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CONTENTS

	Col.
FIRST MINISTER'S QUESTION TIME	1
Committee on the Scottish Government Handling of Harassment Complaints (Evidence)	2
Covid-19 Restriction Levels (Edinburgh)	6
Brexit (Medicine Supplies)	9
Coronavirus Restrictions (Edinburgh)	11
Brexit (Support for Food and Drink Businesses)	14
Covid-19 (Test-booking Staff)	15
Puberty-blocking Drugs	16
Covid-19 Safety Measures (Retailers)	17
Businesses (Financial Support)	18
Covid-19 Restriction Levels (Edinburgh)	18
Spectator Sports (Financial Support)	19
Palliative Care Patients (Covid-19 Vaccine)	20
Supermarkets (New Year's Day Closure)	20
Human Rights Act 1998 (United Kingdom Government Review)	21
Compensation Payments (Bullying in NHS Highland)	22
Pfizer Vaccine (Public Information) (Autoimmune Disorders and Allergies)	22
Brexit (Special Arrangements for Northern Ireland and Scotland)	23
Hate Crime and Public Order (Scotland) Bill	23
PORTFOLIO QUESTION TIME	25
TRANSPORT, INFRASTRUCTURE AND CONNECTIVITY	25
A723 (Carfin Bypass Dualling)	25
Free Bus Travel	26
Edinburgh City Bypass (Upgrade Plans)	27
Covid-19 (Public Transport)	28
Travel Infrastructure Investment (North-east)	29
Shetland Ferry Services (Support)	30
Road and Rail Network (Winter Preparedness)	32
A82 and A83 (Improvement Plans)	33
SCOTTISH GENERAL ELECTION (CORONAVIRUS) BILL: STAGE 1	35
<i>Motion moved—[Graeme Dey].</i>	
The Minister for Parliamentary Business and Veterans (Graeme Dey)	35
Miles Briggs (Lothian) (Con)	39
Anas Sarwar (Glasgow) (Lab)	41
Patrick Harvie (Glasgow) (Green)	43
Liam McArthur (Orkney Islands) (LD)	44
Bill Kidd (Glasgow Anniesland) (SNP)	46
Stuart McMillan (Greenock and Inverclyde) (SNP)	48
Jamie Halcro Johnston (Highlands and Islands) (Con)	50
Maureen Watt (Aberdeen South and North Kincardine) (SNP)	51
Gil Paterson (Clydebank and Milngavie) (SNP)	53
Neil Findlay (Lothian) (Lab)	54
Joan McAlpine (South Scotland) (SNP)	56
John Scott (Ayr) (Con)	57
Shona Robison (Dundee City East) (SNP)	58
Anas Sarwar	60
Adam Tomkins (Glasgow) (Con)	61
Graeme Dey	63
BUSINESS MOTION	67
<i>Motion moved—[Graeme Dey]—and agreed to.</i>	
FORENSIC MEDICAL SERVICES (VICTIMS OF SEXUAL OFFENCES) (SCOTLAND) BILL: STAGE 3	68
FORENSIC MEDICAL SERVICES (VICTIMS OF SEXUAL OFFENCES) (SCOTLAND) BILL	96
<i>Motion moved—[Jeane Freeman].</i>	
The Cabinet Secretary for Health and Sport (Jeane Freeman)	96

Donald Cameron (Highlands and Islands) (Con)	98
David Stewart (Highlands and Islands) (Lab).....	100
John Finnie (Highlands and Islands) (Green).....	103
Alex Cole-Hamilton (Edinburgh Western) (LD)	104
Sandra White (Glasgow Kelvin) (SNP).....	105
Liam Kerr (North East Scotland) (Con).....	107
Lewis Macdonald (North East Scotland) (Lab).....	108
Emma Harper (South Scotland) (SNP)	110
Pauline McNeill (Glasgow) (Lab)	111
Brian Whittle (South Scotland) (Con)	113
Jeane Freeman.....	115
SCOTTISH GENERAL ELECTION (CORONAVIRUS) BILL: FINANCIAL RESOLUTION	118
<i>Motion moved—[Ben Macpherson].</i>	
BUSINESS MOTIONS	119
<i>Motions moved—[Graeme Dey]—and agreed to.</i>	
DECISION TIME	120

Scottish Parliament

Thursday 10 December 2020

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

First Minister's Question Time

The Presiding Officer (Ken Macintosh): Good afternoon, colleagues. We begin today's business with First Minister's question time, but before we turn to questions, I invite the First Minister to update Parliament on the Covid-19 situation.

The First Minister (Nicola Sturgeon): I will give a short update on today's statistics and some other developments.

The total number of cases that were reported yesterday was 933, which is 4.7 per cent of all tests reported. Therefore, the total number of cases is 103,305. There are currently 984 people in hospital, which is 12 more than yesterday, and there are 52 people in intensive care, which is two more than yesterday.

I very much regret to report that, in the past 24 hours, a further 50 deaths were registered of patients who had first tested positive in the previous 28 days. The total number of people who have died under that daily measurement is now 4,039. The fact that the number of deaths using that measure has passed 4,000 should cause a moment of reflection—not least because it reminds us yet again of the dreadful toll that the virus takes. Again, my condolences go to everyone who has lost a loved one.

I will briefly mention two other points. First, we will shortly publish the latest estimate of the reproduction number. We expect that it will show that the R number has fallen further below 1, which is confirmation that the restrictions that are in place are having the desired effect. That progress is why, on Tuesday, we were able to indicate that 16 local authority areas will move into a lower level of restrictions from tomorrow. That is good news, but as I have stressed already, that makes it all the more important that everyone shows caution.

Secondly, I am able to give the first of what will be weekly reports on the numbers of people who have been vaccinated against Covid. I confirm that over the course of Tuesday and Wednesday a total of 5,330 people in Scotland received the first dose of the vaccine. During those first two days, vaccinations took place in all health board areas, with the exceptions of Shetland and the Western Isles, although vaccinations in those areas will start this week.

I thank everyone who has been involved in ensuring that the programme got off to a positive start, because we know that this is a major undertaking in which there are significant logistical challenges. We will publish weekly updates on the vaccination programme, from next Wednesday onwards.

We can all be hopeful that the start of vaccinations marks the beginning of the end of the pandemic for Scotland, but the coming months will still be difficult, so we should all do everything that we can to keep ourselves and our loved ones safe. I ask everyone who is in a local authority area that is moving down a level tomorrow to remember that that is a move that will bring risks, so please continue to be cautious, and try to limit your interactions with others as much as possible. The fact is that every time we come into contact with someone from another household, whether it is in a shop or a cafe or at work, we give the virus the opportunities that it craves, so we should try to limit those interactions as much as we can.

As restrictions have eased in other parts of the UK, case numbers have started to rise again; that is a real risk that we face here, too. The only way to mitigate that is for all of us to be ultra-cautious and careful, to stick rigidly to the rules and to remember that just because we can do something that does not mean, in the current circumstances, that we should.

I remind everybody that the postcode checker on the Scottish Government's website is there for anybody who wants to know what the rules are in their area.

To summarise, I ask people, please, not to visit other people's homes at the moment, to stick to the rules on travel, and to follow FACTS: use face coverings; avoid crowded places; clean your hands and surfaces regularly; keep 2m distant from people in other households; and self-isolate and get tested if you have symptoms. As always, doing all those things is the best way we have of protecting ourselves, our loved ones and communities, and of protecting the national health service, as we go further into winter.

The Presiding Officer: We turn to First Minister's question time. I encourage anybody who wishes to ask a supplementary question to press their request-to-speak button.

Committee on the Scottish Government Handling of Harassment Complaints (Evidence)

1. **Ruth Davidson (Edinburgh Central) (Con):** On Tuesday, the chief executive of the Scottish National Party, Peter Murrell, gave evidence under oath to the parliamentary committee that is investigating the Scottish Government's botched

handling of harassment allegations against Alex Salmond. That evidence plainly contradicted the First Minister's version of events. Whose story does the First Minister find more believable—Peter Murrell's or her own?

The First Minister (Nicola Sturgeon): I have already set out in written evidence the reasons for, and the circumstances of, my meeting with Alex Salmond. In a few weeks, I will in person answer questions from the committee on those matters. Only I can do that—only I can set out the circumstances and reasons for the decisions that I have made. The fact of the matter is that my husband had no role in those meetings and had no role in the matters that are under investigation by the committee.

Ruth Davidson might want to attack my husband and use him as a weapon against me—people will draw their conclusions about that—but it does not change the basic fact of the matter, which is that he had no role in the issues.

Ruth Davidson: I am asking about that because a group of women who came forward were utterly let down by the First Minister's Government, and the fall-out from that is still going on. If the First Minister does not want to answer for the consequences of her Government's actions, shame on her.

Like many members of the Parliament, I am in awe of the First Minister's ability to believe that two completely opposing versions of events can be explained away so easily. Let us get back to the evidence that was given to a parliamentary committee. In his evidence, Mr Murrell said, under oath, that

"the issue that was raised with Nicola at the time was a Scottish Government matter". —[*Official Report, Committee on the Scottish Government Handling of Harassment Complaints*, 8 December; c 12.]

However, the First Minister has repeatedly claimed that the meetings were in "a party/personal capacity". Those statements are clearly contradictory; they cannot both be correct. Which one of them is true?

The First Minister: Ruth Davidson is wrong in how she opened that question. I do want to answer; I have not yet had the opportunity to sit before the committee and answer. I will get that opportunity in a few weeks. Not only am I obliged to do that, I am keen to do it.

In my written evidence, I have set out the answers to the questions that Ruth Davidson has asked me. I have set out what I thought might raise immediate implications for my party in the meeting that I had with Alex Salmond, and why that turned out not to be the case.

After that, my priority was to protect the confidentiality and integrity of the process. The committee will have the opportunity to question me on that. It is right and proper that it will do so, because I care about the implications—for the women who came forward with complaints and for any women who feel the need to come forward with complaints in the future.

The inquiry is into an investigation of sexual harassment, which is why we should all treat it seriously. People who choose instead to indulge in wild conspiracy theories make it less likely, rather than more likely, that we will learn lessons from it. The fact of the matter is that it is for me to answer, because I am the leader of this Government. My husband is not a member of my Government; he had no role in those matters. It is for me to answer, so that is exactly what I will do.

Ruth Davidson: As the First Minister said, the chief executive of the SNP is her husband; I was using his professional title. Under oath, he said that the meetings were Government business. However, in written testimony, the head of Scotland's Government said that they were SNP business.

Nicola Sturgeon seems to think that all our heads button up the back, because we are being asked to accept that the chief executive of the SNP popped his head round the door to find the First Minister of Scotland—who is, coincidentally, his wife—her predecessor, Alex Salmond, his chief of staff, her chief of staff and Mr Salmond's lawyer, all sitting, unannounced, in his living room and he never asked a single question, then or since, about what that was all about.

This morning, we learned that Angus Robertson, a former deputy leader to Nicola Sturgeon, was told 11 years ago of alleged inappropriateness by Mr Salmond. I take it that the First Minister's line is that she had no idea about that, either—it is another allegation that just passed her by. Does she really think that that sounds plausible? Is that seriously what the First Minister is asking us to believe?

The First Minister: Yes—because it happens to be the truth. That might not suit what Ruth Davidson wants the situation to be, but I am afraid that that is the situation.

On conversations—or lack of them—between me and my husband, I sometimes wonder whether Opposition members are revealing more about themselves than they are about me. [*Interruption.*] I heard that reaction from across the chamber.

The fact of the matter is that I am First Minister of Scotland. I deal with confidential matters every day of my life. They range from national security matters through to market-sensitive commercial matters, and the whole range of things in between.

I do not gossip about those things, even to my husband. I am the First Minister of the country, not the office gossip, and I take my responsibilities in that role extremely seriously.

Ruth Davidson: The thing is, Mr Murrell did not just contradict the First Minister—he contradicted himself. First, he claimed that he had no prior knowledge of the First Minister’s meeting with Mr Salmond at their house, only to admit later that he had known about it the night before. That is all part of a piece: a First Minister who forgot about a meeting that she had had with Mr Salmond’s chief of staff, at which he discussed allegations of a sexual nature; who omitted even to acknowledge the existence of that meeting until it was revealed in a court of law; and who told BBC viewers that she did not know of any stories about Mr Salmond before he told her, only then to admit that she had actually been informed months before.

There is a pattern here of sharp brains suddenly turning blank, contradictions piling up, and half-answers having to be dragged out of people who should know better. The First Minister and the chief executive of the SNP are intelligent and experienced political operatives. On this one issue, why is it that they cannot get their story straight?

The First Minister: I do not accept that that is the case. Let me set out very clearly the situation that transpired. Back when the Scottish Government developed a process in the wake of all the #MeToo revelations, my priority was to make sure that my Government had in place a process that would allow complaints to be investigated without fear or favour. That was the right thing to do.

When complaints came forward, the Scottish Government was right to investigate them, regardless of whom they were about. When I became aware of those complaints, my priority was to protect the integrity and confidentiality of the process.

It is right and proper that the committee scrutinises the Scottish Government’s handling of the matter, and that it scrutinises my actions and decisions. I have no complaint about any of that, which is why I have put forward written evidence and why I look forward—if that is not a strange way of putting it—to the opportunity to sit in front of the committee and answer any questions that it has. It is for me and the Scottish Government to do that.

I understand why Ruth Davidson wants to drag my husband into these matters, but the fact is that he had no role. It is for me to answer the questions, which is exactly what I will continue to do.

Covid-19 Restriction Levels (Edinburgh)

2. Richard Leonard (Central Scotland) (Lab): We all understand that Scotland’s strategic framework says that decisions on lockdowns are based on judgments as well as facts. Do the national incident management team and Public Health Scotland not have access to the same data and intelligence that the First Minister and her Cabinet have? We know that public health officials briefed the leadership and chief executive of the City of Edinburgh Council that the city should be moved to level 2. That is not just hearsay—that is what is stated in an emergency motion that is being moved by the Scottish National Party leader of the council this afternoon. Why did the First Minister and her Cabinet vote to overturn that advice?

The First Minister (Nicola Sturgeon): When we take the advice of the national incident management team, we look at all the indicators and we apply judgment to that. The chief medical officer is part of the Cabinet discussions.

I will preface my comments on Edinburgh by saying this: why on earth would I want to keep Edinburgh or any other part of the country in a higher level of protection when I did not think that there was a need to do that?

I will share with the chamber the latest data on Edinburgh. These are the figures that were available yesterday; we will get updated figures later today. Over the past seven days, the number of cases per 100,000 in Edinburgh has gone up by 14 per cent and test positivity has gone up by 0.5 per cent. Test positivity is still moderate in Edinburgh, but it has increased in five of the past seven days. The latest data show that case levels have increased in four of the past seven days. The health board breakdown of the case numbers that I reported to the Parliament a moment ago shows that Lothian accounts for the second biggest number of cases that we have reported today.

These are serious decisions that have to be taken carefully. If case numbers are rising slightly or not declining significantly enough in an area, there is a risk in easing restrictions, because the danger is that the situation will very quickly run out of control. The Cabinet reached the judgment that taking Edinburgh down a level at this stage would pose a significant risk to the overall situation, which is why we did not do that. We will review the position again on Tuesday.

We need only look across the world, across Europe and even across the United Kingdom right now to see what happens when restrictions are eased. As restrictions have been eased, there has been a slight increase in the number of cases in England, a dramatic increase in Wales and a bit of an increase in Northern Ireland. That is what we

potentially face as we ease restrictions, so it is important that, before we do so, we ensure that the situation is as stable as possible.

Given the data on Edinburgh that I have just shared with the chamber, I do not think that easing the restrictions this week would have been a safe or sensible decision. I understand why people in Edinburgh wanted that to happen but, in a couple of weeks, I think that they might have had a very different view.

Richard Leonard: Even on those figures, Edinburgh is still well within level 2 thresholds. If we look at the five indicators that were published on Tuesday—the point at which the Cabinet made its decision—we see that one stayed at “moderate”, three remained at “low” and one was moving from “low” to “very low”, so why was Edinburgh treated in this way?

Here are some views from the real world. Yesterday, Louise Maclean from Signature Pubs told us:

“We were totally expecting Edinburgh to go down to tier 2. But we then had to tell just shy of a hundred people that we couldn’t bring them out of furlough.”

Innes Bolt from the Montpeliers group told us:

“We fully appreciate how contagious the virus is but hospitality in the city centre of Edinburgh is suffocating ... It’s survival mode now.”

Edinburgh has not just become an economic hub and our second biggest city in the past couple of days; it was an economic hub and our second biggest city when the Deputy First Minister indicated to the city’s council and to the local business community that Edinburgh would move down to level 2, so businesses, workers and communities in Edinburgh feel badly let down. What is the evidence, rationale or insight that justifies that decision, based on that judgment? Will the First Minister publish the advice, because the people of Edinburgh deserve more than the three bullet points that were published on Tuesday?

The First Minister: The people of Edinburgh deserve a Government that will take decisions to try to keep them as safe as possible from an infectious virus. I understand the impact on businesses. I deeply regret the impact of all this on businesses. A global pandemic is not fair for anyone, but it is not the restrictions that are harming the economy; it is the virus that is harming the economy. If we allow the virus to get out of control, the harm to the economy and to businesses will be deeper and longer lasting.

I have just shared with Richard Leonard and the chamber the last data for Edinburgh. Case numbers are rising again. Test positivity is rising. The fact of the matter is that, when we are dealing

with an infectious virus, if we were to ease restrictions against a rising trend in infections, we would take a risk that the situation would rapidly and seriously run out of control. It would not be responsible for me, as First Minister, or for the Government to take such a decision.

We know the impact on business that the restrictions have, which is why the Cabinet Secretary for Finance announced additional support for businesses yesterday. For the sake of people, for the sake of saving lives and the national health service, and for the sake of businesses and the economy, our key and overriding priority right now must be to keep the virus suppressed.

Nationally across the country, the prevalence of the virus is falling and the reproduction number is falling, but we know that, as we ease restrictions, all that will be under pressure. As I said a moment ago, we see that to varying degrees in every other part of the UK right now. We must continue to take decisions with the utmost care, and that is what the Government and I, as First Minister, will continue to do.

Richard Leonard: This about more than just the city of Edinburgh; it is about transparency and public trust and confidence. The point is this: by overriding recommendations that are based on the available data and the advice of her own public health experts, the First Minister risks losing the trust and confidence of the public.

Too often, the Government appears to assume that people will act in an irresponsible way. That assumption is bringing businesses in Edinburgh and across the country to breaking point. The five-tier system was supposed to give people and businesses certainty and clarity, but we are seeing a return to arbitrary and ad hoc decision making. Decisions such as the one that was made this week appear to be political rather than scientific. Will the First Minister accept that not only does that undermine her stated commitment to limiting economic harms, it erodes public confidence in the Government’s message and, in the end, it will deter compliance with it?

The First Minister: Only one person in this exchange is being irresponsible and, frankly, that is not me. Let us take a step back and reflect on how ridiculous the content of Richard Leonard’s question was. He said that I am taking political decisions against the City of Edinburgh Council—the same City of Edinburgh Council that is led by a Scottish National Party politician. Why on earth would I do that? He said that I am taking decisions—apparently political ones—that are unpopular. Why would I want to take decisions that are unpopular if there was no need to?

I have very clearly set out the situation in Edinburgh and why it is important that we do not ease restrictions when we have a rising trend of infections and test positivity in the city of Edinburgh. If we did that, I would be standing here in a couple of weeks talking about a situation in Edinburgh that had run out of control, which would perhaps mean putting Edinburgh under level 4 restrictions. Do you know who would be first in the queue to attack me for doing that? One Richard Leonard, I suspect. The Government and I will continue to take decisions as safely and responsibly as we can.

I do not assume that people act irresponsibly. I am full of gratitude and appreciation for the responsible way in which the public of Scotland have acted throughout the pandemic. However, I do assume that an infectious virus will take every opportunity that we give it to spread. We have to limit interactions to keep the virus under control. Keeping it under control is about protecting health, protecting the NHS and saving lives, but it is also, fundamentally, about protecting businesses and the economy.

I will continue to take decisions in the responsible way that the people of this country have a right to expect.

Brexit (Medicine Supplies)

3. Patrick Harvie (Glasgow) (Green): Most of us wish that we had never heard of Covid or Brexit, but it is clear that facing them both at the same time will make each crisis even worse. With or without a trade deal, we know that Brexit will be harmful, and by this weekend we might find out exactly how bad it will be.

Scotland's health boards have warned that Brexit could disrupt their services at the time we need them most. NHS Tayside said that a no-deal Brexit could

"lead to an inability to deliver safe and effective care",

and other boards warn of disruption to medicine supply, workforce shortages and vulnerable patients who are abroad being forced to travel home.

There have already been shortages of key medicines during the past couple of years—including morphine, benzodiazepines, hormone replacement therapy and epilepsy drugs. It is expected that those drugs and others will become increasingly hard to deliver in the months after we are dragged out of Europe. Can the First Minister assure us that Brexit will not result in a shortage of drugs or personal protective equipment in our national health service, and that working hours regulations and the longer-term loss of staff from EU countries are being taken into account in NHS workforce planning?

The First Minister (Nicola Sturgeon): I am deeply and increasingly concerned about the lack of clarity over the arrangements that will apply at the end of the Brexit transition period, in only a matter of weeks.

We are exactly a year on from the general election, when the Prime Minister said that his deal was "oven ready". Now, here we are, not knowing whether there will even be a deal. If there is a deal, it will be the bare bones and a minimalist one, and it will do real damage to the Scottish economy and society. I am deeply concerned about that.

Regarding Patrick Harvie's specific question, I cannot stand here and give an absolute assurance that there will be no impact on our economy, society and health service if there is a no-deal Brexit at the end of this year. I can assure Mr Harvie that the Scottish Government is doing everything in its power to minimise and mitigate that impact.

We have been putting medical contingency plans in place. We continue to build a national stockpile of intensive care and end-of-life medicines. We are working across the four nations to ask pharmaceutical companies to increase medicine stocks to a six-week supply. We are working through NHS National Services Scotland to ensure that adequate stocks of medical devices and clinical consumables are held in the national distribution centre. That planning will continue. The United Kingdom vaccines task force is also planning to ensure the continued supply of vaccines from 1 January.

We are doing everything that we can, but nobody should be under any illusions about how deeply damaging the end of the transition will be, whatever the circumstances, and how particularly damaging it will be if no deal is agreed between the UK and the European Union.

Patrick Harvie: All of that is happening at a time of year when our national health service would be under the greatest strain anyway, but added Covid pressure in January could bring a perfect storm. Experts consistently warn that we might face a third wave of Covid in the new year. The British Medical Association and the Scottish Academy of Medical Royal Colleges have said that a rise in cases resulting from the lifting of restrictions over Christmas could overwhelm parts of the NHS, whose services are already stretched to the limit. That all comes at a time when we will be asking the NHS to deliver the Covid vaccination programme, whose rapid progress is essential to defeating the virus.

Will the First Minister tell us what additional resources will be provided to the NHS to deal with that unprecedented crisis? Will she confirm the

date by which all of NHS Scotland's front-line staff will be vaccinated?

The First Minister: I cannot give that date now, for the simple reason that we do not yet have clarity about what supplies of the vaccine we will have. We will vaccinate in the order of priority that the joint committee on vaccination and immunisation has recommended, and as quickly as those supplies become available.

We have supplies this week—I have given an initial report on that—and we expect to get further supplies before the end of this year. The health secretary and I had direct conversations with Pfizer earlier this week to give us a deeper understanding of that. We will vaccinate as quickly as those supplies come through. Although it is not yet certain, we are hopeful that other vaccines will receive authorisation in the weeks to come and that that will further accelerate the supplies that we have available.

We have already increased the resources that are available to the NHS to help it to deal with the consequences and implications of the pandemic, and discussion about that with the national health service is on-going.

The most important thing that we can do now for the national health service—as well as hope that we do not face the disruption of a no-deal Brexit—is ensure that we are suppressing the virus. That is why this Government continues to take tough decisions about the level of restrictions that must apply in different areas. I have just had what I think was an irresponsible line of questioning from the leader of the Labour party, who was urging me to lift restrictions against a rising trend of infections. We will not do that, because we must suppress the virus to protect our NHS and save lives.

Coronavirus Restrictions (Edinburgh)

4. Willie Rennie (North East Fife) (LD): It is important to ask questions about Edinburgh. The public health experts have seen the numbers that the First Minister read out earlier; they still think that it is safe to ease restrictions in the city.

This is the problem: the World Health Organization says that lockdowns should be used only to ease pressure on health services, because of the high level of damage that is caused by restrictions. The First Minister knows about the other harms—I have heard her talking about them—to do with mental health, jobs and poverty. I question whether it is right that people have to pay the price with their mental health or their job, or through poverty, when the advisers, the local leadership and her own framework say that it is clear that it does not have to be this way. Is there

any chance that Edinburgh will move to level 2 before Christmas?

The First Minister: We will assess that next week, in the way that we usually carry out the weekly review. Can I just be very clear? The Chief Medical Officer for Scotland takes part in the Cabinet discussions that come to conclusions on the matter. Those discussions take account of the views of the national incident management team and of assessment of the four harms, through which we come to very difficult decisions—decisions that we think, on balance, are the right ones.

Edinburgh is not, right now, in what the WHO would describe as lockdown. I appreciate that for many people in Edinburgh it will feel as though they are, but the WHO description of lockdown is akin to the situation that the country was in earlier in the year. We have not, unlike in other parts of the UK, had to apply another national lockdown, which I hope continues to be the case. We continue to take action that will, I hope, avoid that.

I will repeat some of the statistics that I gave. Again, I preface that by asking why on earth, if I believed that it was safe, and was not to take a disproportionate risk, I would not want to put Edinburgh, or any other part of the country, into a lower level of protection. I have no interest in keeping any part of the country in a higher level of protection than is necessary. However, in the city of Edinburgh test positivity has increased over five of the past seven days and case levels have, in four of the past seven days, increased.

Again, I will make the obvious point. To take an area down a level is not a neutral act; it means that we ease restrictions, which gives the virus more opportunities to spread. Inevitably, the virus will take such opportunities to spread. If we ease restrictions based on a foundation that we consider is not stable or sustainable, the danger is that the virus would rapidly run out of control. The virus spreads and the position deteriorates very quickly, which is why we have to apply the greatest possible caution in making decisions, and why we will continue to do exactly that.

