fish farming in the UK, in relation to the arms trade—the UK is the world's second-biggest arms dealer; some of that activity happens in the UK and the Scottish Government's enterprise agencies have funded it—or in relation to the First Minister's refusal under questioning today to do what Ivan McKee should have done at Westminster yesterday, which was to rule out free ports, which are a licence for money laundering, tax avoidance and organised crime.

We should be standing four-square against the UK Government's free market extremism, and we should be voting down the legislative consent motion on its Trade Bill.

17:38

The Minister for Trade, Investment and Innovation (Ivan McKee): I want to make it absolutely clear that the Scottish Government does not support the UK Government's approach to trade policy, which, among other things, excludes any meaningful role for the devolved Administrations. Nor do we support the UK Government's limited and unsatisfactory plans for parliamentary scrutiny.

However, it is important to recognise what the bill does. It is a largely technical, narrow bill that seeks to secure current trade agreements. The provisions that require legislative consent will enable full implementation of rolled-over trade agreements that Scotland benefited from through European Union membership. The provisions will also avoid potential gaps in Scotland's ability to access current and future procurement markets.

Our key consideration is to do all that we can to provide as much certainty as possible for Scottish businesses and sectors that need stability from continuity trade agreements, which will allow them to continue to benefit from agreements that the EU already has with third countries. That is why, after careful consideration, we are recommending that Parliament give legislative consent to the relevant parts of the bill.

I am pleased that the Finance and Constitution Committee, in its report that was published yesterday, also recommends that consent be given. I will write to the committee on the detailed points that are raised in the report, but I am happy to confirm now that we agree that there should be a greater role for devolved institutions in order to allow us to develop a consensual position on trade negotiations.

I want to provide some reassurance to members, and outline what the bill does not cover on trade policy. It does not cover new trade deals such as the one that is currently under negotiation with the US, nor does it set out any wider framework for how future trade policy should be conducted.

I understand why some people are concerned about the bill on the basis that it does not go far enough in involving devolved institutions. We agree, which is why we will continue to argue for a greater role in the development of UK-wide trade arrangements. We have also made clear our red lines for trade negotiations on future agreements, and we are forthright in promoting and defending Scottish interests in correspondence and in engagement. We are also developing our own vision for the future of Scottish trade policy; I will be happy to share that with members in the coming weeks.

The UK Government's approach to trade policy has left businesses, consumers and the devolved nations out of the loop, but withholding consent to the bill where it is required will not benefit anyone. Our interests will not be served by refusing to consent to essential technical provisions that will provide some protection and certainty for our export businesses and sectors. It is the responsibility of the Scottish Government and the Scottish Parliament to protect Scottish interests. I believe that consenting to the bill, albeit in the unwelcome circumstances in which we find ourselves, is the best way to do so.

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

Parliamentary Bureau Motions

17:40

The Presiding Officer (Ken Macintosh): The next item of business is consideration of two Parliamentary Bureau motions. I call Graeme Dey, on behalf of the Parliamentary Bureau, to move motions S5M-22993 and S5M-22994, on approval of Scottish statutory instruments.

Motions moved,

That the Parliament agrees that the Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Amendment Regulations 2020 (SSI 2020/300) be approved.

That the Parliament agrees that the Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Regulations 2020 (SSI 2020/279) be approved.—[*Graeme Dey*]

Decision Time

17:41

The Presiding Officer (Ken Macintosh): The first question is, that amendment S5M-22985.2, in the name of Donald Cameron, which seeks to amend motion S5M-22985, in the name of Jeane Freeman, on Covid-19, be agreed to. Are we agreed?

Members: Yes.

The Presiding Officer: We are agreed.

Member: No.

The Presiding Officer: Can I confirm that there was a no there? I will put the question again. The first question is, that amendment S5M-22985.2, in the name of Donald Cameron—[*Interruption.*] This is important, colleagues. We are working under slightly different circumstances from normal, so I think that we will allow some latitude and show some understanding for the difficulties that our colleagues have.

The question is, that the amendment in the name of Donald Cameron, which seeks to amend the motion in the name of Jeane Freeman, on Covid-19, be agreed to.

Amendment agreed to.

The Presiding Officer: The next question is, that amendment S5M-22985.4, in the name of Richard Leonard, which seeks to amend the motion in the name of Jeane Freeman, on Covid-19, as amended, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division. We will have to suspend business temporarily while I get all members, both in the chamber and online, to access the voting app.

17:42

Meeting suspended.

17:49

On resuming—

The Presiding Officer: We will proceed with the division on amendment S5M-22985.4.

The vote is now closed. We will wait a few seconds to ensure that all members have registered their votes.

For

Baillie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
Balfour, Jeremy (Lothian) (Con)
Ballantyne, Michelle (South Scotland) (Con)

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

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Green)

FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division is: For 53, Against 64, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The next question is, that amendment S5M-22985.3, in the name of Alison Johnstone, which seeks to amend motion S5M-22985, in the name of Jeane Freeman, on Covid-19, as amended, be agreed to.

Amendment agreed to.

The Presiding Officer: The next question is, that amendment S5M-22985.1, in the name of Willie Rennie, which seeks to amend motion S5M-22985, in the name of Jeane Freeman, on Covid-19, as amended, be agreed to.