Willie Rennie: The First Minister knows that I have been cautious throughout. I will continue to try to support her, but it is hard when she turns her back on the advice and on her own framework.

We have two ferries at Ferguson Marine that are 100 per cent over budget and at least four years late, with desperate island communities still missing out, taxpayers losing more than £100 million and workers being let down by catastrophic management failure in a company that is owned by the Government.

On BiFab, the First Minister boasted to the workers that she had saved their jobs, but she will

not, I suspect, be back to hand out their P45s. Now, they will be able only to watch as the wind farm is built off the coast of Fife.

The Government's industrial strategy is failing just when workers need it most. What is the new plan to revitalise our yards? I ask the First Minister, please, not to tell me that there is another working group. If the Scottish National Party's working groups created work, we would have full employment by now.

The First Minister: Before we leave the issue of Covid—which I cannot do as glibly as Willie Rennie just did—I reiterate that we will continue to take careful and considered decisions on Edinburgh and in all parts of the country. However, if we do not continue to apply real caution, we might in the next few weeks and the remainder of the winter end up with the virus running out of control again. I am sure that if that were to happen, Willie Rennie would, rightly and properly, and just as Richard Leonard would, be one of the first to question why we took decisions that allowed that to happen.

On BiFab, I think that it is three years ago right now since the Government took action that meant BiFab did not close and go into administration back then. We have worked hard, invested heavily and become a minority shareholder in BiFab to try to secure a future for the yard. Unfortunately, we reached the limit of our ability legally to provide support to the yard, and the company has, unfortunately, gone into administration. However, we will continue to work to secure, if we can, a future for the yard.

I am sorry that Willie Rennie does not like the reality of how we have to work through things in Government. There are issues around the renewables supply chain that involve us getting people round the table—not least, with the United Kingdom Government, which still holds so many of the powers—in order to try to get a sustainable position in which our supply chain wins more of the benefits of our renewables potential. The Government will continue to do the hard work that is involved in that.

As far as Ferguson is concerned, the management failures happened, in my view, before the Government took the yard into public ownership—in fact, they are why we had to take the yard into public ownership. Again, if we had not stepped in to do that, all the jobs at Ferguson would have been lost. Since the Government took it into public ownership, 139 jobs have been created; more workers are working there now than when we took the yard into public ownership.

None of those issues is easy and none offers up straightforward solutions. However, we are determined to work as hard as we can to make

secure companies including BiFab and Ferguson, and to do the hard work to secure supplies of work. Unfortunately, that means that we have to get other people round the table.

Brexit (Support for Food and Drink Businesses)

5. **Emma Harper (South Scotland) (SNP):** To ask the First Minister what support is being offered to food and drink businesses in Scotland to prepare for Brexit. (S5F-04649)

The First Minister (Nicola Sturgeon): We are working with food and drink businesses and organisations to do everything that we can to mitigate the worst impacts. That includes providing guidance and support through enterprise agencies via the prepareforbrexit.scot website, and leading efforts to develop a simpler risk-based approach to providing export health certificates for seafood exporters, for example.

However, there is no doubt that, deal or no deal, Brexit will hit food and drink businesses very hard—but it will hit particularly hard if there is no deal. The consequences of that for Scotland's businesses could, and will, be devastating, with consumers also being badly affected.

Emma Harper: Last month, Scotland's food and drink industry penned an open letter to Boris Johnson, warning of

“the perilous situation facing our sector with”—

at that time—

“less than 60 days until the end of the Brexit transition period.”

We are now only 21 days away, and instead of pausing Brexit and extending the transition period, the Conservative Government is taking the UK head first towards a bad deal, or even no deal, in the middle of a global pandemic and economic crisis. Given that Scottish jobs and livelihoods that are on the line, does the First Minister agree that Boris Johnson and his band of Brexiteers have demonstrated that they cannot be trusted to stand up for Scotland's interests?

The First Minister: To be fair, I say that I think that we knew that, before Brexit reared its head. However, the experience of the past period, particularly of the past few weeks, is that the UK Government seems to have failed to make any progress on Brexit negotiations, which certainly underlines that point.

I could stand here and talk for a long time about the impact of Brexit on almost all sectors of our economy, but perhaps it is better to quote the director of policy of NFU Scotland, who said that with no certainty in the future trading relationship,

“UK and Scottish agriculture finds itself on a cliff edge.”

That is the reality for swathes of our economy right now, so it is absolutely shameful that after all the commitments, promises and glib assurances that we have heard from Boris Johnson, we stand so close to that cliff edge. Let us hope that the whole UK does not go over it in the next few weeks—although I do not think that anyone who has been watching the events of the past few weeks and who saw last night's images could have any real confidence in the UK Government, at this time.

Covid-19 (Test-booking Staff)

6. Jeremy Balfour (Lothian) (Con): To ask the First Minister how many staff are employed to answer calls to book Covid-19 tests in Scotland. (S5F-04653)

The First Minister (Nicola Sturgeon): Appointments for symptomatic members of the public who require a test are, in almost all cases, made through the online booking system. The provision of that service is the responsibility of the United Kingdom Government. Separate arrangements are in place through national health service boards for testing NHS staff, patients and, increasingly, care home staff, who are transferring to NHS testing as capacity increases.

Jeremy Balfour: I have been contacted by constituents who have waited on the phone for more than 90 minutes to book a test. That issue is really important, because a significant minority of people are unable to use the online service and may be waiting on a call. There should be no barriers, because we need everyone who has symptoms to book a test and to self-isolate to help stop the spread of the virus.

I understand that there are two helpline numbers for people to call—an 0300 number and an 0800 number. Are those lines staffed by the national health service in Scotland or through the United Kingdom Government, or both? What thought has been given to increasing the number of NHS Scotland staff handling requests to book tests?

The First Minister: The member is right: there is an 0300 number and an 0800 number. As I understand it, both those lines are staffed through the UK Government. The first one certainly is; I think that the second is, too, but if I am wrong about that I will clarify the position. The UK Government does not allocate staffing to a particular nation. However, as I said in my original answer, although the phone lines are there for people who cannot use the online booking service, the vast majority of tests are booked through the online facility. If any member who is having particular constituency issues raised with them passes those issues on to the Cabinet Secretary for Health and Sport, we will absolutely take it upon ourselves to look into them.

Puberty-blocking Drugs

7. Jenny Marra (North East Scotland) (Lab): To ask the First Minister what the Scottish Government's position is on whether puberty-blocking drugs should continue to be administered to children in Scotland. (S5F-04641)

The First Minister (Nicola Sturgeon): Decisions on treatment pathways are best made by clinicians in consultation with patients, and following all the appropriate guidelines. It is not the role of the Scottish Government to intervene in such decisions.

Young people can be considered for puberty blockers only after thorough psychological and endocrine assessment, as per the clinical guidelines, and anyone who commences them continues to receive regular psychological review and support appointments.

Jenny Marra: It is interesting that the First Minister does not think that the democratic process and the courts can overrule medical opinion, because that is exactly what happened in the High Court in England last week.

Let me say that I support every child having the right to live their best life, and the medical support to enable them to do so. However, last week's judgment in the English High Court was specifically about children's capacity to consent. Law and society do not deem children to have capacity to consent to sex or marriage. Last week, the High Court said that neither do they have the capacity to consent to life-altering, fertility-changing drugs until they are aged 16. However, we know that, in the Sandyford clinic in Glasgow, NHS Scotland continues to give such drugs to children as young as 11.

Given her legal background, can the First Minister tell me whether she agrees that children lack the legal capacity to give informed consent to receiving such drugs? If she does, will she use her power to instruct the national health service in Scotland to stop giving them to our children?

The First Minister: It would not be appropriate for me to comment on court actions or decisions that have occurred in England. As a matter of fact—it is not a matter of opinion—last week's ruling from the High Court has no formal status in Scotland. In the case of children and adolescents in Scotland, the young people's service at Sandyford works within the existing guidelines on the treatment of young people to which I referred in my initial answer.

Decisions on types of treatment are for clinicians to make. Jenny Marra referred to my legal background. I have no clinical or medical background, and I think it important that such matters are reserved to clinicians. If the

Parliament wants to consider them in a policy sense, it is of course always open to it to do so.

The Presiding Officer: We turn to supplementary questions.

Covid-19 Safety Measures (Retailers)

David Torrance (Kirkcaldy) (SNP): A number of staff from a large supermarket in Kirkcaldy have contacted me with concerns about a change to the limit on the number of customers allowed in the store in question. The store has previously limited that number to 350, but on 5 December that was increased to 963. What discussions has the Scottish Government had with major supermarket chains regarding the procedures that will be introduced to help to prevent the spread of Covid-19 and to ensure that, in the run-up to Christmas, the safety of the public and staff is prioritised before profits?

The First Minister (Nicola Sturgeon): I thank David Torrance for raising that important issue. Since the start of the pandemic there has been constant and on-going engagement with retailers, including very recent contact with nine major supermarkets, to ensure safe shopping environments for consumers and to obtain updates on the measures that they have in place. Such measures include ensuring a 2m distance between customers; limiting the number of customers in stores at any one time; managing customer movement through measures such as one-way systems; the mandatory use of face coverings, including in staff communal areas; the use of barrier screens at checkouts; and enhanced cleaning and hygiene measures. It is really important that retailers follow all such guidelines and take all appropriate mitigations.

As Christmas approaches, we all expect stores to be busier at times. It is therefore all the more important over the next few weeks that the safety of both staff and customers is prioritised. I would appeal to all retailers, particularly as level 4 restrictions end at 6 am tomorrow morning across 11 local authorities, to be really responsible and to put the safety of customers and staff at the top of their agenda.

I understand that retailers want to make up for lost business and will want customers to frequent their shops. However, if we have retail situations in which the virus is able to spread, we will end up going backwards in relation to our progress on the virus generally and the retail situation in particular. I make an open appeal to retailers to bear that in mind and to make sure that they continue to put the safety of not just their staff and customers but the country as a whole at the top of their agenda.

Businesses (Financial Support)

Alexander Stewart (Mid Scotland and Fife) (Con): The First Minister indicated a few weeks ago that a £30 million fund had been set up to support businesses, including taxi drivers, who do not qualify for other grants. Yesterday, the Cabinet Secretary for Finance confirmed further support to the sector.

Following assurances on the initial fund, constituents in my area contacted local authorities to apply for those grants but were advised that the funds had not been received from the Scottish Government. Weeks down the line, not a penny has been paid out despite assurances to members who have asked questions in the chamber. When will hard-pressed businesses get the financial support that they rightfully deserve?

The First Minister (Nicola Sturgeon): I think that the finance secretary addressed that point in the chamber yesterday when she announced £185 million of additional support for businesses. The £30 million discretionary fund allocations have been agreed and guidance has been issued to local authorities, which I understand was at the request of local authorities. It is now for local authorities to decide how they allocate that money. It is a discretionary fund that is meant to be there for the purposes that local authorities consider to be necessary.

Of course, the finance secretary also announced additional support yesterday for a range of sectors, including additional support for the taxi trade, and we will work with local authorities to get that support to affected businesses as quickly as possible.

Covid-19 Restriction Levels (Edinburgh)

Daniel Johnson (Edinburgh Southern) (Lab): The issue with the decision to keep Edinburgh at level 3 is not just that it seems to be contrary to the stated advice of public health officials; it is that the process that preceded that decision seemed confusing to all those outside it. We had days of speculation, presumably fuelled by briefings that turned out to be wrong; city leaders received advice from public health officials that turned out to be beside the point; and those same city leaders received phone calls from ministers who gave reassurances that turned out to be misplaced.

Will the First Minister review the process by which the decisions on levels are made so that it is transparent and robust, so that those consulted have their views taken into consideration, and so that the public have clarity about and trust in the decisions that are arrived at?

The First Minister (Nicola Sturgeon): We review all these matters on an on-going basis and

we learn lessons as we go. Things are not perfect and we need to improve as much as we can, but I have been at pains to set out the process that we follow.

At no time was the City of Edinburgh Council told that Edinburgh was going into level 2 this week. The Deputy First Minister had engagement with the city council and I do a briefing most days when I am not in Parliament. Beyond that, we do not give briefings with hints about what is happening. We stand up and talk openly about the factors that we are taking into account. I have made clear all along the factors that are taken into account; I have also made clear all along—every week in the chamber and in opportunities in between—that the final decision every week is taken at the weekly Cabinet meeting on a Tuesday morning.

The process is never easy; it will never be easy. However, we have set it out clearly and we will continue in all circumstances to take decisions that we think are the safest decisions to get every part of the country through the second wave of the virus as safely as possible.

Spectator Sports (Financial Support)

Bruce Crawford (Stirling) (SNP): Does the First Minister recall that, last week, I asked the Scottish Government when it would announce what financial support would be available for spectator sports to help them through the winter period? Significant new support was announced yesterday for the hospitality sector and others, which is good, but I was surprised that there was no similar announcement for spectator sports. Given that, for instance, many smaller Scottish Professional Football League clubs, which employ many people, are close to crisis point, when will the Government announce such a package?

The First Minister (Nicola Sturgeon): We know the devastating impact that the pandemic has had on spectator sports across the country, particularly when so many of Scotland's sporting clubs receive a significant proportion of their income through spectators attending events. I can confirm that, later this afternoon, we will set out a £55 million package of support for various spectator sports, which will comprise a combination of grants and loans. It will include £30 million for Scottish football, with support for all levels of the game. It should be noted that top-flight English men's football has not received financial support of that kind from the United Kingdom Government. I can confirm that Scottish Rugby will benefit from £20 million and that the package will also include funding for basketball, netball, motor sport, horse racing and ice hockey.

Taken in its entirety, the support package will be well in excess of the Barnett consequentials that

were announced as a result of the investment that the UK Government announced last month.

Palliative Care Patients (Covid-19 Vaccine)

Miles Briggs (Lothian) (Con): Twelve leading charities have signed an open letter backing the call of palliative care patients and their families to be prioritised during the roll-out of the Covid-19 vaccine. I pay tribute to Fred Banning from East Renfrewshire for spearheading the campaign. The First Minister might have read about him in the newspapers or seen his interviews. Will the First Minister agree to investigate the matter personally and to develop new guidance for clinicians on the vaccine in relation to terminally ill patients and their families? Now that we have the vaccine, it is more important than ever that those who have limited time left can spend it with their loved ones.

The First Minister (Nicola Sturgeon): Yes, I will of course personally look into the letter that has been referred to. I am sure that, if we have received it, we will already be preparing a response. I understand the sentiments and the reasons behind the request that is being made. Of course, we decide the priority of vaccination based on advice from the Joint Committee on Vaccination and Immunisation, as do all the United Kingdom nations. The clinically vulnerable are on the priority list, and therefore I think that, under that advice, priority will be given to the groups that the member mentions. We will continue to do what we can to ensure that people who are at the end of their lives, and families who want to maximise the time that they have with loved ones, have the priority that they merit, and we will respond to the letter as soon as possible.

Supermarkets (New Year's Day Closure)

Neil Bibby (West Scotland) (Lab): Last night, the GMB won a day off on boxing day for all Asda workers. However, Asda has said that workers will lose a day of annual leave as a result, so shop workers are campaigning for a proper extra day off on new year's day. In Scotland, we already have the power to give all supermarket workers a day with their families by closing large shops using the Christmas Day and New Year's Day Trading (Scotland) Act 2007, which is a power that the First Minister supported. I am sure that the First Minister will agree that supermarket workers have been the heroes throughout the pandemic and that there is no doubt that they deserve a day off with their families. If we do not use the power this year, I am not sure that we ever will. Time is short, but there is time to do it.

Will the First Minister agree to meet me and to consider using the Scottish Government's power under the 2007 act to give those workers a well-deserved day off on 1 January?

The First Minister (Nicola Sturgeon): I will undertake to look into that and arrange for the relevant minister—if not me—to have discussions with Neil Bibby. As I have not yet had the opportunity to look at the specific request, I will not give a guarantee or assurance, other than to say that I will look at it. However, I very much agree that supermarket workers have been heroic in the course of the pandemic. It has not been easy for them, and they deserve our thanks, gratitude and appreciation. I believe that, like everybody else who has worked hard throughout the pandemic, they deserve rest and recuperation, and they deserve to be treated fairly by their employers. I will always urge employers to do that. Those are my comments in general, but I am happy to give further consideration to the specific request.

Human Rights Act 1998 (United Kingdom Government Review)

Ruth Maguire (Cunninghame South) (SNP): Today is international human rights day. Earlier this week, the United Kingdom Tory Government announced its intention to review the Human Rights Act 1998. It is important that we are all alive to that Tory threat to human rights protections in Scotland and to the weakening of citizens' rights across the UK post-Brexit. Amnesty was quick to warn that

“Tearing up the Human Rights Act would be a giant leap backwards.”

What discussions has the UK Government had with the Scottish Government regarding that important matter?

The First Minister (Nicola Sturgeon): I have very little information beyond what the UK Government announced on Monday. We were not consulted in advance, as far as I am aware, and we have had no role in developing the remit of the panel.

In my view, the Human Rights Act 1998 is one of the most important UK statutes ever to be enacted. It secures the rights and freedoms of every member of society, and it has served Scotland and the whole UK extremely well for more than two decades. Critically, it is also central to the devolution settlement. The review must not become yet another exercise that undermines devolved powers, which seems to be the objective of the current UK Government at every cut and turn. I do not believe that the review is necessary, and I believe that the UK Government should focus on respecting and protecting human rights, rather than seeking to undermine them.

Compensation Payments (Bullying in NHS Highland)

Edward Mountain (Highlands and Islands) (Con): I am sure that the First Minister will welcome, as I do, the compensation payments funded by the Scottish Government that are being made to those who suffered bullying in NHS Highland. I support that process. Unfortunately, those payments are being administered through payroll, which means that many victims—current and past employees—are being put into higher tax brackets and that those who have lost their jobs are now losing their benefits.

The Scottish Government can make compensation payments without attracting income tax and national insurance. Does the First Minister agree that unnecessarily using the payroll system compounds the pain and suffering of, and shows no compassion to, those who have been bullied? Will she resolve the issue as a matter of urgency?

The First Minister (Nicola Sturgeon): I am very happy to look at whether we could make the payments in a different way that would avoid tax implications. However, there is perhaps an easier way for the issue to be dealt with. The UK Government, which is responsible for deciding what income is subject to tax and is in charge of the majority of our benefits system, could decide to exempt such payments from tax. While it was at it, it could exempt the £500 bonus for national health service and social care workers as well.

Pfizer Vaccine (Public Information) (Autoimmune Disorders and Allergies)

Elaine Smith (Central Scotland) (Lab): As the First Minister mentioned earlier today, the roll-out of the vaccine this week is great news. Obviously, at the moment, only a limited number of doses of the Pfizer vaccine are available, but can the First Minister advise when a public information campaign is likely to start to ensure maximum vaccination take-up? What advice and guidance will be given to people with autoimmune disorders and allergies with regard to being vaccinated?

The First Minister (Nicola Sturgeon): If I recall correctly, the public information campaign will start towards the end of this month. There will also be a door drop, with deliveries starting at the very start of January. I believe that, yesterday, an information pack with more information about the vaccination programme was distributed to all MSPs and placed in the Scottish Parliament information centre. I hope that that was helpful.

As we have greater certainty over the supply, we will continue to update Parliament on the progress of that. As I said earlier, from next Wednesday, we will publish a weekly report on the number of people who have been vaccinated.

As far as advice to people with allergies is concerned, yesterday, the Medicines and Healthcare products Regulatory Agency issued advice in the wake of two—as I understand it—isolated cases in England in which individuals had a reaction to the vaccine. In both of those cases, the people involved had a history of allergic reactions. That has led to the MHRA issuing precautionary advice that people with a significant history of allergic reactions to medicines or vaccinations should not get the Pfizer vaccine at this stage. However, I know that the chief medical officers, the MHRA and, I am sure, Pfizer continue to look at the issue carefully, and I am sure that that advice will be updated in due course.

Brexit (Special Arrangements for Northern Ireland and Scotland)

Joan McAlpine (South Scotland) (SNP): The Westminster Government has said that special arrangements for Brexit provide Northern Ireland with, in the words of Michael Gove,

“the best of both worlds”.

I seem to recall that Ruth Davidson previously threatened to resign if Northern Ireland was given a special deal. Like Northern Ireland, Scotland voted to stay in the European Union.

What special Brexit arrangements is the Westminster Government providing for Scotland?

The First Minister: “None” is the answer to that last question. Of course, the member is right in relation to Ruth Davidson. I will quote exactly what Ruth Davidson said. She said that she

“could not support any deal that ... leads to Northern Ireland having a different relationship with the EU than the rest of the UK, beyond what currently exists.”

Apparently, that

“would undermine the integrity of our UK internal market and this United Kingdom.”

I can only speculate that it is amazing what the offer of a seat in the House of Lords can do to change somebody’s opinion.

Hate Crime and Public Order (Scotland) Bill

Liam Kerr (North East Scotland) (Con): Today, the Justice Committee released its report on the SNP’s Hate Crime and Public Order (Scotland) Bill. It is highly critical, and it concludes that the bill as drafted is a threat to our fundamental right to freedom of speech. Does the First Minister now agree with that conclusion?

The First Minister (Nicola Sturgeon): Unfortunately for the member, I read the report’s conclusion this morning, and I think that it says something along the lines that, subject to the Government agreeing certain further amendments,

the committee supports the general principles of the bill. That is exactly what it says, and I think that that view was unanimous, which means that the Conservatives must have signed up to that conclusion.

The Government has already agreed to amendments to the hate crime bill. We will consider carefully the report that was published today and, if we consider it appropriate, we will make further amendments in the interests of building consensus across the chamber.

13:20

Meeting suspended.

14:30

On resuming—

Portfolio Question Time

Transport, Infrastructure and Connectivity

The Deputy Presiding Officer (Lewis Macdonald): Before we begin, I remind members of the social distancing protocols that are in place here in the chamber and across the campus, and to follow those at all times, in particular when you are entering and exiting the chamber.

The next item of business is portfolio questions on transport, infrastructure and connectivity. Members who wish to ask supplementary questions should press their request-to-speak buttons or, if you are joining us remotely, type an “R” in the chat box to request to speak.

A723 (Carfin Bypass Dualling)

1. Richard Lyle (Uddingston and Bellshill) (SNP): To ask the Scottish Government what discussions it has had with North Lanarkshire Council and the Glasgow city region city deal regarding dualling the A723 Carfin bypass. (S50-04841)

The Cabinet Secretary for Transport, Infrastructure and Connectivity (Michael Matheson): The Scottish Government has committed to investing £500 million in the Glasgow city region deal to stimulate economic growth and to create jobs.

As the local roads authority for the A723, North Lanarkshire Council is responsible for delivering that particular Glasgow city region deal scheme, which is dualling of the A723 and B799 from Ravenscraig to Holytown. The Scottish Government is currently in discussion with North Lanarkshire Council regarding land that is owned by Scottish ministers that might be required by the council as part of its planned A723 upgrade.

Richard Lyle: Work was carried out almost two years ago on the main Glasgow to Edinburgh railway line to install a new bridge to allow that dualling to take place. Many of my constituents questioned that at the time. Does the minister believe that joined-up working should be paramount when suggestions are made about future roadworks?

Michael Matheson: I agree that it is important to have joined-up working between agencies such as Network Rail, road management bodies and local authorities, particularly in consideration of investment in strategic infrastructure of the type to which Richard Lyle refers.

The new Robroyston station is a good example of that kind of partnership. It was successfully delivered by rail partners, Glasgow City Council and Transport Scotland and the work was carried out in a way that minimised disruption to the A80 trunk route and local roads. The member makes an important point about ensuring that there is appropriate joined-up working on projects of that nature.

Free Bus Travel

2. Neil Findlay (Lothian) (Lab): To ask the Scottish Government what its position is regarding free bus travel for all. (S50-04842)

The Cabinet Secretary for Transport, Infrastructure and Connectivity (Michael Matheson): The Scottish Government will continue to provide free bus travel for older and eligible disabled people through the national concessionary travel scheme. We will also extend free bus travel to all young people aged under 19 who are resident in Scotland as soon as is practicable, in the coming year.

In addition, we are reviewing the options for extending public transport concessions to people who are aged under 26, including assessing the costs and benefits so that we can fully consider financial sustainability. The review will be completed by the end of this month, and findings will be published early in the new year.

Neil Findlay: The Government resisted providing free school meals until political pressure and a social crisis forced its hand. When will the Government accept that the climate crisis is such that a move to free bus travel is not only desirable, but is an absolute necessity?

Michael Matheson: Public transport plays an important part in meeting our net zero emissions commitment, as set out by Parliament in our climate change legislation. That is why we are extending free bus travel to people under 19, and why we are reviewing extension of the existing concessionary scheme for people under 26. It is important to ensure that we continue to encourage people to use public transport. I assure the member that the Government will continue to encourage people to use public transport. The concessionary scheme plays an important part in supporting that.

The Deputy Presiding Officer: Bill Kidd has a supplementary question.

Bill Kidd (Glasgow Anniesland) (SNP): The cabinet secretary just mentioned that the extension of concessionary travel to under-19s has been paused, which is basically due to Covid-19. However, can he provide an update on when work on delivering that commitment will begin?

Michael Matheson: Mr Kidd is correct that some of the work around the preparations for introducing concessionary travel for under-19s was paused earlier in the year due to staff in Transport Scotland having to pivot towards dealing with Covid-19 issues. However, that work was restarted in the summer and we have just completed a consultation exercise on the planned draft orders that are associated with the concessionary travel programme. Now that that process has been completed, we are at the final stages of drafting the regulations, which I hope to introduce in Parliament early in the new year, with a view to introducing the scheme later in 2021.

Edinburgh City Bypass (Upgrade Plans)

3. **Miles Briggs (Lothian) (Con):** To ask the Scottish Government what plans it has to upgrade the Edinburgh city bypass. (S5O-04843)

The Cabinet Secretary for Transport, Infrastructure and Connectivity (Michael Matheson): The Scottish Government is committed to delivering improvements to the Sheriffhall junction on the A720 as part of the Edinburgh and south-east Scotland city region deal. Transport Scotland is working to progress resolution of objections to the scheme, and is taking forward the statutory processes that are required to enable its delivery. Any further enhancements to the A720 are for consideration in the second strategic transport projects review, which will report its second phase in autumn 2021.

Miles Briggs: The Sheriffhall junction redevelopment is only one piece of the jigsaw to improve traffic flow on the city bypass. Given that the transport secretary has written to me to say that there are no current plans by the Scottish Government to undertake a feasibility study on widening the city bypass, what action will the Scottish Government take to reduce congestion on all of the city bypass, especially considering that the projected population growth in the south-east of Scotland over the next 20 years is so considerable?

Michael Matheson: Any transport interventions of a strategic nature need to be taken forward on a planned basis, which is why the STPR process looks not only at national priorities, but at regional priorities, including within the Edinburgh area. Miles Briggs will be aware that a study has already been undertaken of potential transport priorities for the Edinburgh area. Any decision on future strategic investments in those areas will be part of the STPR2 process.

It is extremely important that we ensure that the approach that we take to investing in transport is not just about expanding existing capacity, but is also about managing demand, which we need to do to ensure that we can meet the objectives that

Parliament has set as part of our climate change legislation. That means also looking at how we can manage demand by reducing car use and mileage as a key part of our strategy to meet our climate change targets.

Covid-19 (Public Transport)

4. **Gordon Lindhurst (Lothian) (Con):** To ask the Scottish Government what provision it has made to ensure that both publicly and privately owned public transport continues to operate viably, in light of reduced passenger numbers and changing working patterns following Covid-19. (S5O-04844)

The Cabinet Secretary for Transport, Infrastructure and Connectivity (Michael Matheson): We have provided a significant level of additional financial commitment to public transport operators across all modes to ensure that services are maintained at appropriate levels. That amounts to £546 million to date, which relates to support provided to rail, bus and light rail up to January 2021 and for ferries until March 2021. That support is to allow those who need to use public transport at the moment to continue to do so, but it is also to ensure that we retain a viable public transport system that is fit for purpose for the future.

Gordon Lindhurst: The cabinet secretary referred to certain dates early in the new year, but the Scottish Government has so far failed to provide detail of the support beyond the beginning of the new year. People have substantially altered their patterns of transport from public to private as a result of the Covid situation. Will the cabinet secretary provide the detail of the Government's forward strategy for the support and promotion of public transport beyond the beginning of the new year?

Michael Matheson: Our national transport strategy sets out clearly our priorities for investment in transport and the priorities for our public transport system.

In dealing with the immediate challenges of the pandemic, we are engaged in considering providing additional financial support for public transport into the new year. That work will be progressed at pace, and we will make announcements on that in due course.

Additionally, we are planning for the recovery and considering what further measures can be put in place to encourage people to move back to public transport once we get through the pandemic. Public transport will play a critical role in supporting us to create the modal shift that is critical for achieving our net zero targets. Therefore, public transport investment will continue to be a key priority of this Government.

John Mason (Glasgow Shettleston) (SNP): Will the cabinet secretary confirm whether funding is available for local authorities and regional transport partnerships? How can such funds be accessed?

Michael Matheson: Funding for local authorities to support public transport, particularly in relation to buses and RTPs, comes through the block grant, which is provided to local authorities each year. There is around £50 million of Scottish Government funding in that budget, which is allocated for the purposes of supporting in particular bus services in a local authority area. That funding, which is allocated through the block grant, is allocated to local authorities annually.

Colin Smyth (South Scotland) (Lab): Our key transport workers have kept Scotland's public transport moving. Why has the Scottish Government blocked ScotRail from engaging in pay negotiations with its staff unions for 2020? We are not even talking about next year's pay talks; it is doing that for this year's pay talks.

The Cabinet Secretary for Finance rightly said recently that there would be no Tory pay freeze in Scotland next year. However, before we even get to next year, the Scottish National Party Government's pay freeze for rail workers in Scotland this year is the problem.

Michael Matheson: I am sure that Mr Smyth will recognise the lack of clarity and certainty that the Treasury has provided in relation to the Scottish block grant and the Barnett consequential. That has created significant financial pressures for the Scottish Government in determining what our budget allocation will be in a number of areas, including in transport. However, I have already agreed that ScotRail can engage with the trade unions on any discussions around pay settlements.

It is important to recognise that we have already invested a significant amount of money in our public transport system, including in rail, in order to help to support and sustain it.

Budgets will remain extremely challenging, but we have given permission for ScotRail to engage with the unions on pay, being mindful of the extreme and difficult financial situation in which we are operating.

Travel Infrastructure Investment (North-east)

5. Gillian Martin (Aberdeenshire East) (SNP): To ask the Scottish Government what investment it is making in travel infrastructure to help reduce the carbon footprint of the people of the north-east. (S5O-04845)

The Cabinet Secretary for Transport, Infrastructure and Connectivity (Michael

Matheson): We continue to invest in the north-east to promote low-carbon travel opportunities. On railways, we are spending £330 million between Aberdeen and Inverness, including on the opening of Kintore station. As part of the Aberdeen city region deal, we are investing £200 million on increasing passenger and freight capacity between Aberdeen and the central belt.

On active travel, we are investing almost £7.6 million on infrastructure to promote cycling, walking and safer streets. Additionally, we have spent £1.1 million on bus infrastructure and we are funding the roll-out of electric vehicle charging infrastructure, low-carbon vehicles and support for hydrogen buses across the region.

Gillian Martin: I welcome everything that the cabinet secretary has just said, particularly on the dualling of the rail track from Aberdeen to Inverness and on the new Kintore station. However, the top corner of the north-east continues to be without any plans for new railway infrastructure. Many people who live in the towns of Ellon, Fraserburgh, Peterhead, Turriff and Banff do not have the option of quick public transport routes into Aberdeen. What consideration is the cabinet secretary giving to calls for new rail infrastructure investment in the area?

Michael Matheson: Gillian Martin raises an important issue, and I recognise that she is keen for that to be given further consideration. As part of our on-going work on the strategic transport projects review process, a number of interventions have been identified in the north-east, including the possibility of, particularly as a rail option, a new line into the wider transport network from Aberdeen, Peterhead and Fraserburgh.

As part of the STPR2 process, we are presently considering 41 proposals for transport options in the north-east of Scotland. I assure the member that the proposed new line is one of those options.

Shetland Ferry Services (Support)

6. Beatrice Wishart (Shetland Islands) (LD): To ask the Scottish Government how it has supported Shetland's internal ferry services. (S5O-04846)

The Minister for Energy, Connectivity and the Islands (Paul Wheelhouse): The Scottish Government recognises the pressures that can fall on local authorities in the provision of ferry services, which result from arrangements that were put in place before the establishment of the Scottish Parliament, in 1999.

In the 2020-21 budget, I was able to secure further additional revenue funding of more than £5.2 million to support Shetland Islands Council's internal ferry services. That brings the total additional support provided to the council, on top

of the local government settlement, to more than £15.4 million over the past three years, which is a significant sum in such a challenging financial climate.

Beatrice Wishart: Since 2018, the Scottish Government has repeatedly failed to uphold its promise to northern isles communities when it comes to the full funding of lifeline internal ferry services. However, the long-term transport connectivity solution is fixed links, as the ambition of the Faroe Islands has demonstrated through the further expansion of its tunnel network and the creation of an undersea roundabout. Will the minister tell my constituents when that essential funding will finally be delivered in full? Will the Scottish Government show similar ambition to the Faroe Islands and propose real plans for fixed links here, too?

Paul Wheelhouse: I will respond to that in two parts. On the second part, on fixed links, I refer the member to the fact that we are developing the successor to the ferries plan, which will be the islands connectivity plan. That will have a wider remit than purely considering ferry services; it will also explore aviation and the creation of fixed links where it is sensible to do so. I certainly encourage the member to bear that in mind. I have also mentioned it to Councillor Coutts, the leader of Shetland Islands Council, and I will welcome the council's engagement in the process once it is under way through the islands connectivity plan.

I disagree, in the politest terms, with Beatrice Wishart's assessment of the situation on funding for ferries. I appreciate that that represents a significant issue for Shetland Islands Council and for other island authorities that have responsibility for internal ferry services. However, the Scottish Government has already provided additional support in that area. I stress that, in addition to the £15.4 million provided over the past three years and the £5.2 million in the current financial year, both of which I mentioned earlier, Shetland Islands Council receives funding through the grant-aided expenditure route to the tune of an estimated £6.54 million. Of course, that money is not ring fenced; it is available for the council to spend on its ferry service, which currently operates at a higher standard than the routes and services model requires.

I assure the member that we continue to engage with Shetland Islands Council on the sustainability of its internal ferry service. As we have done with other councils, we have directed it to engage with local government colleagues on the immediate pressures on its services caused by the Covid pandemic.

Liam McArthur (Orkney Islands) (LD): As is the case in Shetland, the internal ferry services in Orkney are

“a lifeline to the islands”,

as the board of Orkney Ferries pointed out in a letter to the cabinet secretary at the beginning of August. As a result of the recent collapse in traffic on those routes, it has been suffering a loss of £600,000 each quarter, putting those services at risk. Support has been provided for NorthLink Ferries and Caledonian MacBrayne, as well as for Glasgow's subway and Edinburgh's tram services, which have found themselves in similar positions. When can Orkney Islands Council expect to receive a similar approach from the Scottish Government?

Paul Wheelhouse: We certainly recognise the issue that Liam McArthur has raised. I fully acknowledge that there are pressures not only on the supported services for which the Scottish Government is responsible but on those for which Orkney Islands Council and Shetlands Islands Council are responsible.

As the member will realise, Transport Scotland has been engaging regularly with local authority ferry operators throughout the Covid pandemic. During those discussions, it was confirmed that local authority ferry funding pressures resulting specifically from the Covid situation should be considered through engagement with the Convention of Scottish Local Authorities, as part of a wider ask from local authorities on Covid-related financial impacts. I believe that such discussions are continuing with the Cabinet Secretary for Finance. I hope that Mr McArthur will be able to engage with the council on those.

Road and Rail Network (Winter Preparedness)

7. Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): To ask the Scottish Government whether it will provide an update on its winter preparedness for the road and rail network. (S5O-04847)

The Cabinet Secretary for Transport, Infrastructure and Connectivity (Michael Matheson): Although we know that severe weather will cause disruption, the Government has taken a wide range of steps to improve our resilience to the challenges of winter, to mitigate its impacts, to recover our transport networks, to help businesses and to get daily life back to normal as quickly as possible. Plans are in place to cover the three concurrent risks for this winter: Covid-19, European Union exit and winter preparedness. The total spend on winter maintenance services during 2019-20 was £14.9 million. That represents a 10.4 per cent increase from 2018-19.

Christine Grahame: My constituency has areas well above sea level in Gorebridge, Penicuik, Galashiels and Soutra. Because of that, they are

very susceptible to snowfall and icing. To get to the nitty-gritty, if the cabinet secretary will allow the pun, can I be assured that grit and gritters will not be an issue for my constituents in these winter months?

Michael Matheson: Getting to the nitty-gritty, as Christine Grahame has suggested, is an important issue when it comes to winter preparedness. I assure the member that we have increased our gritting capacity on the trunk road network for this winter and that we have more gritters operating throughout the course of the winter period. It is also important to recognise that our colleagues in local authorities have put significant plans in place to support the local network.

The member can be assured that we have invested in additional capacity. That is not to say, though, that disruption will not occur as a result of adverse weather during the winter months. It is important that those who are commuting plan their journeys and consider whether there are alternative options available to them in using the public transport network during periods of adverse weather.

A82 and A83 (Improvement Plans)

8. Donald Cameron (Highlands and Islands) (Con): To ask the Scottish Government whether it will provide an update on its plans to improve the A83 at the Rest and Be Thankful and A82 at Fort William. (S50-04848)

The Cabinet Secretary for Transport, Infrastructure and Connectivity (Michael Matheson): I am committed to addressing the A83 landslip risks through design and assessment work, which is under way in order to develop a long-term solution. An announcement on a preferred corridor is expected by spring 2021.

In the meantime, work is under way on two new roadside catch pits. Additionally, I announced on 3 December that construction is to start immediately on a 175m landslide barrier adjacent to the local diversion, to bolster resilience on that particular route.

The second strategic transport projects review is considering long-term infrastructure improvements to the A82 at Fort William and is due to report in autumn 2021.

Donald Cameron: BEAR Scotland recently confirmed that it does not know when the Rest and Be Thankful will open again, and, despite years of commitments to improve the A82 at Fort William, little progress has been made. Local residents are exasperated at the lack of swift action to improve both routes, and many feel that the Scottish National Party Government cares more about investing in central belt infrastructure than it does about investing in roads in rural and remote

Scotland. Can the cabinet secretary provide an update on when the new defences on the old military road at the Rest and Be Thankful will be open, and will he commit to new infrastructure to improve the flow of traffic into Fort William?

Michael Matheson: It is somewhat surprising that Donald Cameron is suggesting that our priority is the central belt, given that we are taking forward one of the biggest infrastructure projects in Scotland through the dualling of the A9 up to Inverness and that, alongside that, we will be dualling the A96 between Inverness and Aberdeen—again, an area that, in my view, is certainly not within the central belt. That is alongside our significant investment in public transport.

I assure the member that I recognise the significant difficulties that have been experienced by those who stay in Argyll and Bute and who have to make use of the Rest and Be Thankful, and that I recognise the importance of recovering that route as quickly as possible. That is why we are continuing to take forward the important work to create the catch pits, which can assist in providing greater resilience on the road at the Rest and Be Thankful, and it is why work has already started on providing greater protection for the old military road in order to provide a much more resilient service on that road.

Equally, we have a commitment to look at an alternative route. I have commissioned work to identify a permanent long-term solution to the A83 at the Rest and Be Thankful. In the spring of next year, I will be in a position to identify what that route will be and then to commission the work in moving it forward in the coming years.

I am sure that the member will recognise that the Government has committed to investing in transport infrastructure right across Scotland—in the central belt, the north-east, the north-west, the south-east and the south-west—to ensure that Scotland has the type of transport infrastructure that it needs for the 21st century.

The Deputy Presiding Officer: That concludes portfolio question time. I apologise to the one member whom I could not call.

Scottish General Election (Coronavirus) Bill: Stage 1

The Deputy Presiding Officer (Linda Fabiani): The next item of business is a stage 1 debate on motion S5M-23648, in the name of Graeme Dey, on the Scottish General Election (Coronavirus) Bill.

14:56

The Minister for Parliamentary Business and Veterans (Graeme Dey): Although the bill is on an accelerated timetable, it is a result of extensive consultation and has been developed with electoral professionals and representatives of all the parties in the Parliament. I am extremely grateful for the constructive approach of everyone involved. I also sincerely thank the Standards, Procedures and Public Appointments Committee for its scrutiny of the bill and stage 1 report. The staging of the committee's evidence-taking sessions was impressive to say the least.

Clearly, the pandemic has impacted all aspects of life. We must assume that it might have significant implications for the 2021 Scottish Parliament election. Although the progress on vaccines is encouraging, in truth, no one can be certain what the public health situation will be in May, and nor can we be sure of the attitude of the public to voting in a traditional manner. However, our electoral community has already successfully delivered eight local government by-elections this autumn, assisted by guidance that has been regularly updated by the Electoral Management Board for Scotland and informed by discussions with Public Health Scotland.

It is important that we now complement those practical steps with appropriate legislation, for two reasons: first, to ensure that voters can vote safely in person and have the option to vote by post or proxy if they wish; and, secondly, to take responsible action for a worst-case scenario in which it would not be possible to hold the election on 6 May.

Neil Findlay (Lothian) (Lab): I have a question before the minister gets into all the detail. Does he think that, in general in Scotland, we are good at engaging the electorate in the democratic process?

Graeme Dey: I am sure that we could do better, but, in general, I think that we are good at that.

The bill is a dedicated response to the pandemic and does not make any permanent changes to electoral law. Having heard evidence from a range of electoral professionals, the Standards, Procedures and Public Appointments Committee has welcomed the proposals in the bill, but has

rightly sought to explore some aspects further. I welcome this debate as an opportunity to do that.

I will summarise the key components of the bill. We must ensure that Parliament is able to meet to postpone next May's election if the risk to public health makes that course of action necessary. Dissolution is currently due on 25 March and, after that point, Parliament could not be recalled for any reason. The bill therefore seeks to modify the dissolution period for the Parliament so that it commences on 5 May, which is the day before the planned date of the election. That will permit Parliament to meet to legislate for a new polling date if that is required and it will ensure that Parliament can continue to meet if a postponement were to occur.

The change would mean that we would all retain our status as members of the Scottish Parliament until the day before the election. As a result, new guidance will be issued by the Scottish Parliamentary Corporate Body to cover conduct issues. I thank Scottish Parliament officials for that on-going work.

The change to the dissolution arrangements means that the Parliament can meet to postpone the election if that is required. However, as a further contingency measure, the bill gives the Presiding Officer a power to postpone the election by up to six months. I stress that that is intended only as a last resort. For the Presiding Officer to postpone the election for a reason related to coronavirus, he must be satisfied that Parliament could not meet safely to legislate to change the date of the poll. The power also covers things such as catastrophic information technology failure or a terror attack.

I turn to polling day itself. Physical distancing in polling stations means that in-person voting could take longer than normal. The bill empowers ministers to provide for polling to occur over more than one day and allows any additional polling days to be within the period of eight days following 6 May. If extra days were needed, electoral professionals advise that the best approach would be for voting to take place on Thursday and then Friday.

This week, Malcolm Burr, the convener of the Electoral Management Board for Scotland, has provided—at my request—advice on the merits of a second day of polling. The EMB has analysed projected voter numbers and the impact of physical distancing in the light of the experience of recent Government by-elections. Mr Burr has concluded that it would be preferable to proceed on the basis of one day of polling, albeit that some additional measures should be taken alongside that. My intention is to follow that advice and to continue to heed the EMB's expertise as we proceed.

However, in the light of concerns that were raised at stage 1, I am minded to lodge an amendment so that provision for any additional days of polling would be dependent on the EMB making such a recommendation. I will also lodge an amendment that would require ministers to provide a statement of reasons for any such move.

John Scott (Ayr) (Con): Does the minister not think that it would be appropriate for Parliament to be consulted about that and that, therefore, an affirmative instrument should have to be laid if there was a need for a second day of polling?

Graeme Dey: As Mr Scott will appreciate, this is a fast-evolving situation. The advice was provided yesterday. At this stage, I am not minded to take the course of action that Mr Scott suggests, but as he knows, my door is always open, and I am happy to engage with him in today's debate and beyond.

It is expected that there will be a substantial increase in applications for postal votes as a result of the pandemic. To understand voter intentions, the Scottish Government asked the Electoral Commission to conduct two opinion polls on attitudes to voting, in August and November. Interestingly, both surveys found that around 77 per cent of eligible electors would feel safe voting in person at a polling place, provided that appropriate hygiene measures and physical distancing were in place.

However, the surveys also found that 38 per cent of respondents would apply to vote by post if they were encouraged to do so. Currently, only 18 per cent of the electorate are registered for a postal vote. Increasing that figure to around 40 per cent will involve the processing of around 900,000 postal vote applications. Although the roll-out of vaccines may result in fewer applications, we must still prepare for a significant increase. That will place substantial pressure on electoral registration officers and their staff, so the bill will bring forward the deadline for postal vote applications to 6 April.

I accept that that is not ideal and appears to run counter to maximising the uptake of postal votes, but it is a pragmatic and necessary step that has been taken on the basis of clear advice from the electoral professionals, and I think that the committee recognised that in its report. Making that change will help to ensure that increased numbers of postal votes can be processed in time for the election. Of course, such a substantial increase needs to be properly resourced, and the Scottish Government will provide £3 million of additional resource to EROs to support that work. EROs have developed contingency plans to manage higher numbers, and further resource is also under consideration to enable them to cope with the anticipated surge in applications that are received close to the deadline.

An all-postal election could not be held until late 2021 at the earliest. The bill allows ministers to provide for a rearranged election to be held on an all-postal basis, but although postal voting is valuable, it has downsides. The Electoral Management Board considers it likely that a large number of people would simply not engage with an all-postal election and therefore would, in effect, be disenfranchised. That being the case, an all-postal vote is a contingency that is only to be deployed in the event that the public health situation is significantly worse than it is at the moment.

The committee recommended that the power for ministers to legislate on an all-postal vote should be subject to a higher degree of parliamentary scrutiny. I agree, and I intend to lodge an amendment at stage 2 to make the use of that power subject to the affirmative procedure.

Alongside all that, we intend to have a full public awareness-raising campaign on postal voting. We think that it is essential for people to have a better understanding of the process of applying for a postal vote and to have confidence in the nature of the process, because there is a lot of misunderstanding of how postal votes work.

The commission's public awareness campaign will run across television, digital and radio, and it will also include the delivery of an information booklet to all households in Scotland. In addition, we must direct specific activity towards voters who might feel that they are at a higher risk of the effects of Covid-19. In doing that, we will engage with relevant public health expertise. As the committee heard, the Government will write directly to the 169,000 people of voting age who are in the shielding category to draw their attention to their options.

My hope, and indeed my expectation, is that much of the content of the bill will not be needed. The people of Scotland continue to make daily sacrifices to suppress the virus, and the news of vaccines has given us all cause for optimism. However, the bill provides important measures that we will be able to use if the virus poses significant risks in May next year. I thank the committee for its engagement and I look forward to this afternoon's debate.

I move,

That the Parliament agrees to the general principles of the Scottish General Election (Coronavirus) Bill.

The Deputy Presiding Officer: I am going to change the normal order of speakers on this occasion.

15:06

Miles Briggs (Lothian) (Con): The coronavirus public health emergency has impacted on every part of our lives; the democratic life of the nation is no exception. The ability to hold a safe Scottish Parliament election next year while social distancing restrictions might still be in place, and voters' ability to participate safely and confidently, are extremely important.

Although it is clear that the planned election in May is unlikely to be like any previous election, especially for campaigning purposes, it is important that we ensure that we can hold a safe election, that we can count the results and that Parliament can meet as soon as possible afterwards. That includes ensuring that voters have clear and comprehensive information in advance about the options that are available to help them, so that they can plan how to vote safely.

We welcome the news this week of the commencement of the Covid-19 vaccination campaign. It is a huge step forward that—as we heard at First Minister's question time—5,330 of our fellow Scots have already received the vaccine. Let us hope that, come March, we will be in a much more positive place and can remove the social distancing measures that have been needed to date.

It is worth reflecting on the fact that, during the pandemic, elections have taken place in Canada, New Zealand and the US, and there have been eight council by-elections across the country. I believe that there is a considerable amount to be learned from countries that have held national elections on how Scotland can assure voters that we will conduct a safe election and count.

As we all know, the pandemic has placed significant pressures on our local authorities. I take this opportunity to pay tribute to and thank all those in local government who have worked incredibly hard to support our communities throughout the pandemic, especially in the councils that I represent across the Lothian region.

The Scottish General Election (Coronavirus) Bill is important, because it will help us to achieve a safe election and to plan for eventualities. We have engaged positively across the parties to ensure that we can do just that.

Sections 5 and 8 of the bill present us with a number of concerns relating to the powers that they will provide to ministers. My colleagues will say more about those later in the debate. However, I welcome the positive signal that the minister has given in his letter to the committee today that the Scottish Government accepts the committee's reasoning and will prepare a stage 2

amendment to apply affirmative procedure to use of the powers that are outlined in section 5.

We believe that that should also be done in relation to section 8, on which, I note, the minister has responded, saying in his speech that the Government is considering the matter and that it is possible that an amendment will be lodged. I also note the advice today from the convener of the Electoral Management Board for Scotland, which is a positive contribution in the interests of ensuring that we all agree on how that should be taken forward. Scottish Conservatives believe that such an amendment is important to ensure that no order-making power may be exercised other than with Parliament's assent under affirmative procedure.

As we progress to stage 2, we will seek assurances in order to strengthen the Parliament's position and increase Government accountability. As the Electoral Commission says in its useful briefing for today's debate, there are still a number of concerns about the bill. For example, the proposal to provide for an earlier deadline for applications to vote by post would reduce the time available for electors to make applications to vote by post. In particular, it would mean that anyone who applied to register to vote after 6 April but before the 19 April registration deadline would not be able to access that method of voting in the May election. I believe that that risks running contrary to what we are all trying to achieve, and that the objective of applying to vote by post should be simple and accessible for all voters.

We have a number of concerns about the postal vote administration process, as it is currently outlined. I believe that a public information campaign and application process for a postal vote should be independent of the Scottish Government, and should be administered by local authorities. I hope that we can get assurances on that, as we progress to stage 2.

If it is likely that the Scottish Parliament election that is scheduled for May 2021 will be delivered against the backdrop of evolving public health restrictions, we must work to guarantee that no one is disenfranchised. I note the change in voter behaviour that is outlined in the Electoral Management Board's response. We know that many citizens, especially those who have been asked to shield during the pandemic, might be concerned about voting, which means that we must ensure that potential changes do not also cause confusion for them.

During recent council by-elections, we have also seen evidence of a change in voter behaviour. With more people working from home, the pinch points that we have previously seen at polling stations—queues in the morning and after work, for example—will potentially be replaced by a

lunch-time peak in voting. Such potential changes in voter behaviour in the Scottish Parliament election are important. All such issues should be considered as we go forward.

We all hope that the provisions in the bill will not be needed and that, by the end of March, we will be able to say that the election can proceed on the expected date in May and as normally as possible.

Taking steps to ensure that democratic elections can take place safely, and that Parliament can be recalled if that is needed, is the responsible thing to do. Scottish Conservatives will support the bill at stage 1 this evening, and we look forward to stage 2, when we can find consensus on all the issues that I have outlined.

15:11

Anas Sarwar (Glasgow) (Lab): Next year's elections will take place in circumstances that nobody could have imagined and which, certainly, nobody would want. Our first and top priority must be to ensure that the election is safe for voters and poll workers.

However, we also have an opportunity to drive up turnout, which is something that we have seen elsewhere. I am not saying that there are perfect lessons to learn from the USA's election process, but one of the positives that came out of the most recent presidential election was the extraordinary turnout, despite the election's having been in the midst of a pandemic. We must aspire to that in Scotland.

On that basis, I think that it is important that the bill be passed by consensus. From my discussions in private with the minister, I know that that is his intention, so I am sure that we will see that in engagement during the parliamentary process.

At the outset, I would like to clarify two points. First, I hope that we can avoid the need for an all-postal ballot, and we all want to avoid the need to delay the election. As part of that, we should set out a clear framework for what would need to happen if such decisions were to be taken, so that there is some certainty for the electorate and the people who administer the election.