Amendment agreed to.

The Presiding Officer: The next question is that motion S5M-22985, in the name of Jeane Freeman, on Covid-19, as amended, be agreed to.

Motion, as amended, agreed to,

That the Parliament recognises the considerable efforts of people across Scotland to suppress COVID-19; notes that the prevalence of the virus has increased in recent weeks and that the numbers of people hospitalised, in intensive care and tragically dying from the virus has also increased; recognises that this is not confined to younger age groups and agrees that further actions need to be taken in order to reduce the level of transmission across Scotland; notes the evidence paper published on 7 October 2020 and the national and regional targeted actions set out by the First Minister; recognises that these actions will be accompanied by additional measures to boost compliance, provide support for those self-isolating and financial support for those areas of the economy impacted by the measures; welcomes the ongoing four nations discussions and shared commitment to suppress COVID-19 to the lowest possible level across the UK and to keep it there; notes the commitment to explore additional parliamentary scrutiny and the commitment to bring forward an updated strategic approach to COVID-19 transmission to the Parliament within the next two weeks; urges the Scottish Government to do more to support the hospitality sector; calls on it to outline the specific details of what financial support is available to protect the jobs and businesses affected by the restrictions that have been announced; recognises that New Zealand has recently achieved elimination of community transmission of COVID-19 for the second time, and that routine testing has been a key aspect of that country's response to the pandemic; further recognises the significant demand for testing and the need to continue to build further capacity within the NHS, but considers that the Scottish Government must work with NHS Scotland to introduce regular weekly testing for specific groups in the population to be determined in line with clinical advice; believes that hospital workers, social care staff, school and university staff and students should be considered as a priority, and calls for this updated strategic approach to include an updated routemap and transparency around the thresholds that underpin the implementation and lifting of tougher measures, nationally or locally, to help people understand and contribute effectively to these efforts, and for this strategy to be the subject of a meaningful vote of Parliament.

The Presiding Officer: The next question is, that motion S5M-22970, in the name of Ivan McKee, on the Trade Bill, which is United Kingdom legislation, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

Neil Findlay (Lothian) (Lab): On a point of order, Presiding Officer. I could not connect, and I would have voted yes.

The Presiding Officer: Thank you, Mr Findlay. I will ensure that the clerks record your vote as a yes vote.

Alexander Burnett (Aberdeenshire West) (Con): On a point of order, Presiding Officer. Likewise, I could not connect and my vote would have been yes.

The Presiding Officer: Thank you, Mr Burnett. I will instruct the clerks to register your vote as a yes vote, which will be added to the division list now.

Fulton MacGregor (Coatbridge and Chryston) (SNP): On a point of order, Presiding Officer. I do not think that my vote registered. [*Temporary loss of connection.*]

The Presiding Officer: Sorry, Mr MacGregor. We lost you for a second. Could you record that point of order once more?

Fulton MacGregor: [*Inaudible.*]

The Presiding Officer: Hello, Mr MacGregor. We could not quite hear you there. Could you make your point of order now?

Mr MacGregor, this is the Presiding Officer. Can you—[*Inaudible.*] No, you cannot quite hear me.

Mr MacGregor, this is Ken Macintosh, the Presiding Officer. [*Laughter.*] Thank you, colleagues.

Mr MacGregor, we have switched your camera off to try to improve the signal for the sound. If you can hear me, can you please make your point of order?

Richard Lyle (Uddingston and Bellshill) (SNP): On a point of order, Presiding Officer. Mr MacGregor indicated that he was voting yes.

The Presiding Officer: The difficulty is that although it has been indicated in the chat function, it has to be indicated formally, for the record.

I am sorry, but there is a connectivity issue that I do not think that we can resolve in time. Mr MacGregor will have a chance to come back to formally note his vote for the record. We will proceed with the result of the vote. I recognise that that disadvantages Mr MacGregor, but he will be able to make his point formally when we return.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Con)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)

Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Griffin, Mark (Central Scotland) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Mason, Tom (North East Scotland) (Con)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Sarwar, Anas (Glasgow) (Lab)

Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Finnie, John (Highlands and Islands) (Green)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Johnstone, Alison (Lothian) (Green)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Wightman, Andy (Lothian) (Green)

The Presiding Officer: The result of the division is: For 108, Against 7, Abstentions 0.

Motion agreed to,

That the Parliament agrees that the relevant provisions of the Trade Bill, introduced in the House of Commons on 19 March 2020, which relate to the implementation of the Agreement on Government Procurement, the implementation of international obligations arising from UK trade agreements, which stem from existing EU trade agreements and the sharing of trade related information by public bodies, so far as these matters fall within the legislative competence of the Scottish Parliament or alter the executive functions of the Scottish Ministers, should be considered by the UK Parliament.

The Presiding Officer: Mr MacGregor will be able to make his point after we return.

The final question is, that motions S5M-22993 and S5M-22994, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, be agreed to.

Motions agreed to,

That the Parliament agrees that the Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Amendment Regulations 2020 (SSI 2020/300) be approved.

That the Parliament agrees that the Health Protection (Coronavirus) (Restrictions and Requirements) (Scotland) Regulations 2020 (SSI 2020/279) be approved.

Meeting closed at 17:58.

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

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