Secondly, on costs, I welcome what the minister said about the extra £3 million for EROs. However, within the financial framework that has been published today, there is a suggestion that the additional cost to EROs of a hybrid election could be £5 million. I would like some clarification about whether the full £5 million will be given to them.

As I said, there is, largely, consensus on the bill, but I would like to pick up with the minister four or five issues on which I hope we can get agreement in the next two stages of the bill. First, I welcome the public information campaign; I think that it is

important. However, the need for it to start early is also important, because that, in itself, could negate some of the challenges that exist around bringing forward the postal vote deadline.

On that point, I think that it is counterintuitive for us to bring the postal vote application deadline forward if we are trying to encourage more people to apply. If we have a fully functional public information campaign—if we get the booklets out early enough—and if we make it easy for people to apply early enough, we could negate the risk of a massive flow of applications in the final two weeks. If we do that, we can keep the deadline as it is. I asked the minister to reconsider his position on that, because there are concerns about bringing forward the deadline. If what I suggest means that additional resources would be required for EROs, we should think about providing those resources.

On postal votes, there should be freepost applications. No one should have to pay to vote, so there should be universal freepost applications for a postal vote. I know that it has been suggested that political parties could offer freepost applications. We should resist that—they should be available for all. In closing, will the minister clarify whether his party is planning to do freepost applications for postal votes? They should be universal, because cost should never be a barrier to a person's being able to apply to vote.

I am also concerned about the number of polling days. We hope that vaccination will be suitably spread across the population so that we do not need a socially distanced election. However, if we need a socially distanced election, we should have the option to have additional voter days. My preference would be for at least two days, rather than just one, but I accept that that decision could be made closer to the time. It should also be a decision for the Parliament, rather than the Government, to make. I do not think that the political parties that are represented here would want to do something that they thought was against advice, so it should be primarily for the Parliament to make that decision—not for the Government.

I welcome what the minister said about letters going out—in particular, to the shielded group. However, those letters should not come from the Scottish Government, which will be a participant and will not be neutral in the election.

Graeme Dey: I will offer a bit of clarity. I intend that that correspondence would come, subject to his agreement, from the chief medical officer, and not from Scottish Government officials or whoever. That is because the chief medical officer has been the point of contact for the shielding group throughout the process. By way of further clarification, I note that the wording of any such

letter would be agreed in advance with the Electoral Commission.

Anas Sarwar: I welcome that, but there is contention about the branding of the correspondence: an NHS Scotland letter is very different from a Scottish Government letter. We should be very clear that it will not be a Scottish Government letter and that it should include a freepost application. As I have said, the Scottish Government will be a participant in the election, not a neutral body.

The key point that I want to make in closing is that we need collective trust in the electoral process, so it is really important that the bill be passed with consensus and no contention. On the basis of that principle, I am happy to work with the minister and, indeed, with every other political party in the chamber to ensure that we can achieve that consensus.

15:17

Patrick Harvie (Glasgow) (Green): Others have already said that, in these extraordinary circumstances, we should all be seized of the priority of ensuring that our election can be carried out in a safe manner and in a way in which people can have confidence in the process. None of us would welcome the idea of a delay, but we need to be conscious of the fact that there would have been a pretty clear scenario if our election had fallen to be due in May this year instead of May next year. We would have had to delay it in those circumstances. We all hope that, in May 2021, we will be in a much better position in respect of the Covid outbreak than we were in May this year or, indeed, than we have been since. However, we simply do not know what situation we will face in May. That is why we need legislation that is open to a range of different scenarios, and that is able to ensure that our election can take place safely and that we can have confidence in it.

That is one of the reasons why I am cautious about the projection on postal voting uptake of 40 per cent at the upper end. It might be that we all feel as a society that we are moving beyond the most dangerous period of the Covid outbreak and that postal voting uptake might not be significantly higher, but that is not guaranteed. We need to be willing to prepare for the possibility that postal voting demand might not only reach 40 per cent but exceed it.

I am still concerned about what will happen if the Government decides, even on the advice of independent electoral administrators, that it is necessary to bring the postal voting deadline even further forward. We could be in the position of turning people away from a postal vote simply

because they did not register early enough. I am concerned about that possibility.

We should do everything that we can between now and then to ensure that we maximise the capacity for postal voting, so that we can meet whatever demand will be created. The public opinion polling that led to that 40 per cent estimate was done at a different time and we do not know what the circumstances will be between now and the election in May.

There has been some discussion about one and two-day elections. I do not think that my party has a formal policy, but I will say openly that my personal view is that I am open to the idea of holding elections on multiple days, regardless of the current circumstances with the pandemic. There is a good argument that we should be open to looking at a wide range of options for increasing voter turnout, and holding voting on multiple days is one option that should be tried. I am reluctant to see that being taken out of the bill, even if the bill is specifically designed for the current circumstances.

I appreciate the minister's position in saying that a decision on multiple-day voting in the May election should be based on advice, and that we should not use the upcoming election as an opportunity to experiment. I think that the case for multiple-day elections should be revisited in the longer term. Generally, elections ought to be able to take place on multiple days.

Lastly, as both Miles Briggs and Anas Sarwar reflected, there are bad lessons to be learned from around the world: none of us should want changes to our election arrangements to lead to the kind of fearmongering and conspiracy theories that we saw in the United States. We all have a responsibility—not just in passing the legislation, but in the way in which we conduct our debates between now and the election—to demonstrate to the Scottish people that they can have confidence in their election system, and to never lean into the kind of fearmongering that we have seen being used for such unpleasant political ends by the Trump campaign.

15:22

Liam McArthur (Orkney Islands) (LD): I thank committee members for their efforts in getting witnesses before them and providing us with a report in such a short space of time, and the minister and his officials for the consensual way in which he appears to be approaching the task.

As previous speakers have said, the legislation addresses some of the important technical changes that will be needed to hold elections in the midst of a pandemic, although Patrick Harvie makes a valid point about broader lessons that we

might learn about holding elections. The priority is to keep people safe, but to do so in ways that also safeguard our democracy. The Parliament has already extended its term by a year, so it is right that we commit to ensuring that elections go ahead in May, if at all possible.

I will focus on a couple of areas in the bill that have been picked up by the Standards, Procedures and Public Appointments Committee. The committee expressed concern about the enormous powers that the bill gives to ministers to make regulations and trigger changes to the elections. I have spoken before and in the context of another bill that is currently before us about how we should be concerned when ministers in a minority Government gain monopoly powers to change the rules. That is especially true when the rules relate to elections.

Many of us have watched aghast in recent weeks and months as people in the United States have been told that their election was being rigged. That is an astonishing state of affairs, which is designed to undermine public confidence in the election process and the acceptance of election results. We may be confident that that could never happen here, but the bill provides opportunities to make sure of that—and those opportunities should be seized.

The committee described the absence of parliamentary scrutiny envisaged by the bill as drafted as

“highly unusual and of particular importance”.

That is a concern that I share. I also agree with the committee’s request about the process for converting the election, as a last resort, to an all-postal election. That seems to be a sensible precaution and I note the minister’s comments on that in his opening speech.

Likewise, a safeguard should be introduced at stage 2 by including in the bill the limited list of possible additional polling days. On a practical level, if we had a two-polling-day election, it would make sense to ensure that candidates could get access to the list of those who had voted at the end of the first day, which would help to reduce unnecessary contact with voters who had already voted. There may even be scope to do that for postal votes that are received by returning officers prior to polling day. I believe that there is precedent for that in the all-postal-vote election trials in the north-east of England and Yorkshire for the regional assembly referendum that was held in the early 2000s.

The committee report and witnesses also drew attention to instances when ministers are given enormous power over their own re-election arrangements—that should have alarm bells ringing. Hopefully, steps can be taken at stage 2 to

strengthen members’ scrutiny powers in that area. That must not be left to Government alone, particularly a minority Government, so the committee is right to ask that Parliament be included in those decisions.

We discovered last week that ministers get exclusive access to weekly polling numbers, which no doubt guide their decisions. In the interests of public confidence, we need to make sure that those decisions do not extend to arrangements around elections.

As others have said, this is a bill that none of us would have wished to see, but it is entirely right and appropriate that Parliament takes these precautionary steps.

I look forward to the work that will be done at stage 2 and again thank the committee, witnesses and the minister for their efforts to date.

15:26

Bill Kidd (Glasgow Anniesland) (SNP): I apologise for hurtling in as late as I did—down in the garden lobby, there are still children, puppy dogs and television cameramen crammed against the walls from when I zoomed past them. However, it was very important that I got here.

As convener of the Standards, Procedures and Public Appointments Committee, I am pleased to speak in the debate on behalf of the committee. The Scottish General Election (Coronavirus) Bill contains measures that might prove necessary to ensure that the election can go ahead as planned on 6 May next year in the context of restrictions that might be in place due to coronavirus. The bill also contains a backstop measure for delaying the election if circumstances emerge that mean it cannot go ahead.

I am grateful to committee members for working together to produce a unanimous report on the bill and I acknowledge the experts in the field of running elections who generously gave up their time to inform our scrutiny of the bill. I also welcome the rapid response from the Government to the committee’s report. The bill contains a number of provisions, but I will highlight some of the main conclusions that were reached by the committee. As we said in our report,

“The Committee’s first priority is to ensure that no voter is unable to vote at the next election.”

We anticipate that postal voting will play an important role for people who are unable to vote in person due to illness or self-isolation, and postal voting will ensure that those who may not feel comfortable going out can still participate. Given the central importance of postal voting to the coming election, we are keen to ensure that registration for postal votes will not be

overwhelmed and that no one misses out. The report makes a number of recommendations on that, including that sufficient contingency must be in place to respond to an unforeseen spike in demand for postal votes and that

“early and widespread promotion of the opportunity to register for a postal vote”

must take place.

I am happy to accept the Government’s reassurance that, if necessary, funds will be made available further to the additional £3 million already allocated to electoral registration officers to increase the capacity to process applications for postal votes. A two-pronged approach of increasing capacity and promoting and encouraging take-up of postal voting will be needed to ensure success. I know that my colleagues will have more to say about postal voting in the debate, so I turn to other matters.

The committee was concerned that the power to run an all-postal vote in section 5 sits with Scottish ministers and that there are no arrangements in the bill for parliamentary scrutiny of such important decisions. We therefore welcome the Government’s indication in its response to our report that it will amend the bill at stage 2 to apply the affirmative procedure to the use of that significant power.

At section 8, the bill allows Scottish ministers to hold polling on multiple days, but our report notes that it is the preference of the electoral community to hold polling over a single day, and the committee shares that view. However, we recognise that preparations for the election are a moving picture and will be dependent on prevailing virus conditions at the time of the poll. Evaluation by the Electoral Management Board for Scotland on the merits of going down that route will feed into any final decision.

We will continue our consideration of that as more information and expert advice become available. We welcome the Government’s willingness to consider an amendment to the bill to provide certainty over arrangements for the poll. The committee had some concerns about the alteration of the date of dissolution to just one day before the election, because it will mean that MSPs who are running for re-election will have a dual role of candidate and MSP during the campaign. We have seen the initial guidance emerging from the SPCB to support MSPs during that period, and the final suite of guidance will be crucial in maintaining as far as possible a level playing field between all candidates, regardless of their status, and to ensure that public resources cannot be used to confer an advantage for some candidates over others.

However, we recognise that there is no perfect solution during such a campaign in exceptional circumstances. The committee is particularly concerned that the pre-election recess period should mirror a normal pre-election dissolution period, which means that, as far as possible, the Government would be subject to normal purdah restrictions. Within that context, we recognise that there will be a need for the Government to make announcements in relation to coronavirus and that scrutiny of those must continue. We note that the current arrangements for enhanced scrutiny of Covid regulations will continue as they are up to the Christmas recess, at which point they will be subject to further review by Parliament.

The Scottish General Election (Coronavirus) Bill proposes measures that should allow the election to go ahead on 6 May next year, while we are still living with the virus. The overwhelming concern that we heard from those who contributed to our inquiry was that providing certainty and clarity at the earliest possible point to the electoral community, electorate and political parties is essential to ensure the smooth running of the election and to ensure that those who wish to vote can do so. We welcome the Government’s commitment to keep us informed as we approach the campaign period, and we note the extensive and detailed work with the electoral community and political parties that took place during the bill’s preparation. The provisions in the bill had been broadly welcomed and, on that basis, the committee was content to recommend to Parliament that the general principles of the bill be agreed to.

The Deputy Presiding Officer: We move to the open debate. Speeches should be no more than four minutes long, because I have no time in hand.

15:32

Stuart McMillan (Greenock and Inverclyde) (SNP): I welcome the bill and the collective way in which it has been created.

As others have said, because of the circumstances, next year’s election will be like no other. If anyone thinks that postal voting is not that important, they just have to look at the recent events across the pond and how postal voting changed the result of that election. Every vote matters, as Bill Kidd MSP would tell you: his first majority was seven votes. The number of postal votes will undoubtedly increase next year, so being prepared for that is essential and the correct thing to do.

The fact that we are having this debate and introducing this bill seems normal and the right thing to do, and so it should. The Parliament did not always have responsibility for our elections,

and the farce of the 2007 election—when Westminster still controlled it and the UK ministers refused to listen to the many voices that indicated that problems were going to happen because of the new system—spoke volumes. Therefore, I am glad that a different and more collegiate approach has been taken by the Government and, crucially, by this Parliament to dealing with some of the potential problems.

We had a wide-ranging discussion about the bill and its delegated powers in the Delegated Powers and Law Reform Committee, and I welcome the stage 1 report, which is in front of us today, from the Standards, Procedures and Public Appointments Committee.

We all want every election to run as smoothly as possible. The organising of any election is a mammoth task, and certainty is just as important for the organisers as it is for the electorate.

In particular, I welcome these three points: first, the earlier deadline for postal vote applications of 6 April rather than 20 April, to give more time for those to be processed, given the expected increase in demand; secondly, the power for ministers to allow polling to take place over more than one day, if needed, in order to support physical distancing at polling stations—I also note the recommendation in the committee's report; thirdly, the measures to defer the election if that is required. Moving the dissolution of Parliament to 5 May from 25 March ensures that MSPs can pass emergency legislation to delay the election.

The earlier deadline for postal ballot applications is crucial, in my opinion. The Electoral Commission's evidence suggests that 20 per cent of people who usually vote on polling day are now more likely to vote by post. If that figure is correct and 350,000 additional applications are made, that earlier date will prove to be a wise decision. *[Interruption.]* I am sorry—I have only four minutes.

I would be grateful if the minister could confirm that, if the application is at the ERO before the closing time on the final date on which applications are accepted, it must be processed. There is a particular reason for my asking that, and I would be happy to talk to the minister about it after the debate.

Section 8 is important and deals with something quite different for elections in Scotland. Traditionally, as we know, elections take place on a Thursday. There are a variety of challenges in using particular days for elections. I welcome the provisions that increase the number of days on which the election can be held, but I strongly suggest that, if that happens, the elections should be run on consecutive days and not on days with three days in between. I would also ask, if the

election is to take place on multiple days, whether polling stations really need to be open from 7 o'clock in the morning to 10 pm. I genuinely do not believe that that is necessary.

Measures to protect ballot boxes overnight will be even more crucial, bearing in mind the amount of fake news that, sadly, rages online on a wide variety of issues.

I welcome the minister's announcement about his discussions with the EMB. However, they need to be clearly communicated to Parliament and the electorate, to prevent accusations of tampering with the election.

15:36

Jamie Halcro Johnston (Highlands and Islands) (Con): As ever, I thank my colleagues on the Standards, Procedures and Public Appointments Committee, and our clerking team, for their work on the stage 1 report.

The pandemic has brought significant changes to how we, as elected politicians, carry out our duties. Members from across the chamber will have had to make difficult decisions about how best to represent their constituents while ensuring safety. There have been public meetings and constituency surgeries over video call, and a greater dependence on written communication. For those who are candidates in next year's election, campaigning has clearly changed, too.

Although it is difficult to foresee where we will be in May, it is clear that the election will be impacted. In many ways, it already has been—after all, an election is far more than a single-day event. The regulated period begins on 6 January, just as this Parliament returns from the Christmas recess.

When we consider safety, it is not only about a limited number of people who are involved in campaigns or electoral administration; it is about the millions of activists, count staff, poll staff and electors themselves.

The Parliament finds itself in an unenviable position. A pandemic is unpredictable, but for the election to function effectively, we need as much certainty as possible in advance. The Electoral Commission has been clear about the problems that can be caused by last-minute changes, and we must be mindful of those.

The bill creates wide powers to make alterations to the electoral process. Many of them, used sensibly, will find agreement across the chamber. We all recognise the gravity of the situation that we face. That said, it is not for Parliament to pass wide-ranging powers to the Executive on the basis of trust and the hope that good sense will always prevail.

I approve of the broad principles of the bill, and it is essential that a bill of this nature is passed. However, I share the concern of other members of my party that significant powers, such as powers to implement an all-postal ballot or a two-day voting period, are too broad to be reasonably handed to ministers. Those steps would be unprecedented, and it is important that we get the legislative underpinning right. I welcome the minister's comments on that issue today and the tone that the ministers have taken so far.

The stage 1 report highlights some of the practical issues that we face. There are serious concerns about the assumptions around postal voting, expected uptake, capacity and relevant deadlines. We all, rightly, start from the position that no one who is legally entitled to vote should be denied the opportunity to have their vote recorded.

One issue that we have raised is the need for proper resourcing of the election. As the minister has recognised, it will cost more than usual. At all levels, the resource needs to be available to allow for flexibility.

The committee has requested that ministers provide it with regular updates of their work, and I hope that that takes place.

We should need no reminding that confidence in our electoral system is as important as its effective functioning. We have seen—sadly, too often—that a lack of confidence or confusion has caused significant problems for the recognition and legitimacy of elections and referendums.

More than ever, we need a well-considered approach and as much consensus as possible. There will be questions at later stages of the bill, and I am confident that the existing issues can be addressed. As the committee acknowledged, opportunities for scrutiny of the bill have been limited by time. Similarly, the choices that the bill provides might be pressured by the circumstances that we face. I therefore urge ministers to be flexible and to ensure that, by stage 3, we have a watertight bill and are best placed to address any problems that the pandemic might throw at us along the road.

15:40

Maureen Watt (Aberdeen South and North Kincardine) (SNP): Democracy is precious, and elections at regular intervals underpin democracy. Democracy does not just happen or endure; it has to be active and protected. Holding regular, open and free elections—in our case, every five years—is one way in which that is done.

I wish that we did not need the bill, but the present worldwide pandemic requires the

Government and the Parliament to take precautionary measures. I hope that the advent of a vaccine will negate the need to use the power to postpone the election, for example. However, the roll-out of the vaccine will probably not have covered everyone by the beginning of May, so extra measures must be in place to cover every eventuality prior to the election.

I have the privilege of sitting on the Standards, Procedures and Public Appointments Committee, which took evidence on the bill and published the stage 1 report, and I hope that the Parliament will support the bill at decision time.

For many politicians and party activists, the issue of postal votes and all-postal voting must now be pretty high on the agenda. Some months ago, we heard from electoral registration officers that their offices would not be able to deal with an all-postal voting election. I understand that. However, like Patrick Harvie, I think that they are somewhat unambitious in saying that they can cope with only 40 per cent of votes being postal votes.

That said, the evidence from recent by-elections is interesting. In my constituency, there was a by-election in the Kincorth, Nigg and Cove ward a few weeks ago. The turnout was 27 per cent, which is not unusual for recent council by-elections, but it is interesting that, as far as I can gather, the majority of ballots cast were postal votes. It is also interesting that there was not a great surge in the number of postal vote applications; people who had already registered for a postal vote must have just been more likely to vote.

It is incumbent on all politicians and their parties to always work for the maximum possible turnout and, therefore, to give the opportunity to vote by post to all those who want it. I hope that the Government will promote, through media campaigns, the opportunity that people have to vote by post.

I completely understand why EROs want postal vote applications to be with them three weeks out from the election. They will have to check the validity of the postal vote, send out the ballots and then conduct rigorous checks on them—particularly the signatures—when they are returned. The confidence of the electorate in that process is vital. As others have mentioned, the potential to make mischief and mayhem that we have seen across the pond has not been lost on us on this side of the pond.

I hope that sufficient guidelines will be given on emergency postal and proxy votes due to illness, work commitments abroad or other events. Perhaps the minister could say more about that subject in his closing remarks.

I hope that as many electors as possible opt to apply for a postal vote and that there is no need for in-person polling to take place over two days. I understand that election managers are prepared to introduce more polling stations in polling places, but I hope that that is thought through in each polling place so that there are no queues in corridors or outside, given the vagaries of the Scottish weather.

15:44

Gil Paterson (Clydebank and Milngavie) (SNP): The Scottish General Election (Coronavirus) Bill is a vitally important piece of legislation in these difficult and unpredictable times. It will ensure that, in all circumstances, our democratic processes are protected and next year's elections are fair and seen to be fair. In my view, the bill is quite comprehensive, addresses most eventualities and makes sensible provision for unexpected events and issues that will be raised by the pandemic as we—hopefully—progress through the disease's final stages.

I am particularly pleased by how responsive the Scottish Government has been to issues that have been raised by the Standards, Procedures and Public Appointments Committee, and by how everyone has been galvanised to ensure that the legislation is in place on time. The minister has been responsive to calls from the committee.

As a result of our experiences of the coronavirus pandemic so far, many aspects of our lives will have changed dramatically and the way things were done in the past may not be appropriate any more.

I have no doubt that the rate of postal voting will increase markedly during next year's Scottish general election, and it is gratifying that issues surrounding uptake, funding, voter registration, adequate timeframes, service voters and the advertisement of postal voting procedures have been investigated with those who are responsible for conducting the election. With expert opinion suggesting that 38 per cent of the electorate might choose to use a postal vote in next year's election, the bill's provision of 50 per cent seems to adequately provide contingency should the surge be greater than anticipated. We should keep a watching brief on that as matters progress.

Although it is unlikely to be used, section 5, which provides ministers with the power to call an all-postal ballot, will be amended to allow parliamentary scrutiny at stage 2; that is the proper thing to do.

As pre-election period timeframes will be different next year as a result of the coronavirus pandemic, in that dissolution of Parliament will not now take place until 5 May 2021, it is hugely

important that sitting MSPs who are also candidates—I will not be—do not get an unfair advantage over other candidates in the run-up to the election. It is gratifying that the Government supports the committee's recommendations on that democratic issue, as it does those on observing normal purdah restrictions during the pre-election period.

The committee raised the question of polling being held over more than one day should the circumstances of the Covid-19 pandemic dictate that it would be safer to do that, and the Scottish Government is considering the logistical issues and amendments concerning parliamentary scrutiny. The committee is grateful for that.

Concerns have also been raised about scrutiny time for the passage of the bill. However, the necessity to have the legislation in place on time prevails over my concerns, and I accept the Scottish Government's response as reasonable where it acknowledges the limited amount of time that is available to scrutinise the bill and says that it will work with members on any proposals. The minister has already proved that to be the case.

I am pleased that the committee is satisfied that the policy memorandum accurately describes the policy objectives of the bill and that the Scottish Government acknowledges concerns expressed by Sight Scotland and Age Scotland about the memorandum's section on equal opportunities and human rights.

All in all, I support the passage of the Scottish General Election (Coronavirus) Bill to stage 2 in these extremely challenging times.

15:49

Neil Findlay (Lothian) (Lab): I have serious concerns about our democracy. If we look at the past 20 years of Scottish politics, it is easy to swallow some of the mythology that surrounds our democracy and the elections to this Parliament. There is a myth that the creation of the Parliament brought about democratic renewal and a political reawakening in the Scottish electorate and that people became more engaged with politics, Parliament and our political system. We often hear references to the Scottish Parliament being more relevant and in touch with the people than the Westminster one. We are told that we are somehow better and that we are morally and democratically superior and more relevant to the daily lives of the people we claim to represent.

We should ask whether that is true. If we look at turnout in elections to the Parliament we see that, in 2016, only 55 per cent of voters turned out to vote. Almost half of our citizens felt so ambivalent that they could not bring themselves to vote for anyone. Turnout at Scottish elections has never

been higher than 58 per cent. The local government elections had turnouts of 39 per cent in 2012 and 46 per cent in 2017, far behind the 68 per cent who voted in the 2019 UK general election. The irony is that the closer politics comes to the people, the less engagement there seems to be. Many of my constituents who sleep out there on the streets and in the doorways of the Royal Mile feel just as remote from democracy in this Parliament as someone in the Shetlands does from the Westminster Parliament.

That is not a good state of affairs or evidence of a healthy democracy. However, we are in unprecedented times and we will go through an election during a national crisis. It is therefore more essential than ever that systems are in place to ensure not only that the election is run in a fair and transparent way but that we engage the maximum number of voters to take part, using systems and procedures that can engage public confidence.

Other members of the committee have raised many of the issues that we discussed in our evidence sessions. The assumption that the election planners made that there would be a 40 per cent postal vote was evidence of a conservatism in their ambitions. I see that the minister has increased the budget so that we can try to take that figure up to 50 per cent. That is welcome, but it should not be the end of our ambition.

One way to increase the capacity for postal voting would be to have a national freepost address, so that anyone could write "Postal vote. Freepost" on an envelope and it would get there. That would make applications free, simple, easy and without barriers, especially for the groups that we know are hard to engage or are disenfranchised. That should be promoted through multiple platforms in a concerted effort to reach those groups and constituencies that we know have very low levels of participation. That would be a way to get those very poor voting figures to go up.

We should consider running the election over more than one day, but that should be a choice made by Parliament, not ministers. There should also be no limitations on the postal voting period that might restrict people's ability to vote.

Any communications about elections must come from a neutral body. I suggest that they should come from electoral registration offices or from the chief returning officer. If they cannot come from those people, perhaps the minister can explain that. I may be ignorant of that, and I apologise if I am. I would consider such communications coming from the NHS, but we must recognise that the chief medical officer is a political appointment. I am not saying that as a criticism, but that is the

reality. We should not, in even the smallest way, bring such people into the electoral process.

15:54

Joan McAlpine (South Scotland) (SNP): The right to vote is one of the most fundamental rights that we have as citizens. As we prepare for an election in the context of the pandemic, it is imperative that we ensure the safety of everyone who exercises their right to vote next May. At the start of 2020, most of us would not have predicted that, by the end of March, we would be under a national lockdown. The Covid-19 outbreak has impacted almost all areas of public life and it is now obvious that we must take innovative measures to safeguard our electoral processes.

The Scottish Government has been clear about its expectation that the election will be held on 6 May 2021 as scheduled, but I am pleased that the Government has also been clear about why the election might be postponed. If we find ourselves facing a lockdown whereby voting at polling places would be unsafe, that would require the Scottish Government to postpone the election.

Although it is highly unlikely that the election would need to be postponed, it is critical that the necessary legislation is in place so that we can be prepared. That is why the bill will move the dissolution of Parliament to 5 May 2021, which will allow MSPs to pass emergency legislation to defer the election, if necessary. That is a logical change, as there is the potential for a spike in coronavirus cases that could make it unsafe for us to cast our ballots on 6 May. By shortening the dissolution period to just one day, we will avoid a potential situation in which the Parliament would be unable to make the vital decision to protect voters and minimise transmission of the virus.

The bill will also give ministers the power to make regulations to allow polling to take place over several days to support social distancing and additional hygiene measures at polling stations, as in-person voting might ultimately take longer. Under that provision, voting must commence on election day, but it could be extended in the eight days immediately following.

The bill sets out to bring the deadline for postal vote applications forward by two weeks. In my view, that is another logical step that we should be taking. According to research that was conducted by the Electoral Commission in August 2020, an additional 350,000 people could opt to vote by post in the election. Postal voting applications require thorough checking and verification, which takes time, so it makes sense to bring the deadline forward to ensure that there is enough time for the applications to be processed.

Next year's election will be of monumental importance to Scotland's political history. At its heart, it will be an election about democracy and self-determination. The administrative challenge of running any election is significant, but the pandemic has made it all the more challenging, which is why we must do everything that we can to ensure that our parliamentary election next year is as safe and fair as possible.

15:57

John Scott (Ayr) (Con): I welcome the roll-out of the Covid-19 vaccination programme that started on Tuesday, which represents a paradigm shift in the need for the bill. We still need to plan for the worst-case scenarios and not drop our guard until the vaccination programme is complete, but we can approach the bill in a slightly more relaxed way than when the need for it was first recognised.

We welcome the Government's offer to increase the capacity to deal with postal vote applications to 50 per cent, although it now seems less likely that that will be required. We agree with the Scottish Government's approach, outlined by the minister in his opening remarks and his letter about how the cost of postal votes should be covered by political parties. That more people will use postal votes than before is certain, but I would expect the total to be between 30 and 40 per cent, or less, in light of the roll-out of the Covid-19 vaccination programme.

Turning to section 5 of the bill, I again welcome the Government agreeing that an affirmative instrument would be required in the now unlikely event that an all-postal ballot will be required. I welcome the fact that, in the minister's response to the stage 1 report, he proposes that Parliament, through an affirmative instrument, would have a vote on such a dramatic change to a voting system—which an all-postal ballot would be—and I welcome the recognition that using the significant power to move to an all-postal ballot should not be a decision that rests entirely with the Scottish Government.

Turning now to the role of candidates who are still MSPs, given the new dissolution date of 4 May, I welcome the SPCB's detailed guidance that was published on 1 December, and look forward to seeing it being further developed and updated in the run-up to the election.

We do not believe that section 8 on polling and additional days is necessary, and note that the Electoral Management Board for Scotland does not believe so either. The helpful note that it issued today states:

"On the basis of this analysis, it is the view of the EMB that polling over a single day should be sufficient provided

that returning officers review and limit the numbers of voters allocated to each polling station, communicate that voters should be prepared to plan their visit and be prepared for a short wait, and put in place measures within polling stations such as the employment of additional staff to advise and reassure voters and to maintain the flow of voters through the polling station."

The EMB also reports that polling over multiple days introduces additional risk, cost and potential confusion for the voter. The likely effect of vaccination against Covid-19 and the expected uptake of postal votes will be to significantly reduce the number of voters attending polling stations. Given those aspects, our view remains that polling should be over one day. Furthermore, we do not believe that that power should be vested in the Scottish ministers alone. We consider that, as provided for in section 5, such a power should be taken only through an affirmative instrument, thereby giving the Parliament a vote on that decision.

Section 11 gives the Presiding Officer the power to postpone an election. I note that there is no obligation on him to consult the Parliament on the decision. Again, I consider that such an obligation should exist in law, always accepting that the power given to the PO as proposed would be used only as a position of last resort.

We will support the bill at stage 1, subject to amendments being introduced to sections 5 and 8 as discussed. I look forward to hearing the minister's comments in that regard.

16:01

Shona Robison (Dundee City East) (SNP): As others have said, the right to vote is a key part of our democracy, and it is important that we safeguard it, despite the obvious challenges of the pandemic that have been mentioned.

I welcome the minister's comments and announcements, not least that there will be a public awareness campaign on postal votes. That is welcome, indeed.

As other members have said, one of the key issues is the potential significant increase in the proportion of registered voters who choose to apply to vote by post as they are unable or do not wish to vote in person.

Research that the Electoral Commission carried out in August found that 20 per cent of those who generally vote at a polling place would prefer to vote by post if an election were to take place, which is understandable, given concerns about the pandemic. That indicates the potential for about 350,000 people who would normally have voted at a polling station to opt instead to vote by post. That is a lot of people, and it clearly presents a logistical challenge.

Such a significant increase in the volume of applications would need to be managed by electoral registration officers at an already busy time in the electoral timetable. In order to mitigate that, one of the main provisions of the bill is for an earlier deadline for applications to vote by post, which would help the officers by giving them more time to process any surge in applications, thereby ensuring that voters who apply by the deadline have their application processed in time to be issued with a postal ballot pack. Returning officers would also have more time to prepare for the issuing of postal ballot packs as soon as practicable after the close of nominations, maximising the time available for voters to complete and return them before the close of poll.

Given the anticipated increase in postal votes, that is one aspect of the legislation that we need to get right. The bill proposes to bring forward the postal vote application date to 6 April 2021, which is 21 working days prior to the election.

An important point is that voting options must be the same for everyone, and the discrepancy in dates between registration and application for postal voting is obviously an issue. I hope that that will be clarified, because it could have an impact on young and first-time voters. We want to encourage those people to become involved in the democratic process and avoid any possibility of turning them off it—as the mum of a 17-year-old who has a very passing interest in politics, I think that it is important that that does not happen.

One suggestion that the Government and the committee might wish to consider is providing an exemption from or extension to the proposed 6 April deadline for postal votes for voters who are registering for the first time.

I understand that electors who miss the earlier deadline for applications for postal votes would have the option of applying to appoint a proxy up to the deadline of 27 April. Although that has the potential to shift the stress on administration to a different point in the timetable, and closer to the poll, it still raises the issues of creating different criteria for voting and of not providing equal choice for all.

The main objective, however, must be to ensure that voters have early and clear information about the postal vote application deadline, to ensure that they can make informed choices about their voting methods and to help them to plan how to vote safely.

I welcome the consensus that has been expressed in the debate, and I look forward to seeing how it progresses.

The Deputy Presiding Officer: We move to closing speeches.

16:05

Anas Sarwar: I will start on the note on which Shona Robison finished her contribution, which is about the importance of consensus in the debate. If we are to gain public trust in elections, the process cannot be contentious—it must be consensual, as I am sure all members would want to commit to achieving. As John Scott, Miles Briggs, Liam McArthur and several others said, the decision must ultimately be one for the Parliament rather than the Government to take. I hope that all the parties represented in the Parliament will share in that spirit of partnership with the Government.

I will summarise a few points that have emerged from the debate, on which it would be good if the minister could provide clarification. In his opening remarks he mentioned a budget gap of £3 million and a gap of £5 million in the financial framework. I would be pleased if he could confirm that no such gap exists. I see that he is nodding, but it would be good if he could confirm that in his closing remarks.

On the deadline for postal votes, Patrick Harvie, Miles Briggs and others made the point—but it bears repeating—that it feels counterintuitive for us to change the postal vote deadline to make it earlier if we also want to increase and expand people's access to voting. I therefore ask the minister to think again about the relevant part of the bill, to see whether we could mitigate the fears about a late flow of applications associated with the booklet process and the public information campaign, and try to get early applications into that process.

Alongside that, the suggestion of providing free postage is important. I note that the minister said that a booklet would go to every household to let people know about their right to apply for postal votes. There is no reason why, as part of that process, we could not include an application form for every household and, indeed, a freepost response mechanism. It would be good to hear the minister's response to that suggestion.

As Bill Kidd touched on, it is important that we have an effective public information campaign. It would be good to know when such a campaign could begin and in whose name it would run. *[Interruption.]* I am sorry to see that the minister is rolling his eyes at that suggestion. It is important that any communication on the administration of the election or any application process for it—

Graeme Dey rose—

Anas Sarwar: If I could finish my point, I will then be happy to take an intervention from the minister.

It is important that any such communication—whether it be an advert, a booklet or a letter—should come from a neutral source and not a participant in the election.

Graeme Dey: If I can offer some alleviation of Mr Sarwar's paranoia, I point out that we are working extremely closely with the Electoral Commission, which will be the source of the information campaign on accessing postal votes. That should also calm people's concerns about the process of voting in that way and address some of the nonsense that is out there about the security of the system.

Anas Sarwar: I agree that we do not want anyone to be paranoid, which is why it is important to have clarification from the Government that any such publication would come from a neutral source. If any paranoia exists, perhaps it is on the part of the minister. I do not think that it should be difficult for him to confirm that any public information campaign, booklet or letter would come from such a source.

I recall that the minister suggested that the CMO would write to people in the shielding category. I am open to that suggestion, but again urge that such a communication should come from NHS Scotland if we are to achieve the same aim of it not coming directly from, or carrying the branding of, the Scottish Government.

The final issue around that is in relation to having one election day. Patrick Harvie made the good point that there is an argument for extending the number of days regardless of whether we have a pandemic, if we want to maximise turnout and participation. In many ways, that could be a good trial.

Liam McArthur: Like Anas Sarwar, I was very interested in Patrick Harvie's suggestion. That is an area in which we can probably learn from what happens in other countries that already have elections that span at least a couple of days.

Anas Sarwar: We should explore that. I am fine with where we end up on the final wording of the bill in relation to there being one election day, but we should keep open the option of additional days. The fundamental principle that we want to go on is that it should be for the Parliament rather than the Government to decide.

Stuart McMillan's point about hours is also an interesting point that is worthy of exploration. I hope that we can find some consensus on all those issues in the coming week or two, and get a bill that has unanimous support in Parliament.

16:11

Adam Tomkins (Glasgow) (Con): The bill is fine, sensible and pragmatic, with two exceptions.

I shall focus on those exceptions, leaving the remainder of the bill to one side.

Two provisions of the bill are unacceptable in their present form—sections 5 and 8—each for the same reason: both give ministers far too much power. Under section 5, ministers could provide for the next election to this Parliament to be an all-postal ballot. Under section 8, ministers could provide for polling at the next election to take place on a variety of different days within a specified eight-day period.

Let me say straight away that, in the light of the coronavirus pandemic, it is sensible to build into our electoral law flexibility about postal ballots and about the day or days of polling. However, on no account is it fair, reasonable, proportionate or necessary to place all that flexibility, unchecked, into the hands of ministers. Ministers are participants in the election; they cannot at the same time be its referees. Substantive and procedural checks need to be added to both section 5 and section 8 during the bill's amending stages in order to make the provisions acceptable. I will set out exactly what I have in mind.

As regards section 5, the Standards, Procedures and Public Appointments Committee notes in its stage 1 report that the power to provide for an all-postal ballot is a contingent measure in the event that an in-person vote proves impossible because of Covid. The minister said the same in his opening speech. That is fine—but, if that is the case, why does the bill not so provide? As it stands, the power to provide for an all-postal ballot can be exercised for any reason—or indeed for no reason at all—and at any time. There is no requirement that the power be exercised only because otherwise no election to the Scottish Parliament could safely be held. If it is a contingent power to be used only as a last resort, the bill needs to say so, in terms.

The SPPA Committee also notes that an all-postal ballot cannot be organised in time for an election in May; the committee refers to the statement in the bill's policy memorandum that such a move would necessitate at least a six-month delay to the election. It is, for those reasons, highly unlikely to happen, but lots of highly unlikely things have happened this year, and the argument that the exercise of the power is unlikely is, I am afraid, simply not good enough. The bill must be amended to set out clearly the extremely limited circumstances in which it would be lawful for ministers, by order, to require the election to become an all-postal ballot.

Even then, concerns remain. No provision is made in section 5 for any parliamentary input into the matter. Ministers are given a blank cheque. I am sorry, but no self-respecting Parliament should ever sign such an instrument. Section 5 provides

that the Presiding Officer, the Electoral Commission, the convener of the Electoral Management Board for Scotland and the chief medical officer are consulted, but that is it—it does not state that their consent is required, still less that the Parliament's consent is required. That will not do. The power in section 5 must be amended so that it may be exercised only after the Presiding Officer, the Electoral Commission and the convener of the EMB have consented to its being exercised.

In addition, that order-making power must be further amended to ensure that no such power can be exercised other than with the assent of the Parliament—that is, it must be subject to the affirmative procedure.

What goes for section 5 must go also for section 8. As with the power to provide for an all-postal ballot, so too must the power to provide for polling on multiple days be constrained, both substantively and procedurally. The power should be exercisable only where it is shown to be necessary because polling cannot safely take place on a single day. Further, the power should be exercisable only with the Presiding Officer's consent, and with the consent of the Electoral Commission and the convener of the Electoral Management Board. Finally, the power must be subject to the affirmative procedure.

Those checks on ministerial rule making are essential. They are fair, reasonable, proportionate and necessary checks that we require to see in place to satisfy not only ourselves but, which is much more important, the voting public that the next election to the Parliament meets the highest standards of fairness and voting integrity. Nothing should allow us to compromise those standards—not even Covid.

We will support the general principles of the bill at decision time tonight, but our support is conditional. Sections 5 and 8 will need to be amended, as I have set out. The integrity of the voting system is too precious to risk. I know that Graeme Dey agrees with that, and I look forward to working with him, and with all the parties in the Parliament, to fix the bill's defects at stage 2.

16:16

Graeme Dey: The debate has been a thoughtful one, and I thank members for their contributions. I have a lot of ground to cover, so I will move straight on to responding to as many of the points as possible.

I will start with Adam Tomkins. I am happy to consider his ask for clarity around the circumstances in which the power in section 5 would be used, but I am disappointed that he seemed to miss my earlier comments that I am

prepared to lodge an amendment that goes beyond the ask of the DPLR Committee and which takes account of the affirmative procedure.

Mr Tomkins talked about taking a similar approach to section 8. Earlier, I indicated to John Scott that I am happy to discuss that with him. However, I caution that the circumstances under which the power in section 8 might have to be used might be more pressing and the measures might be more immediately needed, so, if we did that, we would have to be careful about the nature of the procedure that was to be followed.

A number of members talked about the need to communicate change to the electors. I agree with them on that, so I will outline what we are doing on that in a bit of detail. We are currently working with partners—the Electoral Commission, the Electoral Management Board and, within that, electoral registration officers—to provide consistent and co-ordinated communications to electors. That will include informing vulnerable or higher-risk groups about how to apply for alternative voting methods. The Electoral Commission has partnered with the Care Inspectorate to send out communications to all registered care providers in Scotland about supporting residents to register and to apply for a postal vote.

The commission is also working with Age Scotland, Citizens Advice Scotland, One Parent Families Scotland and other voluntary sector organisations to reach out to groups such as older people's forums and to get the information to them. However, I do not accept the premise, which I think Anas Sarwar advanced, that if we do all that work early enough, we might be able to restore the existing deadline for postal votes. I want to be clear that the action that we are proposing is based on firm advice from the electoral professionals. We can talk about their being unambitious or conservative, but we need to be guided by them. The measures are all about smoothing a peak and avoiding a situation in which we get too close—[*Interruption.*] I will not take an intervention. I would rather press on, if I may, because I have a lot to cover.

The measures are about avoiding a situation where there is a surge so close to the election that it becomes difficult or impossible for the electoral authorities to process the ballot packs and get them out. We want to ensure that people do not miss out on their vote if they have applied for a postal vote. The answer is not about simply throwing more resource at the issue—we have had conversations about that with the electoral authorities. [*Interruption.*] If the member does not mind, I need to press on.

As I said, we cannot risk a situation in which postal votes become problematic. As Neil Findlay acknowledged, we have talked a lot about

doubling the number of postal votes, but he is right that the resourcing will be for between 40 and 50 per cent of votes being postal ones. If, as we progress, we get to a situation in which it becomes apparent that those numbers will be exceeded, as some people have indicated might happen, of course we will consider providing additional resource earlier on, where that is appropriate.

Neil Findlay: Will the minister take an intervention on that point?

Graeme Dey: I am sorry, but I want to be fair to everybody in the points that I cover.

On the subject of postal vote costs, a substantial degree of assistance is already provided to people who vote by post. Each postal vote is already cast at no cost to the voter, through the use of a first-class addressed envelope that is supplied by the returning officer. In relation to electoral registration, EROs currently enclose a prepaid envelope with any invitation to register and with subsequent reminders. In addition, EROs issue prepaid envelopes with all postal vote application forms that they send out. Therefore, every voter who engages with a local ERO is covered. The only time that a voter would face such costs would be if they downloaded a form from the Electoral Commission's website, completed it and sent it in, or if a political party issued a postal vote form to them.

The interaction between the local ERO and the local voter is key. That is where we come to the suggestion—which I know is well intended—about a national freepost address. I have some questions about that. Who would handle the applications? Who would get the postal vote forms out to the relevant ERO? The last thing that we can afford is to have a centralised system in which it would be possible—I say “possible”—for someone who has sought a postal vote to miss out, because the request does not get passed on in time or to the right place. As we know, such things can happen.

With regard to Anas Sarwar's point about £3 million for EROs, I am pleased to say that there is no budget gap. The £3 million is the sum that the EROs originally asked for up front. The remaining money is there to match any actual spend. Beyond that, we have committed that if further evidenced costs arise, we will engage on those.

Patrick Harvie made a plea about not bringing forward the postal vote deadline any further. In fact, the provision in the bill would allow it only to be moved closer to polling day. As I said earlier, we have the ambition to raise the postal vote element of the election up to around 50 per cent. As others have pointed out, in 2016 the actual turnout was 55 per cent. We are showing ambition

by catering for the hope that there will be a bigger-than-usual turnout in May's election.

Stuart McMillan touched on the issue of the plea for the election, if it needs to be held on more than one day, to be held on successive days. That is the ask of the EMB—it has been very clear on that—and I am very sympathetic to it.

Bill Kidd talked about the purdah period. The Scottish Government will be subject to the usual purdah restrictions; in the same way, MSPs will operate in the way that they would normally have done. Just because the period is termed an “election recess”, it is, in effect, a dissolution period, save for the ability to come back and vote, if necessary. However, I make it clear to members that the Parliamentary Bureau has been considering how, if the pandemic heightens and the Scottish Government still has to make significant decisions about levels, the Parliament will scrutinise those. That conversation is continuing, but that is the only dispensation—Miles Briggs is aware of this—from the approach that we are talking about.

I sincerely apologise to members whose points I have not responded to.

I am pleased that, even though the bill has had to be introduced and dealt with at an accelerated pace, it has attracted wide-ranging support from stakeholders and, generally, from the chamber today. I hope that members will join me in supporting the principles of this important and necessary bill.

The Deputy Presiding Officer: That concludes the debate on the Scottish General Election (Coronavirus) Bill. I ask anyone who is moving about or leaving the chamber to take care to maintain social distancing.

Business Motion

16:25

The Presiding Officer (Ken Macintosh): Mr Dey, before you leave the chamber, I wonder whether you could move a motion. Thank you.

The next item of business is consideration of business motion S5M-23647, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, setting out a stage 3 timetable.

The Minister for Parliamentary Business and Veterans (Graeme Dey): I apologise, Presiding Officer. It has been a long day.

Motion moved,

That the Parliament agrees that, during stage 3 of the Forensic Medical Services (Victims of Sexual Offences) (Scotland) Bill, debate on groups of amendments shall, subject to Rule 9.8.4A, be brought to a conclusion by the time limits indicated, those time limits being calculated from when the stage begins and excluding any periods when other business is under consideration or when a meeting of the Parliament is suspended (other than a suspension following the first division in the Stage being called) or otherwise not in progress:

Groups 1 to 4: 40 minutes

Groups 5 to 7: 1 hour 10 minutes.—[*Graeme Dey*]

Motion agreed to.

Forensic Medical Services (Victims of Sexual Offences) (Scotland) Bill: Stage 3

16:25

The Presiding Officer (Ken Macintosh): The next item of business is stage 3 proceedings on the Forensic Medical Services (Victims of Sexual Offences) (Scotland) Bill. In dealing with the amendments, members should have the marshalled list and the groupings of amendments.

I remind members that the division bell will sound and proceedings will be suspended for five minutes for the first division of the afternoon. The period of voting for each division will be up to one minute. Members who wish to speak in the debate on a group of amendments should press their request-to-speak buttons as soon as possible after I call the group. Members should now turn to the marshalled list of amendments.

Section 2—The examination service

The Presiding Officer: Group 1 is titled “Self-referral age and support for under 16s undergoing forensic medical examination: reports on exercise of power to change age for self-referral and pilot scheme”. Amendment 1, in the name of Margaret Mitchell, is grouped with amendment 7.

Margaret Mitchell (Central Scotland) (Con): Amendments 1 and 7 relate to the provision of support for children in the 13-to-15 age group. At the outset, I thank the cabinet secretary and her officials for taking the time to meet me yesterday to listen to why I lodged the amendments, and for the extremely worthwhile discussion that took place.

By way of background, I note that I lodged the amendments taking into account the welcome Scottish Government amendment at stage 2 that provided an ability to include the age group in the bill’s provisions for self-referral for forensic medical examination at some point in the future. The two amendments in group 1 are therefore different from the ones that I lodged at stage 2.

I lodged amendments 1 and 7 having listened carefully to the comments that the cabinet secretary made at stage 2, when it became clear that the Scottish Government has extensive work in progress in the form of the development, in partnership with the chief medical officer’s task force, of the children and young people’s clinical pathway.

The aim of the CYP clinical pathway is to ensure that there is a consistent national approach to the provision of child-centred, trauma-informed healthcare and forensic medical examination

following a concern being raised or disclosure of sexual abuse. In addition, other barnahus work is being undertaken and a child protection consultation is under way. I welcome that and pay tribute to the Government for getting to this stage and for the extensive and very positive work.

My amendments do not cut across or hinder that on-going work. Rather, they provide a mechanism by which we can keep the issues to the forefront and future-proof the bill, especially given that it has come at the end of the current parliamentary session.

Amendment 1 will require the Scottish ministers to publish a statement annually on whether they will produce regulations, as per section 2(3A), to change the age of self-referral. In addition, ministers must outline what support is being or will be provided to a person aged under 16 who has been referred by a constable for a forensic medical examination. The aim of the amendment is to ensure that ministers regularly consider the age of self-referral and that consideration is given not only to the lowering of the age but to the support that will be provided to those under-16s who undergo a forensic medical examination as a result of any change. I thank the cabinet secretary for the confirmation that she is minded to support that amendment.

16:30

Amendment 7 gives ministers the power to introduce a pilot scheme whereby those 13 to 15-year-olds can self-refer for a forensic medical examination and details that certain arrangements are to be made for children and young people as part of a pilot scheme. It is important to put the amendment in the very sobering context in which it has been lodged. We know that child sexual abuse has increased dramatically during lockdown, as, sadly, there have been greater opportunities for child sex abuse in the home. Reporting such abuse has always been difficult, but it has been even more difficult during the pandemic period, as opportunities for disclosure have been fewer. The acknowledgement of the need to create a safe space is crucial in order to give those children who have been sexually abused the confidence to disclose.

Self-referral offers another mechanism by which a young person can disclose and, even more importantly, can access the health and mental health care that they need. A lack of access to physical and mental health care can have a devastating impact on a survivor's life, often causing them to use alcohol and drugs to self-medicate.

The amendment therefore includes certain arrangements that are to be included in a pilot

scheme, such as assigning to a relevant child an appropriate adult who must meet with the relevant child as soon as is reasonably practicable after the forensic medical examination, as requested. They must also ensure, before the medical examination can begin, that the relevant child has been provided with information about any child protection procedures and health procedures that will be followed, and they must continue to co-ordinate support to the relevant child throughout any process that follows as a result of reported incidents. That includes co-ordinating support to the relevant child in any steps that are taken to meet the relevant child's healthcare needs as a result of the reported incident. Those provisions provide the safe space that is necessary to encourage disclosure.

The level of detail in the amendment might appear—indeed, it is—prescriptive, but it is included deliberately to form a checklist for assessing how the various aspects of the clinical pathway, child protection and the barnahus approach are operating in relation to supporting children and young people who are the victims of child sexual abuse and other sexual offences.

If ministers arrange for a pilot scheme, they are required to lay before the Parliament a statement describing the scheme and how they intend to evaluate its outcomes. Once the pilot has ended, ministers must lay a report before Parliament setting out their findings and whether they intend to do anything regarding the age of self-referral. Alternatively—this is crucial—if ministers choose not to introduce a pilot scheme, they must explain to Parliament why they have chosen not to.

As I stated previously, I very much welcome the work that is going on in Scotland to ensure that children who are victims of childhood sexual abuse receive the support that they need through the clinical pathway and the barnahus approach that Scotland has ambitions for, as well as the work that is being done on related issues such as getting it right for every child, adverse childhood experiences and the United Nations Convention on the Rights of the Child.

However, without the creation of the safe space that is necessary to give 13 to 15-year-olds the confidence to disclose, the problem of the fear of reporting sexual abuse will continue. As a consequence, those vulnerable young people will not have the access to the health and medical care that they need and deserve.

I move amendment 1.

Donald Cameron (Highlands and Islands) (Con): I have little to add to what Margaret Mitchell has just said. Amendment 1 places a duty on the Government to consider annually the question of the age of self-referral. Everyone who

has discussed the issue of age in this regard, either in committee or in the chamber, will be cognisant of what a difficult issue it is. In my view, the amendment would allow the Government to consider that difficult issue regularly, and I hope that the Government will support the amendment.

The only point that I wish to add about amendment 7 is that it would simply give ministers the power to introduce a pilot scheme if they chose to do so. There would be no obligation to do so—it would not be mandatory—despite the prescriptive terms of the scheme, to which Margaret Mitchell alluded. Ultimately, the amendment would give ministers a choice—the scheme would be optional. For those reasons, it seems eminently reasonable. It offers a practical solution to the Government in allowing it to trial such a scheme if it wishes to do so.

I hope that members will support both amendments.

The Cabinet Secretary for Health and Sport (Jeane Freeman): There has been considerable interest in the parliamentary process to date on the minimum age for self-referral. The final draft of the bill will state that the minimum age is 16, in line with current practice, but a delegated power was added at stage 2 to allow the minimum age to be varied in the future by regulations if that becomes justified in the light of future changes to guidance, practice or legislation.

I am very grateful to Margaret Mitchell for meeting me yesterday to discuss and explain her amendments. I listened carefully to what she said then and what she said today. I thank her and recognise her interest, which has been long standing, in supporting child victims in the stage 2 proceedings, at yesterday's meeting and in the chamber today. Too few child victims disclose abuse, and I know that Ms Mitchell and I share a desire to tackle that issue.

Against that background, I am pleased to support amendment 1. However, having considered the matter carefully, I cannot support amendment 7. It would be disproportionate to have a pilot scheme that offered self-referral for forensic medical examination to a child or young person under 16, as that would be at odds with existing child protection guidance, which healthcare professionals need to follow in all cases of child sexual abuse. I also worry that operating a pilot scheme in just one part of the country could unintentionally confuse young people and the multi-agency professionals supporting them about what services were available to them. That could add to the difficulty of the situation that the young person already faced.

In yesterday's meeting, my officials and I explained that the children and young people clinical pathway, which was published by the chief medical officer's task force last month, together with the revised national child protection guidance, which is currently out for public consultation, needs time to bed in. My view is that legislating to the level of detail that is proposed by amendment 7 would not deliver on the ambition.

We know that children and young people who have experienced sexual abuse can face many complex barriers to disclosure, and work is taking place across Government to address those barriers. I urge any member or stakeholder with an interest in the field to be mindful of the difficult balance to be struck between a young person's autonomy and the need to protect them and to respond to the revised child protection guidance consultation.

At stage 2, we debated different amendments that Margaret Mitchell had lodged. In opposing those amendments, I undertook to give thought to how we could further support the national health service to implement the new clinical pathway for children and young people, including through the provision of on-going care and support for children and families to aid recovery. I can now let members know that an additional £0.5 million has been provided to improve the NHS response to child sexual abuse through the development of child and family support workers across Scotland and to support the implementation of the children and young people clinical pathway. The total funding of £0.5 million includes £0.1 million that has already been allocated to the west of Scotland region to test the child and family support worker model. Learning from that will inform how services will develop across the rest of the country.

I give a commitment to ensure that each of the matters that are prescribed in amendment 7 is given due consideration by the Government and the task force in the implementation of the bill, should Parliament pass it at decision time.

I have confirmed my support for amendment 1. I invite Margaret Mitchell not to press amendment 7 in the light of our meeting yesterday and what I have announced and committed to today.

Margaret Mitchell: I welcome the additional funding that the minister has announced. I make it quite clear that, although the Government would be under no obligation whatsoever to introduce the pilot, it would most certainly be under an obligation to address all the issues in the pilot as a checklist to see how much progress had been made with the pathway and whether the crucial issue of underreporting was being addressed adequately—and, if it was not, whether other measures in the pilot could be used to address that. The amendment would make sure that the

Government would have to report to Parliament why those measures were either not necessary or inappropriate.

The cabinet secretary and I clearly both share the same objective that the legislation should do the very best that it can to protect vulnerable children. However, my concern is about ensuring that those issues continue to be considered by the Scottish Government—whatever its political persuasion—in succeeding years and that underreporting and the resulting gap in mental health and health provision for young people is kept in view.

Amendment 7 contains measures that could be considered in order to put in place a safe space for 13 to 15-year-olds that would give them the confidence to disclose sexual abuse. It would ensure that that discussion took place, meaning there would be a much greater chance that those 13 to 15-year-olds would access the healthcare that they needed. Early intervention would help them to turn their lives around early on.

That is why, in case there is even the slightest chance that amendment 7 could be passed, I will press it.

The Presiding Officer: We will come to amendment 7 shortly.

Amendment 1 agreed to.

Section 4—Information to be provided for examination

The Presiding Officer: Group 2 is on cases where only preliminary evidence gathering takes place. Amendment 2, in the name of the cabinet secretary, is grouped with amendments 3, 4, 5, 12, 13, 14 and 15. I call the cabinet secretary to move amendment 2, and to speak to all the amendments in the group.

Jeane Freeman: Group 2 concerns preliminary evidence gathering, which is sometimes referred to as early evidence taking. Early evidence can be crucial, since urine, blood or hair clippings that are taken properly ahead of a forensic medical examination might demonstrate that a victim was, for example, so intoxicated that they could not have consented to sexual activity. Victims have a fundamental right to determine what aspects, if any, of a full forensic medical examination proceed. Early evidence might be particularly important to any future criminal investigation.

A number of sections in the bill refer to “the need for the examination”;

to examinations being “carried out”, or to a person undergoing or a person who underwent an examination. Therefore, references to a forensic medical examination having been carried out would potentially read as requiring a full physical examination.

To support the early evidence practices that are mentioned, amendment 15 adds additional interpretive provisions to the interpretation of section 13, including subsection (4), which will act as an interpretive clause to the references that are in sections 6, 7, 8 and 9 of the bill. When an individual is referred for, or requests, forensic medical examination, but the physical examination does not go ahead for whatever reason, the health boards can competently store evidence, and such evidence can be transferred to the police, if and when the victim so wishes.

Amendment 14 is consequential, and amendments 2 to 5 make related amendments to section 4 of the bill.

Lastly, amendments 12 and 13 address a minor inconsistency in section 12A—the new definition of evidence that was added at stage 2—so that references in all its subsections refer to things that are collected or created during, or in connection with, the examination.

I move amendment 2.

The Presiding Officer: No members have indicated that they wish to contribute on the group, so we will go straight to the question.

Amendment 2 agreed to.

The Presiding Officer: I call amendments 3 to 5 and invite the cabinet secretary to move those amendments en bloc.

Amendments 3 to 5 moved—[Jeane Freeman].

The Presiding Officer: Does any member object if I put all three questions en bloc?

Members: No.

Amendments 3 to 5 agreed to.

Section 5—Health care needs

The Presiding Officer: We turn to group 3, on the integration of bill functions with functions under the National Health Service (Scotland) Act 1978. Amendment 6, in the name of the cabinet secretary, is grouped with amendments 17 and 18.

16:45

Jeane Freeman: Amendments 6 and 18 address the nuance that a health board's duty to provide certain services under the National Health Service (Scotland) Act 1978 legal framework has a residency-based element, whereas the provision of health services under the bill should, at least for the immediate healthcare of forensic medical examination needs, be open to everyone that seeks them. That is in line with the existing duties that health boards have to provide accident and emergency treatment to people regardless of their residential status. It is appropriate that long-term healthcare needs, such as access to on-going psychological therapy or support, are addressed by the healthcare system of the place where the victim is ordinarily resident.

Amendment 6 will amend section 5(1) of the bill and amendment 18 will amend paragraph 2 of the schedule to the bill, which amends article 2(1) and 3 of the Functions of Health Boards (Scotland) Order 1991, so that the policy mentioned can be given effect to in the 1978 act's legal framework. As the wording of amendment 18 specifically highlights, it is appropriate that a survivor who has accessed support under the bill can return

“at the request or on the recommendation of the”

relevant

“health board, for follow-up care”.

For example, that might be to check up on any injuries.

Amendment 17 makes final consequential amendments to the National Health Service (Scotland) Act 1978, which is sometimes known as the 1978 act. I flagged to the Health and Sport Committee in the course of stage 2 proceedings that technical amendments of this nature might be lodged at stage 3 so that existing NHS Scotland legislation dovetails with the bill's provisions.

Amendment 17 modifies sections 2(5), 2B, 10H and 17A of the 1978 act in consequence of the bill, and builds on modifications already contained in the bill

I move amendment 6.

The Presiding Officer: No member has indicated that they wish to contribute on amendments in group 3.

Amendment 6 agreed to.

After section 5

Amendment 7 moved—[Margaret Mitchell].

The Presiding Officer: The question is, that amendment 7 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: This is the first division of the afternoon, so I suspend Parliament for five minutes to summon members to the chamber.

16:47

Meeting suspended.

16:59

On resuming—

The Presiding Officer: I remind members that we are on group 3. We move to the vote on amendment 7, in the name of Margaret Mitchell. This will be a one-minute vote.

The vote is now closed. If any members believe that they were not able to exercise their vote, please let me know.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Ballantyne, Michelle (South Scotland) (Ind)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Corry, Maurice (West Scotland) (Con)
 Davidson, Ruth (Edinburgh Central) (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)
 Lindhurst, Gordon (Lothian) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 Marra, Jenny (North East Scotland) (Lab)
 Mason, Tom (North East Scotland) (Con)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Sarwar, Anas (Glasgow) (Lab)
 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)
 Tomkins, Adam (Glasgow) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, 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)
 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)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lyle, Richard (Uddingston and Bellshill) (SNP)

MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, 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)
 McDonald, Mark (Aberdeen Donside) (Ind)
 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)
 Russell, Michael (Argyll and Bute) (SNP)
 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 58, Against 65, Abstentions 0.

Amendment 7 disagreed to.

Section 7—Return of certain items of evidence

The Presiding Officer: Group 4 is on minor amendments. Amendment 8, in the name of the cabinet secretary, is grouped with amendment 16.

Jeane Freeman: Amendment 8 ensures that the drafting of the bill accurately reflects the policy intention that dry evidence—in other words, non-sample evidence—would never be stored by health boards without, as an absolute minimum, some forensic notes also being taken. The wording in section 7(1) that refers to evidence that “comprises or includes an item”

is therefore too wide. “Comprises” means the entirety of something so, where there will always be other evidence, the stored evidence will never comprise solely items of dry evidence. “Includes” is therefore sufficient on its own, which is why amendment 8 removes the words “comprises or” from section 7(1).

Amendment 16 amends section 15(1) so that section 12A, on the new definition of “evidence”, which was added at stage 2, is included in the sections of the bill that will come into force automatically on the day after royal assent. That reflects the fact that the substance of section 12A

was previously contained in section 13, which has always been listed in section 15(1) as a section that will commence automatically. It is standard that the interpretative provisions in bills commence automatically.

I move amendment 8.

Amendment 8 agreed to.

Section 9—Transfer of evidence to police

The Presiding Officer: Group 5 is on the self-referral forensic medical examination of persons below self-referral age. Amendment 9, in the name of the cabinet secretary, is grouped with amendment 10.

Jeane Freeman: We debated the minimum age for accessing self-referral examinations in the first group of amendments. The amendments in this group seek to address a scenario that could arise, irrespective of the minimum age. First, I emphasise that the Government does not envisage that such a situation should arise often or, indeed, at all, given that there are no indications that the situation has arisen in existing self-referral services in Scotland or the rest of the United Kingdom. However, a self-referral examination might be offered in good faith to a young person who was thought to be of or over the minimum age, but it might later transpire that they were under the minimum age at the point of examination.

As members of the Health and Sport Committee will know, forensic medical examination is time critical and the DNA-capture window is only seven days. The requirements of trauma-informed care, which are now enshrined more prominently in the bill, also align with the Healthcare Improvement Scotland standard that examinations should take place within three hours of a referral for an examination being received.

Very often it will be swift and straightforward for a health board to determine from their NHS Scotland records the age of a young person who is seeking to self-refer. However, I cannot discount that there could be rare cases in which it is not so straightforward—for example, those that involve a trafficked young person. Those are not entirely new scenarios in the forensic medical examination context or otherwise.

The bill recognises that experienced paediatric and other clinicians can be trusted to exercise appropriate professional judgment in difficult cases. However, the new clinical pathway for children and young people who might have experienced sexual abuse, which was published in November this year, will be updated ahead of the commencement of the bill's self-referral provisions to provide further, specific guidance on that point

in the context of the new child protection guidance that is currently out for consultation.

The self-referral protocol that is being developed by the chief medical officer's task force—it will be submitted to the Lord Advocate for his approval prior to publication—will also provide guidance for clinicians on what to do in those rare scenarios.

Against that background, amendments 9 and 10 clarify the bill's position when a child who is reasonably believed to be of or above the minimum age for accessing self-referral accesses one, but it later transpires that the child's true age is under the minimum age.

Amendment 10, which is the main amendment, creates a new section in the bill to provide that when there has been an incorrect self-referral things that have been done by the health board remain legally valid pending expeditious collection of any evidence by the police in line with established practice. That should ensure that any evidence that is taken by a health board in those circumstances is admissible in any criminal proceedings.

In consequence, new subsection (3) disapplies sections 7 and 8 of the bill, including the duty on the health board to destroy evidence at the end of the retention period that is set under section 8, given that the police would seek the transfer of evidence on those who are under the minimum age for self-referral.

New subsection (4) clarifies what is to happen if a victim is seeking to exercise their rights under sections 7 and 8 at the time that their true age is discovered. For example, a victim who is entitled to self-refer has the right to request that certain items of evidence that have been provided by them be returned. They also have the right to request that such items be destroyed if they do not wish to make a police report. Unless it has done so before the true age has been discovered, a health board will not be required to act on those requests.

Amendment 9, which is consequential, adds a new subparagraph into section 9(1) that applies the evidence transfer gateway in section 9 to incorrectly held evidence. The health board's duty to report child sexual abuse is covered by existing child protection guidance and practice, and that will be emphasised in the self-referral protocol that I mentioned. That prompts the police to expeditiously collect any evidence of child sexual abuse.

I move amendment 9.

Amendment 9 agreed to.

After section 9A

Amendment 10 moved—[Jeane Freeman]—and agreed to.

The Presiding Officer: Group 6 is on victim support information and referrals. Amendment 11, in the name of the cabinet secretary, is grouped with amendments 19 to 27 and 29.

Jeane Freeman: This group has the most amendments in it. The amendments have a common core: improving the victim support information and referral provisions in the bill.

The Victims and Witnesses (Scotland) Act 2014 aims to put the interests of victims and witnesses at the heart of the modern justice system. It places duties on the police to provide victims with rights information and details of victim support services, which will already apply to police referral victims of offences because they have been in contact with the police.

We want to ensure that people who choose to self-refer under the bill have the same rights to have information provided to them as people who decide to make a police report. The relevant parts of the 2014 act do not legally apply to victims of harmful behaviour by a child who is under the age of criminal responsibility. For continued consistency with the 2014 act, the provisions in this group have the same legal application.

The bill as introduced makes provision in its schedule for relevant aspects of the 2014 act to be applied to all victims who access forensic medical services under the bill. The amendments in this group replace those provisions and aim to improve and clarify the bill's approach to the 2014 act. I am pleased to confirm that the amendments in this group have been shared in draft and approved by Victim Support Scotland. The policy aim is to ensure that relevant rights from the 2014 act are available to all victims of offences, irrespective of whether they follow the police referral or self-referral route.

The key amendments in the group are amendments 11 and 27. Amendment 11 inserts in the bill a new section, which is applicable to self-referring victims of offences. Rights to access the victims' code for Scotland, victims' rights information and referral to victim support services are made available via the health board to which the victim has self-referred. Those rights are equivalent to those in sections 3C and 3D of the 2014 act that apply to victims who are referred by the police.

Amendments 19 to 26 are consequential on amendment 11. They each amend paragraph 3 to the schedule, which amends the relevant provisions of the Patient Rights (Scotland) Act 2011 so that patient rights principles will apply to

health boards when they discharge the new obligations that are created by amendment 11. Because victims who access services under the bill are both patients and victims, it is appropriate that they receive all the relevant rights under both the 2011 and the 2014 acts.

The principal function of amendment 27 is to add a new section 8A into the 2014 act. It is applicable to police referral victims and supplements the provisions of sections 3C and 3D of that act by ensuring that the police inform any victims that they are referring that they can also request victims' rights information from the health board.

Amendment 27 also removes subparagraphs 4(2) and 4(3) of the schedule to the bill. Those are the former provisions that this group of amendments replaces.

Amendment 29 is consequential on amendment 27. It adds a final subparagraph 4(5) to the schedule, amending section 29A(1) of the 2014 act to reference new section 8A, and therefore ensuring that functions under that section are, where the victim is a child, exercised in the same ways as other functions under the 2014 act.

I move amendment 11.

Amendment 11 agreed to.

The Presiding Officer: If no member objects, I will take amendments 12 to 27 en bloc.

Section 12A—Meaning of references to “evidence”

Amendments 12 to 14 moved—[Jeane Freeman]—and agreed to.

Section 13—Interpretation

Amendment 15 moved—[Jeane Freeman]—and agreed to.

Section 15—Commencement

Amendment 16 moved—[Jeane Freeman]—and agreed to.

Schedule

Amendments 17 to 27 moved—[Jeane Freeman]—and agreed to.

The Presiding Officer: Group 7 is on requests as to persons by whom the forensic medical examination is carried out. Amendment 28 in the name of Johann Lamont is the only amendment in the group.

Johann Lamont (Glasgow) (Lab): We all know that this is important legislation for all victims of sexual violence and we recognise that that continues to be a crime that is perpetrated

overwhelmingly by men on women. The legislation seeks to take practical steps that will be trauma-informed and will allow victims of sexual violence to take back control and to have the power of consent, following horrific experiences in which they have been denied both.

To give some context to the consideration of amendment 28, I have a long-term interest in this field. I sat through the stage 1 debate and cannot overstate the impact that it had on me. I was moved and affected by the quality of the cross-party agreement, the powerful speeches and the substantial nature of the recommendations.

Committee members spoke about the courage of survivors who had given evidence at a meeting facilitated by Rape Crisis Scotland. It was evident that those survivors had had a huge impact on members. I have no doubt that their testimony shaped the committee's thinking and its thoughtful recommendations.

Amendment 28 seeks to give force to the recommendation agreed unanimously by the committee, which says:

"We consider the definition of gender could be ambiguous in the bill, which has the potential to cause distress to individuals undergoing forensic medical examination. We recommend the bill be amended to guarantee an individual's right to choose the sex of the examiner."

No one spoke out against the recommendation during the stage 1 debate; a number of people spoke explicitly in its favour. No group or organisation spoke against the stage 1 report or any of its recommendations when it was published in September, or when it was debated on 1 October. Amendment 28 therefore simply reflects a recommendation in a stage 1 report that was thoughtfully considered. At that point, it did not seem to be problematic and there was no evidence that people had concerns.

17:15

To be clear, if members do not agree that women survivors of violence and rape should be able to ask for a woman examiner, they should say so, and we can have that debate. However, members should be clear that, as Rape Crisis Scotland said, that is what women survivors explicitly sought. If members agree, we should do all that we can to make that wish a reality.

Those who are now expressing concern about the amendment make a number of points, and I want to address those. I will, of course, take the opportunity to address further points as they are raised.

First, the point has been made that there are not enough female examiners, so the amendment is meaningless. However, to argue that is to argue

that the provision is meaningless, not the wording. If the provision is meaningless, the logical position would be to argue for its deletion instead of resisting a change in wording. What a counsel of despair! Are we simply to give up because we do not have enough examiners? Survivors of abuse are not fools—of course they are not. The legislation can and should drive change, translating a real difference in provision through workforce planning and spending. Is that not why we, as legislators, are here?

Secondly, we are told that there is no reason to change because the words "sex" and "gender" are interchangeable. If they are interchangeable, why resist an amendment that uses a term that is defined in law? If it does not matter, why fear clarity?

Of course, these terms are no longer interchangeable, as I have come to realise. How do I know? I know because, in various statements, Fiona Hyslop, a Government minister, has said that we would not conflate sex and gender. Shirley-Anne Somerville, a Government minister, has said that we should not conflate sex and gender. Humza Yousaf, a Government minister, has said that we should not conflate sex and gender. Among other groups, Engender, Rape Crisis Scotland and Zero Tolerance have, at various points in recent times, sought definitions of gender that are explicitly not interchangeable with the word "sex", a word that is defined in the Equality Act 2010.

In giving people rights, in giving women victims of rape and sexual assault rights, and in giving all survivors of sexual violence rights, we need to be precise. Sex is defined in law; gender is not. A right is not a right if it is unenforceable. We owe it to survivors to listen to them and to treat them with respect.

In summary, survivors showed great courage in shaping the bill. The committee showed great integrity in responding to the evidence and unanimously agreed the recommendations, to which this simple amendment responds. There is a direct, traceable and powerful course from the testimony of survivors to our decision on the amendment here and now. I could put it no clearer than the statement of one member of the committee, who said:

"I feel a sense of grave responsibility, not only to speak to ensure that the bill fully serves its purpose, but also to use this platform to give voice to those who have been silenced for so long."—[*Official Report*, 1 October 2020; c 59.]

That is our challenge now. If we applaud survivors for their courage, if we are moved by their testimony, it is our responsibility and duty to respond. It is what we are for, and I trust that members will agree and vote for my amendment.

I move amendment 28.

Sandra White (Glasgow Kelvin) (SNP): I thank Johann Lamont for lodging the amendment. The bill is important. Yes, it is emotional, but it is also really important for the survivors of sexual abuse.

I go by the evidence that those courageous women gave us. I also go by the evidence that the committee took from organisations. As Johann Lamont said, the committee unanimously supported the recommendation at stage 1.

I also raised the issue at stage 2, and was comforted by the cabinet secretary's words to me and to the committee that, if a woman asked for a female examiner, they would get a female examiner.

The ability to ask for a female examiner, a female doctor or a female nurse was one of the top priorities for the survivors who gave evidence. We heard very emotional contributions from the survivors. They felt uncomfortable—they were in trauma—about being examined by a male doctor, and that examination traumatised them further.

I thank Johann Lamont for introducing amendment 28, which could perhaps be described as a technical amendment. I support the amendment. The debate and the bill are far too important for us not to support the amendment.

Donald Cameron (Highlands and Islands) (Con): The Scottish Conservatives will be supporting amendment 28. As others have said, we believe that the views of the Health and Sport Committee on the issue are important. The committee unanimously recommended that

“the Bill be amended to guarantee an individual's right to choose the sex of the examiner”,

in preference to the word “gender”.

Of course, that does not necessarily mean that female victims will get to see a female forensic medical examiner, because there are staffing issues, which the Government needs to address urgently.

There is plainly a wider on-going, important debate about rights of gender and rights of sex. In my view, that is not what we are debating. The issue here is specific. If ever there was a practical example of an instance when the word “sex” should be preferred over “gender”, this is it. The time at which a victim of sexual assault requires a forensic medical examination is likely to be a moment of deep trauma and needs handling with great sensitivity. At that point, and in those specific circumstances, we believe that the choice requires to be one of sex and not gender.

There is one other issue to reflect on—it is a legal issue—which Johann Lamont mentioned. The Equality Act 2010, which is 10 years old this

year, is the place where all protections against unlawful discrimination are located. The legislation uses the word “sex”, and it has a legal definition. Again, there is an important debate to be had about that and about whether the list of protected characteristics needs to be updated. However, that, too, is not for now.

For those reasons, and for the powerful and compelling arguments made by Johann Lamont, we will be supporting amendment 28.

Monica Lennon (Central Scotland) (Lab): I strongly welcome the bill and pay tribute to Rape Crisis Scotland and other women's campaigners who have campaigned for years to bring about the legislation.

On amendment 28, I fully support the principle that survivors of sexual violence should not just have the right to request a female medical examiner in the aftermath of a sexual assault, but should have that right realised in practice. However, it would be misleading to give anyone the impression that the amendment and the passing of the bill in themselves will ensure that survivors get timely access to a female forensic examiner.

It is a sad fact that the bill, by itself, will not lead to a material change in circumstances for many survivors. As we have heard, there are simply not enough female examiners in the profession to meet the demand. Therefore, beyond the bill, our collective focus must be on increasing the representation of women forensic examiners.

Like many MSPs, I have received correspondence over the past few days asking me to support amendment 28. Although much of the content of those emails is genuine and sincere, unfortunately, some of the emails are blatantly hostile towards trans women and the trans community. That is troubling, as is some of the narrative, abuse and trolling that I have seen on social media. Clearly there are some people who want to exclude trans women from working with women and girls who have disclosed rape or sexual assault.

Some people believe that amendment 28, which would replace the word “gender” with the word “sex”, will help to achieve that. They are of the view that such an amendment would prevent trans women from carrying out such examinations. However, that is not correct because, by law, a trans woman who holds a gender recognition certificate is legally of the female sex.

Johann Lamont is correct to say that clarity is important. I, too, believe that it is important that any misinterpretation should be cleared up. I hope that all members will take the opportunity to assist with that process and to condemn any unacceptable abuse that they might see being

expressed towards Rape Crisis Scotland and others. In its recent statements, Rape Crisis Scotland has simply said—correctly—that, by itself, amendment 28 will make no practical difference.

Finally, I again put on record my thanks for the work done by all staff and volunteers at Rape Crisis Scotland. The online abuse that I have seen being targeted towards it in recent days is unacceptable. There must be zero tolerance of that, and we should all call it out. It is thanks to that organisation's work over many years that we have the bill that is before us, which will help many survivors of sexual violence.

I commend the Scottish Government for introducing the bill. I look forward to working with ministers on a strategy to address the underrepresentation of female forensic examiners and to work towards the eradication of gender-based violence towards all women and girls. I look forward to the bill being passed tonight and to us all focusing collectively on supporting survivors through our words and our deeds.

Andy Wightman (Lothian) (Green): The debate is about the victims of very serious crimes—some of the most heinous crimes that can be committed against a person. As Rape Crisis Scotland has stated,

“The feedback that we have from survivors is that the most important issue is access to a female doctor. The lack of access to a female doctor is what causes the most trauma.”

I have thought long and hard about that, and here I speak in my own capacity. Victims of crime have told me directly how important it is that they should have access to a female examiner. I thank them sincerely for sharing their experiences with me. Their importance is beyond any doubt.

After considering the terms of amendment 28 earlier in this extremely busy week, I came to the view that the statutory interpretation of section 9 of the bill that became the 2014 act was clear. That is because the intention of the stage 2 amendment lodged by the then Cabinet Secretary for Justice, Kenny MacAskill, was to do precisely what Scottish Women's Aid and Rape Crisis Scotland wanted at that time, which was to ensure that female survivors of such offences should be able to request a female doctor.

That followed a debate on what would become section 8 of the 2014 act, on the right not only to request to be interviewed but actually to be interviewed by a female interviewer. That provision was passed in order to implement European Union directive 2012/29, dated 25 October 2012, which established minimum standards on the rights of, support for and protection of victims of crime. Article 23(2)(d) of that directive states that

“measures shall be available”

that include

“all interviews with victims of sexual violence, gender-based violence or violence in close relationships, unless conducted by a prosecutor or a judge, being conducted by a person of the same sex as the victim, if the victim so wishes, provided that the course of the criminal proceedings will not be prejudiced.”

What became section 9 of the 2014 act was agreed as an extension to the then section 8 provisions. I am therefore not convinced that it is necessary to make any amendments to the 2014 act to secure its principal purpose of ensuring that victims have some say in the sex of their examiner and of their interviewer. The conflation of sex and gender in that context is not, in my view, particularly problematic: it is clear that the intention behind the 2014 act, and principally its sections 8 and 9, was indeed to provide access to a female doctor where a female victim requested it. To the extent that the courts will always interpret legislation in line with the intentions of Parliament, I think that those are fairly clear from that act and from the EU directive.

However, I am concerned that the use of the term “gender” in the 2014 act might, in the future, be open to greater ambiguity as a result of contemporary debate about the rights of transgender people. “Gender” and “sex” are distinct terms, with different meanings, but they were not so regarded in 2013.

Latterly, I was inclined to support Johann Lamont's amendment, as I thought that it might put to rest any legitimate doubts that might exist. However, I am concerned at the tone of some of the debate. I am concerned that there has been no scrutiny of amendment 28 and that, for many people, this seems to be a debate about anything other than the victims of sexual assault.

17:30

In conclusion, I am concerned about the possibility of ambiguity; I invite the cabinet secretary to set out how that ambiguity might be resolved in future and whether the legislation that is already on the statute book needs to be clearer about the distinction in order to put any doubts to rest. With that, I will be voting against amendment 28.

Emma Harper (South Scotland) (SNP): This is a very serious issue and access to a female examiner is extremely important. Work on that is on-going. The evidence that we heard in the committee was focused on promoting the best care for survivors of rape and sexual assault. We were focused on supporting all survivors of rape and sexual assault and on making forensic medical examination a process in which persons—mostly women—are supported in the best, most holistic way possible.

Currently, in the NHS Scotland patient rights charter, which is underpinned by the Patient Rights (Scotland) Act 2011, it states that persons already have the ability to express their preference about the gender of their medical practitioner. For the purposes of this bill, there has been a concerted effort by the NHS and the Scottish Government to increase the number of female forensic medical doctors and forensic medical nurses. There are now 118 forensic medical doctors and 70 per cent of them are female; 98 per cent of the forensic medical nurses are female. That training is on-going so that there are enough female forensic examiners.

When amendment 28 is passed—and I am sure that it will be, because words are very important and I know that there has been a lot of discussion about how we differentiate between gender and sex—I would like to seek some clarity that the law already exists that women have the right to express their preference over who attends, who examines or who interviews them. I will support amendment 28 and I would like to conclude by thanking everyone who participated in the bill process, including all the witnesses who contributed.

Jeane Freeman: As I have clarified at earlier stages of the bill, neither the word “gender” nor indeed the word “sex” appears in the bill. The reality is that changing the wording from “gender” to “sex” in section 9 of the Victims and Witnesses (Scotland) Act 2014 changes nothing about how the vital forensic medical services that the bill is about are delivered.

My focus and my energies are directed to dramatically improving the provision of those services and I will not be opposing the amendment. Should a woman be the victim of a sexual assault, she currently has the legal right to ask for a female examiner. That remains the case whether or not amendment 28 passes. All victims, irrespective of sex, gender identity or other characteristics, will be entitled under the bill to the same care and support. Importantly, further to a stage 2 amendment, the principle of trauma-informed care now has much greater prominence in the bill. The bill now specifically provides that health boards must seek “to avoid re-traumatisation”. Victims are no longer examined in police stations and the number of female sexual offence examiners on rotas has dramatically increased over the recent period.

However, we need to do much more and we need to go much further. In the second quarter of 2020, over 75 per cent of examinations were carried out by a female examiner and within the three-hour timeframe specified in national quality indicators. In nearly 90 per cent of cases, a forensically trained female nurse was present

throughout the examination. I know that all members will welcome that progress, but the point about the bill that should not be lost is that it is about improving the situation even more.

It should be noted that the meaning of the terms “sex” and “gender” are not defined by the Victims and Witnesses (Scotland) Act 2014; the interpretation of those terms is already set out in law, including in the Equality Act 2010, which contains single-sex exemptions, whose use the Scottish Government has supported and continues to support where that is necessary and proportionate, such as in the case of forensic medical examinations. For that reason, changing the wording in the 2014 act makes no difference, as the amendment will not affect the operation of the underlying law or the already established rights of women to request a female examiner. For the same reason, whether amendment 28 is agreed to or not, that does not and indeed could not affect the rights of any other person who is involved in those vital services.

In establishing the Government’s position, I have of course consulted my cabinet secretary colleagues, most importantly Shirley-Anne Somerville, as the cabinet secretary responsible for equalities. We are of one mind, and we will not oppose amendment 28, because it does not and cannot change the existing and established law, rights and practice in the area, which we will uphold.

The Presiding Officer: I call Johann Lamont to wind up the debate and to say whether she wishes to press or withdraw amendment 28.

Johann Lamont: Obviously, I intend to press my amendment.

I thank the members who have contributed to the debate. My challenge to all members who have reservations about the amendment is that they have a responsibility to raise their concerns, so I appreciate those who have done so. I am more concerned about people who are not saying anything and who are not engaged in the debate but who at the same time are calling into question my motives and the motives of those who have asked me to take forward the amendment.

Alex Cole-Hamilton (Edinburgh Western) (LD): I believe that Johann Lamont’s remarks are directed at me and my party. Our approach is in part down to the fact that we wanted to listen to the debate as it unfolded. However, I found Andy Wightman’s remarks and the range of propositions that he laid out compelling, so we will oppose the amendment.

Johann Lamont: I apologise—I actually quoted Alex Cole-Hamilton’s words in my speech at the beginning, because I found them so powerful. I was not talking about the Lib Dems—I recognise

the pressure on time in the debate. However, I am concerned that there are people who will not engage in the argument, despite the seriousness of the issues. I make that as a more general point. Those people are content, away from the Parliament when we debate the issues, to make assertions and allegations that are simply not true.

No one in the Parliament or anywhere else pretends that the amendment will transform women's lives; I wish that were true. I wish that by the stroke of a pen and by supporting the amendment, the pain of the women who spoke to the committee could be erased. Nobody pretends that any legislation on its own changes the world. However, our responsibility is not just to signal what we would like to happen but to will the means for it to happen. It is my profound belief that the amendment will make a difference, because it will shift us from saying that there are not enough female examiners to asking how we make sure that there are enough women examiners.

I will respond to my colleague and friend Monica Lennon. Forgive me if I focus on survivors. We should put at the centre the experience of survivors and ask what is right for traumatised women. They are not responsible for what people say on Twitter or Facebook or for those who choose to weaponise every single bit of politics that this country seeks to defend or argue. Those women—and men—are traumatised and over the years they have asked for things to change, as they have over time, and we should listen to them now.

If people want to debate the definition of what a man is and what a woman is, and if they want to look at the Equality Act 2010 and change it, I am more than happy to be party to that debate, but that is not the argument that we are having now. The bill deals with the current reality of what a woman is, what a man is and—oh my goodness—what abuse and violence are, and we owe it to survivors to reflect on that.

On the question of conflation, I have a huge amount of respect for Andy Wightman as someone who considers things in great detail. He made the point that the words “sex” and “gender” are no longer argued to be interchangeable terms in the way that they once were. I have already given evidence of that. What women need, what survivors need and what the law demands is clarity—not signals, but clarity.

Monica Lennon talked about the role of Rape Crisis Scotland. From the time when I was a young woman who began to understand what violence against women meant, I worked with and supported women who were far more courageous than me in establishing women's aid refuges and rape crisis centres. We had to win the argument that it was right that those services should be

provided only to women. It was not an easy argument, but we won it. We will find ourselves back in that argument if we are not prepared to say, as the Equality Act 2010 does, that there is the right to women-only spaces and women-only services, and that those will be protected.

Rape Crisis Scotland and rape crisis centres at local level have done immeasurable work to give voice to women. Those voices were heard in this debate. My contention is that in supporting amendment 28, which is only a small amendment, we are supporting the considered recommendation of a serious committee of this Parliament—a committee that heard the voices of survivors and insisted that there would be change. My amendment will not change everything, but it will give clarity on the right of survivors to ask, in their most traumatised moments, for support and for female examination, which might make that trauma a little less. I hope that colleagues in the chamber will support me in that regard.

The Presiding Officer: The question is, that amendment 28 be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division. Members may cast their votes now. It will be a one-minute division.

The vote is now closed. If any members had any difficulty, I ask them to please let me know.

Pauline McNeill (Glasgow) (Lab): On a point of order, Presiding Officer. In the last few seconds, the voting app has told me that I have not voted, but I was not asked to vote. I would have voted for amendment 28.

The Presiding Officer: Thank you, Ms McNeill. Your vote was not recorded, but I will make sure that your vote—you voted for amendment 28—is added to the voting roll.

Graham Simpson, who joins us remotely, has a point of order.

Graham Simpson (Central Scotland) (Con): Presiding Officer, I could not get connected. I would have voted for the amendment.

The Presiding Officer: Thank you, Mr Simpson. That is noted and you will be added to the voting roll.

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) (Ind)
 Beamish, Claudia (South Scotland) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)

Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Boyack, Sarah (Lothian) (Lab)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Campbell, Aileen (Clydesdale) (SNP)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Corry, Maurice (West Scotland) (Con)
 Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 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)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 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)
 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)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Jenny (North East Scotland) (Lab)
 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)
 McDonald, Mark (Aberdeen Donside) (Ind)

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)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Russell, Michael (Argyll and Bute) (SNP)
 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)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Finnie, John (Highlands and Islands) (Green)
 Greer, Ross (West Scotland) (Green)
 Harvie, Patrick (Glasgow) (Green)
 Rennie, Willie (North East Fife) (LD)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Wightman, Andy (Lothian) (Green)
 Wishart, Beatrice (Shetland Islands) (LD)

Abstentions

Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)

The Presiding Officer: The result of the division is: For 113, Against 9, Abstentions 1.

Amendment 28 agreed to.

Amendment 29 moved—[Jeane Freeman]—and agreed to.

The Presiding Officer: That ends consideration of amendments. At this point, as members will be aware, I have to decide whether, in my view, any provision of the bill relates to a protected subject matter—that is, whether it modifies the electoral system or franchise for Scottish parliamentary elections. In my view, no provision does that, so the bill does not need a supermajority to be passed at stage 3.

Before we move on to the next item of business, there will be a short pause. I urge all members to observe social distancing, wear their masks and observe the one-way systems in the rest of the building when leaving the chamber. Thank you.

Forensic Medical Services (Victims of Sexual Offences) (Scotland) Bill

The Deputy Presiding Officer (Christine Grahame): Members will be pleased to hear that the final item of business today is a debate on motion S5M-23646, in the name of Jeane Freeman, on the Forensic Medical Services (Victims of Sexual Offences) (Scotland) Bill.

17:47

The Cabinet Secretary for Health and Sport (Jeane Freeman): I am pleased to open this stage 3 debate on what is a very important bill indeed. Rape and sexual assault are among the very worst experiences that any of us can face in our life, and the impact lasts. There can be no question about that.

The Forensic Medical Services (Victims of Sexual Offences) (Scotland) Bill is one important part of what we have to do to make sure that, in all that we do, we put the victim first—that we recognise and understand the trauma, and embed that recognition, and the actions and approach that necessarily flow from that, in the healthcare support and the support for recovery that we provide.

Members may have watched a recent Scottish Television segment on the bill, where Katie Johnston and Lisa Walsh, two survivors of rape and sexual assault, bravely waived their right to anonymity and shared their experiences of forensic medical examination. To them and to the other survivors who have helped us so very greatly to get to this place, I say, “You have my undying gratitude for your courage and your honesty.” There is no doubt at all that too many experiences of forensic examination in the past were poor and retraumatising.

The chief medical officer’s rape and sexual assault task force has provided national leadership for the improvement of these services, following an important report by Her Majesty’s Inspectorate of Constabulary in Scotland. I put on the record my sincere thanks to Dr Catherine Calderwood, our former CMO, for her leadership in driving that work forward, and to Dr Gregor Smith, our current CMO, for continuing that focus.

To take just one extremely important example of improvement, victims are no longer examined in police facilities. I am pleased that Rape Crisis Scotland has recognised that a corner has been turned and that improvements are bedding in. The bill provides a legislative underpinning to ensure secure and continued improvements for the future.

Importantly, the bill makes it a requirement for all health boards to provide consistent access to self-referral across Scotland. That matters because we know from survivors that access to self-referral is important in giving people control over what happens to them at a time when that control feels like it has been—and has been—taken away. The bill ensures access to healthcare and a request for forensic medical examination without first making a report to the police.

The Health and Sport Committee's scrutiny of the bill at stages 1 and 2 has unquestionably improved it. I commend the committee for its careful work in taking evidence not only from health stakeholders but from justice and equality stakeholders and from survivors. As a result of amendments recommended by the committee and agreed unanimously at stage 2, the bill now more prominently enshrines a requirement for health boards to provide trauma-informed care—care that actively works to avoid retraumatisation and is delivered to the national Health Improvement Scotland standards.

Nothing in the bill prevents victims of any age from accessing healthcare and support ahead of a police report. To support health boards in that regard, on 24 November, a package of resources was launched by the task force for the improvement of services for adults and children who have experienced rape and sexual assault. That package includes Scotland's first adult clinical pathway and Scotland's first children and young people's clinical pathway, alongside new forms and datasets for all ages, establishing a more robust and consistent gathering of performance data than has ever been available.

A patient information leaflet has also been developed, setting out what people can expect during and following a forensic medical examination and making it clear to the individual that they are in control of the process. I am grateful to People First for its important help in developing the easy-read summary of the leaflet.

Key refinements to the bill that were prompted by the Health and Sport Committee also include a statutory requirement for Public Health Scotland to publish an annual report on the delivery of these services and, importantly, a new delegated power to allow the minimum age for accessing self-referral to be varied in the future, should that become justified by wider changes to legislation or guidance and should this Parliament agree.

In order to enable the successful implementation of self-referral services, the task force is advancing work on a robust self-referral protocol that will be submitted to the Lord Advocate for his approval. That protocol will set out the detailed procedures for how health boards will collect forensic evidence in a way that, again,

gives control to victims, while securing the integrity of evidence, should the victim choose to report to the police at a later date.

In the earlier debate on Margaret Mitchell's amendments 1 and 7, I announced an additional £0.5 million in this financial year to help to improve the NHS response to child sexual abuse, through the development of child and family support workers across Scotland and to support implementation of the children and young people's clinical pathway. I am delighted to confirm that, in addition to that investment, and subject to the Parliament's approval of next year's budget, the Scottish Government will commit a further £1 million to support the implementation of the bill, should members pass it today. Those two announcements bring our investment in improving forensic medical services to £10 million over four years. That is in addition to the Scottish Government's continued support for Rape Crisis Scotland and its national advocacy project, which will undoubtedly play an important role in the successful implementation of the bill.

Before I conclude, I want to share with the chamber some feedback from a survivor, which I have been given permission to share, on their experience of attending an NHS sexual assault response co-ordination service that is funded by the task force. The survivor said:

"The staff supporting us were both very skilled, professional and empathetic. They helped us as a family work through the medical and emotional process. We knew they were always there when we needed them."

I want to enshrine in legislation NHS-delivered forensic medical services that are person-centred and compassionate and which deliver quality of care and support in every case.

I move,

That the Parliament agrees that the Forensic Medical Services (Victims of Sexual Offences) (Scotland) Bill be passed.

17:55

Donald Cameron (Highlands and Islands) (Con): I begin by stating our support for the bill, and I note the welcome financial commitments that the cabinet secretary laid out in her speech. As others have said, the changes that the bill will bring about will require financial underpinning.

I pay tribute to colleagues on the Health and Sport Committee for their work in getting us to this point, and to the committee's clerks. I have been on the committee for only a short period—since September—and I was not present for the evidence-gathering process for the bill. However, I have read some of the powerful submissions that were received.

It was clear from the stage 1 debate on the bill and the stage 2 process in the committee that, although the bill deals with very difficult issues, it has nevertheless brought considered, measured and deeply held thoughts and views to the issues that it raises. It is an immensely important bill to help to support victims of some of the worst crimes imaginable, and we will certainly support it at decision time.

It is important that we do not stop here in our drive to improve the rights and experiences of victims of crime—particularly victims of sexual offences—because there are still injustices. However, many of those arguments are for another time.

I will turn to some of the remarks that I made at stage 1 and reflect on whether they have been properly considered as the bill has passed through the Parliament. At stage 1, I noted the comments in the committee's report on trauma-informed care and the need to make it clear that the bill should recognise the impact of trauma on an individual's health and social and emotional wellbeing as well as deliver services that minimise further trauma. I am pleased that the Scottish Government recognised the importance of that and made amendments to the bill to that effect.

I also noted in the stage 1 debate the need to consider out-of-hours care and how it is delivered, particularly considering the delays that many victims of sexual offences have experienced. I note that the cabinet secretary provided some clarity on how out-of-hours care would be provided, but the reduction of those delays must be prioritised if the bill is passed, as we expect it to be.

Consideration must also be given to how forensic examination services are provided to victims who live in rural and remote areas, such as our island communities. That can often be logistically challenging and involve days of travelling, with victims being unable to wash or change clothes. It is clear that that can cause significant trauma. I represent the Highlands and Islands, so that is a particularly pertinent point for me. I hope that the Government will look at that further if the bill is passed.

Many of the statements from witnesses have spoken about the need to increase access to female doctors as a means to reduce trauma. That was touched on in the amendment stage this afternoon. As Rape Crisis Scotland has noted:

“around 60 per cent of forensic doctors in Scotland are”

female

“compared to 30 per cent in 2017.”

That is plainly welcome. However, Rape Crisis Scotland went on to note that there are still not

enough women carrying out forensic examinations for rape survivors to be guaranteed access to a female doctor. It seems to me that that is a hugely important point for the Government to acknowledge and to seek to change.

I do not intend to dwell on Johann Lamont's amendment, which was agreed to. I am very glad that it was agreed to, and it accords with what the Health and Sport Committee stated in its report.

Finally, I turn to the amendments that were lodged by my colleague Margaret Mitchell, one of which was agreed to and one of which was not. At stage 1, we noted the need for self-referral to exist in a consistent way across Scotland. We also backed the calls to reduce the age of self-referral from 16 to 13 to encourage greater self-referral from younger people, given that 40 per cent of last year's 13,000 sexual assaults were committed against under-18s.

We recognise the cabinet secretary's position that changes to the minimum age of self-referral should be carried out through affirmative regulations as well as proper consultation, and we note her amendment at stage 2 to create a new delegated power to allow for a future review of the age of referral. We welcome that change. However, as Margaret Mitchell set out, we were also strongly of the view that that should be reviewed regularly and that there should be a reporting function in the bill. Therefore, we are glad that Margaret Mitchell's amendment 1 succeeded in securing the agreement of members in the chamber. We are grateful for the support of others.

Regrettably, amendment 7 did not succeed. The point was made that it was a pilot scheme and that there was a choice, but I do not intend to rehearse those arguments.

I reiterate the Scottish Conservatives' support for this important bill, and I look forward to hearing other contributions from colleagues across the chamber. The bill has been immeasurably improved at all parliamentary stages of its passage, and I hope that we have improved it further today, to the benefit of those who sadly may need to access such services in the future.

18:01

David Stewart (Highlands and Islands) (Lab):

I am pleased to open the debate for Labour on this important and significant bill. Labour will support the bill at decision time and I am convinced that parliamentarians across the political divide will recognise that the bill puts the needs of victims of sexual abuse as the key priority of forensic services.

If I were to encapsulate the benefits of the bill in one word, then it would be “empowerment”, in that it returns to the survivor some semblance of retaking control after the horror and humiliation of abuse, whatever unacceptable form it takes. Many years before I joined the Parliament, I ran a very busy child protection team in an area of social deprivation for over a decade. However, that comprehensive and front line experience did not prepare me for the roundtable event that was organised by Health and Sport Committee staff with survivors and victims.

The survivors and organisations that represented them spoke of the horror and anguish that they faced after reporting their attack. There was a wide range of comments, but there was an underlying consistency in their message that, in their words:

“criminal procedure re-victimises the victim;”

“forensic examination opens up the horrors of the attack”

and that the

“system does not function correctly.”

A strong theme was the need for change, particularly to self-referral for forensic medical examination and for independent advocacy and psychological support. As we have heard, the aim of the bill is to require health boards to make forensic medical examinations available on a self-referral basis to people who are over 16. That means that victims would be able to undergo a forensic examination directly, without any requirement to initially go to the police.

In 2017, there were calls by Her Majesty’s Inspectorate of Constabulary in Scotland to review the contract between Police Scotland and NHS Scotland for the provision of healthcare and forensic medical services. The review highlighted significant disparity in the forensic healthcare services that were being provided to the victims of sexual crime. The key findings were that there is a great need for increased innovation, especially in relation to the rural and island communities; that there must be more collaboration among boards to share specialist staff; and that there is a need to develop the role of specialist nurses to support victims of sexual crime.

However, there is a gap in service provision, where the victim of a sexual crime seeks support and medical attention, but may not wish to report the crime to the police. Both Children 1st and NSPCC Scotland support self-referral at 16, and argue that children under 16 will be automatically considered under the child protection pathway. In tandem with that, the UN Convention on the Rights of the Child will be incorporated into Scots law and the Scottish Government is preparing new child protection guidance to reflect that. In any case, in my assessment, the Scottish Government

appears to be keeping the door open to reduce the age of self-referral in future through delegated powers as circumstances allow.

However, self-referral will benefit victims only if they are aware that it is an option. The Royal College of Nursing was right in its submission that there needs to be a focus on ensuring public awareness of the provisions of the bill. I ask the cabinet secretary in her closing remarks to outline the strategy for public information and education.

Particular thought needs to be given to equality of access to information and services for those with learning disabilities and for same-sex victims. The committee, of which I am a member, made a strong recommendation on that point—the key is informed consent and equality of access in relation to issues such as travel, rurality and low population density.

It is vital that vulnerable young victims, who are likely to be badly shocked and traumatised, have a statutory right to independent advocacy across Scotland. It is important to stress that the bill does not give the individual a right to a forensic medical examination and that they are carried out on the professional judgment of a healthcare professional. As the stage 1 report made clear,

“professional judgement can include both clinical and non-clinical elements supported by guidance from the Faculty of Forensic and Legal Medicine.”

Unfortunately, the shortage of female forensic examiners is a real practical problem and we need to have a goal of change through workforce planning, as Johann Lamont articulately stated when speaking to her amendment, which I welcome and support.

The fairer Scotland duty assessment on the bill notes that women, and indeed men,

“in lower socioeconomic groups are more likely to be the victim of sexual offending and are thus more likely to benefit from the objectives of the Bill.”

NHS Lanarkshire uses data collection along with advice from the third sector to target resources in areas of deprivation, which reflects the committee’s recommendation to require all health boards to capture and publish data addressing equity of access.

This is an important bill for protecting the healthcare needs of victims of sexual offences. We must listen to the voices of survivors. We need a criminal justice system that puts victims squarely on central court and does not revictimise and in which victims are listened to, respected and supported. As one survivor said,

“Violators cannot live with the truth: survivors cannot live without it.”

18:07

John Finnie (Highlands and Islands) (Green):

Legislation must be seen to make things better, and the bill clearly does that. My party is not represented on the committee, but I thank Her Majesty's Inspectorate of Constabulary in Scotland for its report—the genesis of the bill. I thank, too, the Scottish Government bill team, the committee, the clerking team and all who provided evidence and briefings. I particularly thank the survivors for their private testimony—I know from my experience on the Justice Committee how humbling it is for members to receive such testimony and how informative it can be. I also commend the Scottish Government's victims task force, which is jointly chaired by Rape Crisis Scotland and Scottish Women's Aid.

I was taken by a briefing that we received from the Law Society of Scotland, which states that, as the bill reaches the final stage of its parliamentary process,

“it is important that in achieving its policy objectives, a balance must be maintained of the interaction of the various interests.”

It then goes on to list those interests, one of which is public law. We must increase the reporting of sexual crimes, and the self-referral provisions in the bill will help with that. We must also secure more convictions in sexual offence prosecutions, and the victim-centred approach that the bill encourages can only help.

The Law Society's briefing also talks about

“private law in respecting the individual's privacy and autonomy”.

Some fundamental individual rights are at stake here, such as the individual's right to make choices in relation to reporting and their right to have their privacy respected.

I like the cabinet secretary's phrase when she talked about individuals being “in control”, with reference to the timing and location of an examination. As someone who is familiar with cold police stations, I welcome the fact that respect is being shown to victims and that appropriate facilities are being provided. There is an obligation on the state, which the bill clearly addresses, to provide a humane regime that is capable of providing redress to the victims of crime.

Healthcare is another factor. Someone's wellbeing is not simply to do with their physical health, and I welcome the increasing recognition across a lot of our discussions about the benefits of good mental health. Public agencies' interaction with third sector partners in providing support for victims will be important. I also thought that it was very telling that the Law Society honestly mentioned the importance of training, including for

the legal sector, in ensuring that all are aware of the bill's provisions and the importance of support.

Previously, such work was carried out by police surgeons, but it was subsequently outsourced. That was a bad idea, and it disadvantaged rural communities. The memorandum of understanding does not completely remove the challenges of rurality that my colleague Donald Cameron referred to, and we must be aware of those challenges.

In the short time that I have, I want to say that the holistic approach to care will bring not only better results in terms of victims' wellbeing, but a significant improvement in the number of successful prosecutions, which we really need. That will perhaps come about because complainers feel supported but also because of the provisions on the acquisition and quality of the evidence, and continuity in how that evidence is referred to in all the reports, which is hugely important.

I warmly welcome what the cabinet secretary referred to as “person-centred and compassionate” legislation. The Scottish Green Party will support it at decision time tonight.

18:11

Alex Cole-Hamilton (Edinburgh Western)

(LD): I begin my speech by paying tribute for a final time to the witnesses who came to our committee and told us of their personal experience in very harrowing terms. This may be the last time that I speak of their experiences in the context of the bill, but it will not be the last time that I think of them—I will carry their stories with me.

We did a lot of work in the foothills of the bill. It was necessary for us to do so, as the bill is a complex and technical piece of legislation. Since its inception, it has succeeded in its aim of giving a voice and rights to people who have been through some of the most horrific crimes imaginable.

In speaking on the bill in an earlier debate, I voiced my concerns about the minimum age for self-referral being 16, about which there been an on-going debate throughout the bill's passage. I referred to the concerns of Children 1st that the bill excludes those under 16 from the vital services that the passing of the bill will provide. We know that children under 16 who are victims of assault are most likely to be assaulted by a family member or someone whom they know. Last year, 40 per cent of sexual assaults were against those under 18. I am sure that I echo the sentiments of all members when I say that those figures are devastating and deeply shocking.

A stage 2 amendment sought to reduce the minimum age for self-referral from 16 to 13. My

party had a lot of sympathy with the amendment, but we reluctantly voted against it because we recognised the child protection concerns that the cabinet secretary put forward at the time and because she signalled that she was willing to give thought to the issue. I am glad that we have made at least some progress in that area today.

However, in order for us to make adequate progress and to realise the rights of all child victims—so that they, too, can have access to suitable clinical and forensic pathways—we need to properly implement an innovative, barnahus-led approach. The cabinet secretary has shown support for such an approach, not just at stage 2 of the bill, but in many other debates in the chamber. The Scottish Government claims that the bill and the associated clinical pathway are barnahus ready, yet it has still not offered a clear commitment, details or funding for the national roll-out of a barnahus-led scheme, similar to the pilot that Children 1st led in the west of Scotland. I would be grateful to the cabinet secretary if she could signal to members her views on how we might better support and fund that national barnahus initiative.

The bill is important. In many ways, it answers the challenges that were set out to the committee on that early Tuesday morning many months ago, when we met the witnesses, heard their testimony and were gripped by their candour, bravery and depth of feeling. The bill means that people will not be pulled into a system that they are not ready for and that they will have the time and space to consider reporting an assault to the police without losing vital evidence. It will offer autonomy to those who have suffered in a way that has seen them robbed of control of their bodies.

Sexual assault is one of the most horrific crimes in the world. It has happened to people who are very close to me. No victim should be excluded from receiving compassionate aftercare, especially not children and young people. The complex way in which children and young people process traumatic events requires an approach that is specifically tailored to their needs, and that is what barnahus offers.

I passionately support the bill and all its ambitions, on the basis that the Scottish Government has already made it clear that it is committed to ensuring that child victims of sexual assault are not excluded from the pathways and that we find an appropriate approach for them.

18:15

Sandra White (Glasgow Kelvin) (SNP): As a member of the Health and Sport Committee, I welcome the opportunity to contribute to the final stage of the bill. Like others, I thank the committee

clerks and the professional groups and organisations that gave evidence. Most of all, I thank the women who came forward to give evidence to the committee. As Mr Cole-Hamilton said, it was a harrowing experience—for them, obviously, but also for us. The strength, courage and bravery that they showed in giving their evidence enabled us to move the bill forward, and I sincerely thank them for that. I am sure that the bill will pass tonight, and that will be a testament and a tribute to their bravery.

The bill is hugely important. It confirms and delivers our commitment to improve the way that the health and justice systems support victims of sexual crime. The issue has been raised on numerous occasions, and it is pertinent that, during the consultation process, 91 per cent of respondents agreed that health boards should offer the service that the bill provides for—a holistic healthcare service that, importantly, puts victims first.

The bill enshrines in law the responsibility of health boards for the operation of forensic medical services, and it provides an important legal framework to ensure that access to self-referral is consistently available across Scotland. When addressing problems in the system, access to services must be first and foremost. That important point was raised by survivors.

The professionals involved in the system and the organisations that offer valuable and crucial support to victims raised a number of areas that are covered by the bill, two of which are particularly significant. One is access to female doctors, which was covered in the debate on amendment 28. The other is the need to have access to forensic examination as quickly as possible.

We heard evidence from a survivor who waited in a police office for hours on end, not being able to change their clothes, not being given support, not being able to have anyone with them while they were there, and not being able to get a cup of tea or coffee or anything else to drink. That evidence was quite harrowing. The bill means that victims will no longer have to go through that experience. It is a basic human right that victims should not have to sit in a cold, dark place. The bill will ensure that victims of these horrendous crimes do not have to go through that additional trauma.

A lot has been said about access to female examiners, and I welcome the progress that has been made. At the moment, we have 180 sexual offences examiners, of whom 70 per cent are women. I know that we are making further progress—for example, there will be 20 priority places on a new postgraduate course at Queen Margaret University in Edinburgh, which starts in a month's time, in January 2021. That is good news.

We must ensure that when a woman asks for a woman examiner, one is available to her. I suppose that that is a big ask—it is one of the biggest asks that was put to us during the committee stages.

I think that everyone believes that the bill is a fundamental step in ensuring that all victims of sexual assault and rape are treated with dignity, compassion and respect.

I thank everyone who will take part in the debate, and the committee and everyone else for considering the evidence that was provided.

18:20

Liam Kerr (North East Scotland) (Con): I am very pleased to speak in favour of and, later, to vote to pass the bill. It is an important bill that seeks to make the process of medical examination easier for victims of sexual crimes and to transform survivors' experiences of healthcare following sexual violence. It is long overdue and responds to the conclusions of the HMICS report that forensic medical services in Scotland have been patchy, inconsistent and, at times, arguably, traumatising. The report concluded that victims have been "let down".

We all sincerely hope that the bill succeeds. Much of that will depend on resources. At stage 1, I flagged that the financial memorandum reflects the estimated 10 per cent increase in the number of additional forensic medical examinations. I have no idea whether that will prove to be correct, but I do not see similar provision for other aspects of the bill in the financial memorandum. There is only the rather throwaway line that

"The Scottish Government considers that costs on the third sector to support the Bill's implementation will be modest."

The supplementary financial memorandum deals only with the costs to Public Health Scotland of the annual report. That concerns me because, logically, what is not resourced cannot be provided. I fear that, if the bill is about a complete overhaul of the response to such matters, it will cost a significant amount of money on an on-going basis, which might not be provided for. However, I welcome the cabinet secretary's remarks about the additional £1 million that will be allocated to the bill. I acknowledge that such issues are clearly in her thinking.

Many respondents flagged the lack of access to female doctors. According to Rape Crisis Scotland, that is the single most pressing and important issue that requires to be addressed. The bill contains provision for victims of sexual offences to be given the opportunity to request that the person who carries out their forensic medical examination be of a specified sex. I

associate myself with Donald Cameron's comments in that regard.

That is all well and good, but I presume that when someone who complains of rape, for example, asks for a female doctor, whether they get one will depend on whether one is on the rota at the time. I presume that, if there is not one on the rota, they will be given the option of going ahead with a male doctor or waiting until a female doctor is working.

I am sure that we all noted the evidence that was supplied to MSPs last night from HEAL, a survivors' group. In one passage that I thought was particularly hard hitting, it suggests that

"survivors, who are unable to tolerate male examiners giving them an intimate examination when they are newly traumatised and wounded to the core of their being, often face long waits until a female examiner is available."

My understanding is that, prior to the examination, complainants are strongly encouraged not to wash, drink or eat, as vital evidence could be lost, so what kind of choice is that?

The recruitment and training of female forensic doctors must be prioritised. In fact, as Monica Lennon said, increasing the numbers is where our focus must be. I accept that, in answer to Sandra White and in the stage 1 debate, the cabinet secretary referred to a new course and associated funding for forensic nurse examiners at Queen Margaret University. That is good, and it reflects the cabinet secretary's stated aim to ensure that we provide 24/7 access to female examiners, should that be what an individual wants. Leaving aside the inevitable time lag until qualification and deployment, the question begged is whether that is sufficient. If it is not, when will that aim be met?

Perhaps, in closing the debate, the cabinet secretary could address how confident she is that there are sufficient places to address the need and achieve 24/7 access. Perhaps she could say whether she would agree to provide a regular report to Parliament on progress in recruitment and training in order to achieve that goal—perhaps through the Mitchell report that was agreed to today or the NHS Scotland report in section 11A.

In any event, I reiterate my support for the bill, and I look forward to voting for it at decision time.

18:24

Lewis Macdonald (North East Scotland) (Lab): I am glad to speak in support of the bill as it nears completion of its progress through the Parliament. It is fair to say that there were times when such a positive outcome seemed a little less than certain. As convener of the Health and Sport Committee, I have had plenty of opportunities to consider the interaction of Government and

Parliament over the past three years. This has, of course, been a year like no other.

In March members of the committee met survivors of rape and sexual abuse. It was both a sobering and a heartening experience. Women who had suffered sexual violence by men talked about being traumatised again by what happened when they reported the crime. Some felt that so strongly that they told us that they might not have gone to the police if they had known what would happen next.

The heartening bit was the courage and the commitment to help other victims come forward—informally and privately, but directly—to members of this Parliament to share their experience and ask us to make the system better.

This bill puts victims at the centre. It changes the forensic medical examination of victims from being a matter for the police service to one for the health service. It allows those who have been raped or sexually assaulted to refer themselves for examination without having to report a crime to the police first. It provides that women who are raped should be able to say that their forensic medical examiner should be a woman. It provides choice for all victims and requires services to all victims to be delivered in a trauma-informed way.

The women we met and the voluntary organisations that worked with them did not ask for change for its own sake; they asked for change for the sake of future victims, to make the system more sensitive and responsive to their needs.

Some women found police officers to be caring, compassionate and understanding, and some praised the skills and empathy of male medical examiners. But having women instead of men in those roles was still their strongest single demand, and focusing on the health and wellbeing of victims first was even more important than bringing the perpetrators to justice.

We took that evidence in March, at which point we also met some of the Government officials working on the bill. Then along came Covid-19, and for a few weeks the process of taking evidence on the bill was knocked sideways and its progress seemed in doubt.

The upshot of that uncertainty was that the bill did proceed. Like Parliament as a whole, the Health and Sport Committee went online to hear from expert witnesses in May and June, and it obtained fresh written submissions from other experts on the back of those online evidence sessions.

That progress of legislation in difficult circumstances is a credit to all those in the health service, the police service, the voluntary sector and elsewhere who were committed to the

proposed change in the law and adapted to the new normal to make it happen. It is also a credit to the ability of Government and Parliament to work together in the face of adversity when there is a shared objective to be met.

I acknowledge the cabinet secretary's personal commitment to this bill and the support across the chamber for long-overdue reform that will affect people's lives.

As has been well said this afternoon, changing the law is not enough. There needs to be awareness of the new system on the part of those it can help and resources to make that change happen. However, a change in the law is a good place to start, and I will be delighted to vote for the bill today.

18:28

Emma Harper (South Scotland) (SNP): The importance of this bill cannot be overstated. In Scotland, 4 per cent of women and 1 per cent of men have experienced serious sexual assault since the age of 16. The bill is a landmark piece of legislation; it is hugely important for survivors of sexual crime and allows far greater choice for survivors of sexual abuse.

As deputy convener of the Health and Sport Committee and someone who cared for and treated survivors of rape when I worked as a nurse, I welcome the opportunity to speak in this debate and I, too, thank everyone who has contributed to the bill for their work: the clerks, members of the committee, Rape Crisis Scotland, the chief medical officer's task force and the survivors who powerfully and bravely spoke at our evidence session.

The Health and Sport Committee held seven evidence sessions on the bill—including with survivors of sexual violence—and we received 38 submissions in response to our call for evidence from survivors, their representative organisations and justice and legal service providers.

One of the key themes that we considered and agreed with the Scottish Government—as affirmed at stage 2—was the need for survivors of sexual offences to have improved access to forensic medical services. The bill will let survivors refer themselves to their health board rather than a police station for an examination. That is significant, because they will not have to go to the police first. That means changing from a law environment, which can be very frightening and intimidating, to a holistic healthcare environment, which will reduce stress, stigma, fear and anxiety.

That gives people who have gone through that horrible and traumatic experience time to decide

whether they want to report an incident to the police without losing any vital evidence.

Donald Cameron mentioned the out-of-hours availability of forensic examiners and Sandra White spoke about early access to gather forensic evidence. I was given a piece of information by my local rape crisis team and raised it with the committee. I was told that self-referral numbers were higher on a Tuesday between 12 o'clock and 4 o'clock. Although it might be difficult to gather evidence, out-of-hours provision is vital to provide adequate staffing. I would be keen to hear whether self-referrals should be monitored according to their day and time, or whether what I was told while we were gathering information was merely an anomaly.

The steps to improve the overall experience for survivors of sexual offences are welcome and excellent. Evidence presented to the committee made it clear that female victims prefer female practitioners. We have heard about that, but it is worth repeating that more female forensic practitioners and doctors have been trained in the past couple of years. It is also great that 68 nurses have been trained to support the forensic medical examination process. We are moving in the right direction and I commend NHS Scotland, the Scottish Government and other partners for that positive action.

I was pleased to see the development of the new forensic medical examination suite at the Mountainhall treatment centre in Dumfries, in one of the rural areas that David Stewart spoke about. I was invited to see the suite last year and the whole process was explained to me. I also met Rape Crisis staff so that I could gain an understanding of the varied needs of people who have endured sexual assault and rape. The forensic medical examiners who work in that suite are trained in trauma-informed care and the team is working to ensure that victims of rape and sexual assault endure as little stress, stigma and anxiety as possible.

I support this significant bill. It is important for survivors of sexual crime and I encourage everyone to support it.

18:32

Pauline McNeill (Glasgow) (Lab): This is an important bill for all women and men who have been the victims of rape and sexual assault. I thank all the members who have contributed to making this a stronger piece of legislation. The speeches by Emma Harper, Sandra White and Lewis Macdonald strengthened the quality of the debate.

It is a widely accepted reality that many sexual offences are not reported to the police. There are

many reasons why people hesitate to report sexual assault: some fear having to relive the event; some are concerned that they will not be believed; many victims of rape and sexual assault blame themselves. Some victims feel guilty because they did not fight back. They may even blame themselves for trusting someone. But victims are never to blame.

There is a duty on us, as parliamentarians, to create the right conditions for victims, whoever they are. Men and women come forward to undergo necessary, intimate and harrowing physical examination to provide the evidence that will be required should they decide to take their case forward. That examination is traumatising and painful for many women and in many ways. The bill will make forensic medical examination available on a self-referral basis and, crucially, with no requirement to report it to Police Scotland. That is a significant development for our criminal justice system.

I was shocked when I read that 40 per cent of last year's 13,000 sexual assaults were against people under the age of 18. More than 5,000 children reported being sexually assaulted last year. Scottish Labour welcomed the amendments at stage 2 that provided the option to lower the age of self-referral in the future. We must make victims aware of those provisions.

Amendment 28, which was lodged by Johann Lamont and has been agreed to, sought to change the wording of the Victims and Witnesses (Scotland) Act 2014 so that individuals undergoing an examination would have the right to choose the "sex" of the examiner as opposed to their "gender"—113 members agreed to that. The sex of the examiner was raised as an issue that was important to the victims of sexual abuse and rape at the beginning of the stage 1 process. The change in wording from "gender" to "sex" was one of the committee's recommendations at stage 1, following evidence that we gathered from survivors about the re-traumatising nature of the examination and how the lack of access to a female doctor was the most important thing that needed to be addressed.

NHS Lanarkshire commented that the

"patient's choice of sex of forensic examiner must be guaranteed by this legislation".

Rape Crisis Scotland provided a briefing for MSPs today, which says:

"The single most common complaint we hear from survivors of sexual crime about their experience of the forensic examination is lack of access to female doctors."

I agree with that. In the briefing, Rape Crisis rightly points out that changing the term from "gender" to "sex" will not guarantee a female doctor, but I still

find it puzzling that the conclusion to be drawn is that there is no requirement to change the bill.

Like many other members, I have had emails on the subject, but I have to say that none of them have been abusive. I also want to point out that, when we talk about victims, we are talking about all victims, including trans women and trans men. However, most of the people who wrote to me were women and rape survivors, and they said that rape survivors need to know that, when they are torn and bleeding, they will not be pressured into accepting intimate touch from a strange male. HEAL, a survivors group, said:

“Even as survivors, we are met with accusations of bigotry and hatefulness, as well as threats of violence, when we express our need for female-only provisions publicly.”

We have removed that ambiguity in law and have provided clarity for those women.

This has been a dignified debate, and it is important that it continues to be a dignified debate. We all agree that the way forward is to increase the number of female doctors. We know that we have a long way to go on that, but that is what every single person in the debate has said, and that is what the Government has committed to achieving.

With that, I am delighted to support the bill this evening on behalf of Scottish Labour.

18:37

Brian Whittle (South Scotland) (Con): I am pleased to close the debate on behalf of the Scottish Conservatives. As other members have done, I start by thanking all the victims of sexual abuse who bravely gave evidence to the committee. It moved us all and helped to shape this important bill.

The bill is incredibly important, and it is the start of a process of considering the plight of victims first and foremost, as Donald Cameron said in his opening speech. I talk about the start of a process because it is just one point among many that need to be addressed if we are truly going to change the way in which victims of sexual crime are treated. The bill can be a message to those who have suffered that the Parliament, the law and society are prepared to listen to them and believe them and that they will set out a path towards tackling the issue of re-traumatisation.

I note at this point that, next week, we will have a debate on the redress scheme for survivors of historical child sexual abuse in care homes. Again, that is the start of a journey towards recognising the serious flaws in the system for victims of sexual crimes. However, I will say again next week that the bill does not go far enough.

Why is the bill so crucial? A meta analysis of 28 studies of women and girls aged 14 and over who had non-consensual sex that was obtained through force, threat or incapacitation found that 60 per cent of those victims did not acknowledge that they had been raped. It is common for victims to need time to acknowledge what has happened to them; it is a gradual process with an indicator of post-traumatic stress disorder in avoiding reminders of the trauma. Victims being able to self-refer without reporting a crime while assimilating what has happened to them is a significant positive step forward.

I want to highlight a couple of issues. The first goes back to the debate that I talked about at stage 2 around record keeping and the retention of samples. I say again, as I said during that evidence session, when the cabinet secretary suggested that the records would initially be kept in paper format, that the issue needs to be addressed quickly. That aside, the setting of the timescale for the destruction of evidence at two years and two months is arbitrary. Victims and victim support groups suggest that the period should be much longer. Retention periods must be based on the purposes of the retention—for example, the linking of forensic evidence with related case records. I recognise the cabinet secretary’s acknowledgement that the issue will be revisited.

The bill could have set a precedent for getting records retention and wider records management requirements right in legislation. A key aspect of compliance with and implementation of legislation, as well as the exercising of people’s rights that are set out in legislation, lies in the creation and retention of records. At stage 2, I recommended the input of records management expertise via a memorandum of understanding with the keeper of the records of Scotland in relation to drawing up new legislation and amendments to existing legislation.

My second point, which addresses Margaret Mitchell’s amendments, is about limiting the age group of those who can self-refer to those aged 16 and above. I do not think that there is a standard level of maturity for 16-year-olds, to start with. I am of the opinion—others have also suggested this to me—that the legislation might fall foul of the United Nations Convention on the Rights of the Child. The getting it right for every child—GIRFEC—policy is about exactly that, but I am not sure that we are quite there yet. Nevertheless, I recognise and welcome the fact that the Government is moving to a regular review of the age at which self-referral will start. I also welcome the cabinet secretary’s commitment and investment in support to tackle child sexual abuse. We must afford appropriate rights to those aged under 16.

I will finish where I started, by stating that this is a crucial and important piece of legislation not just because of its content but because of the potential statement of intent that it makes to all those who have suffered the trauma of sexual abuse and to all those who fear stigmatisation that this Parliament is waking up to the fact that their journey is, in far too many cases, appalling and the fact that how the system is set up is largely responsible for the crimes going mainly unreported and for there being so few convictions. The bill is welcome, although I cannot help but feel that an opportunity has been missed to make a significantly greater impact, which future legislation will have to pick up and deal with.

Parliament should also consider how to connect up other legislation pertaining to a victim's journey. We must accept that, for some, the victim's journey falls well short of decency and that the support that is offered to victims is often unsatisfactory. If Parliament had been a tad braver, we could have made progress in how we deal with such abhorrent crimes.

The way in which victims of sexual abuse have been treated by the system has been an injustice for such a long time. The bill is a welcome start, and the Scottish Conservatives will support it. However, I cannot help but feel that an opportunity has been missed.

18:42

Jeane Freeman: I am grateful to members for a debate that has been full of powerful and important contributions. I will have time to respond to only one or two of them.

Before I do, I welcome, as I did in the stage 1 debate, the strong support for the bill across parties and committees. The Parliament is uniting and acting as one to signal that victims must have access to NHS-led healthcare and forensic medical services, whether they choose to report an incident to the police or not. I also believe that Parliament is uniting to send to victims of some of the worst crimes possible the clear message that they matter, that their voices count and that we care.

I turn now to points that members made. I would never say that we have finished making progress, but it is important to recognise some of the progress that has been made, partly through Government support but also, crucially, through listening to survivors and through the work of our NHS staff and boards.

Since 2017, we have made progress by increasing the number of female sexual offence examiners by 30 per cent. We now have two nurse sexual offence examiners qualified and experienced. As has been mentioned by others,

we also have 20 priority places on a new important postgraduate qualification in advanced forensic practice at Queen Margaret University. The course begins next month.

All that is critical to ensuring the multidisciplinary approach that will allow us to ensure that the right to choose a female forensic examiner can be delivered. It is the case, as I said earlier, that in the second quarter of this year, 75 per cent of examinations were carried out by female examiners and within the three-hour timeframe that national standards require. That is progress, but it is not enough progress.

Donald Cameron and others rightly said that there is no point in such legislation if victims do not know about it. Right now, the task force is preparing a national awareness-raising campaign, and work is under way to establish national telephone access to self-referral, through NHS 24.

The Government has agreed that work on the barnahus standards, which was necessarily paused, will restart so that draft standards can be consulted on next year.

Public Health Scotland's statutory annual report, the requirement for which is now contained in the bill, will provide important information that will allow scrutiny of progress on a number of issues on which members have legitimately and correctly expressed concerns, including the number of female examiners and how well we meet the three-hour timeframe.

In my remaining time, I repeat my thanks to the Health and Sport Committee, its convener, its members past and present, and its clerks for their thorough work on the bill, which we can all agree has improved it immeasurably. In particular, the committee's scrutiny has resulted in greater prominence for the need for trauma-informed care that avoids retraumatisation. I also thank the Delegated Powers and Law Reform Committee, the Finance and Constitution Committee and the Scottish Parliament information centre for their work on the bill.

I thank Rape Crisis Scotland, the very many stakeholders who have inspired and helped to develop and improve the bill, and the healthcare professionals and wider staff of sexual assault response co-ordination services for all their hard work, which has led to much improvement. I repeat my earlier thanks to our interim chief medical officer, Dr Smith, for his continued leadership of that important work throughout the Covid-19 pandemic, and to all the members of his task force. Their expert advice has helped to shape the improvements that we are now seeing in health boards across Scotland.

Of course, I thank the bill team, who have been quite extraordinary in the thoroughness with which

they approached their task, in the degree to which they have reached out to stakeholders far and wide, and in the quality of the information that they have given me, which has enabled me to understand so much of what we are doing and what we still need to do. As I said yesterday in a meeting with them, I am merely their frontwoman. All credit for the quality of the legislation should go to that team.

I extend my personal thanks most of all to the survivors who shared their personal experiences. In doing so, they have not only increased our understanding of the impact of such crimes, but have shaped the legislation. For me, one of the most important aspects of the bill is the enshrining of the principle of trauma-informed care.

If I may, I will quote from a book entitled “The Body Keeps the Score” by Dr Bessel van der Kolk, which was published in 2014. It says:

“trauma is ... remembered not as a story, a narrative with a beginning, middle and end, but as isolated sensory imprints: images, sounds, and physical sensations that are accompanied by intense emotions, usually terror and helplessness.”

The survivors experienced such trauma, but they had the courage and honesty to step forward and inform Parliament and its members about what is needed.

In the stage 1 debate, I said that I was not interested in legislation unless we are sure that it can be implemented. We now have a bill whose implementation in the course of next year will be led by the chief medical officer’s rape and sexual assault task force, backed by clinical pathways and other resources, and supported by the additional investment that I announced earlier. Most important is that it will be scrutinised, challenged and considerably improved as we respond in kind to the courage and honesty of those survivors.

I invite Parliament to pass the Forensic Medical Services (Victims of Sexual Offences) (Scotland) Bill, to guarantee all victims in Scotland access to self-referral and trauma-informed care, and to confirm our collective agreement and commitment that, in Scotland, we will put the healthcare needs of victims first.

Scottish General Election (Coronavirus) Bill: Financial Resolution

18:50

The Presiding Officer (Ken Macintosh): The next item of business is consideration of motion S5M-23466, on the financial resolution to the Scottish General Election (Coronavirus) Bill. I call Ben Macpherson to move the motion.

Motion moved,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Scottish General Election (Coronavirus) Bill, agrees to any expenditure of a kind referred to in Rule 9.12.3(b) of the Parliament’s Standing Orders arising in consequence of the Act.—[*Ben Macpherson.*]

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

Business Motions

The Presiding Officer (Ken Macintosh): The next item is consideration of business motion S5M-23667, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, setting out a business programme.

Motion moved,

That the Parliament agrees to the following revision to the programme of business on Wednesday 16 December 2020—

delete

2.00 pm Parliamentary Bureau Motions

and insert

1.40 pm Parliamentary Bureau Motions

1.40 pm Portfolio Questions:

Rural Economy and Tourism—[*Graeme Dey.*]

Motion agreed to.

The Presiding Officer: The next item is consideration of business motion S5M-23668, in the name of Graeme Dey.

Motion moved,

That the Parliament agrees, for the purposes of its consideration of the Hate Crime and Public Order (Scotland) Bill, under Rule 9.6.3A of the Standing Orders, that the Parliament shall consider the general principles of the Bill on the third sitting day after publication of the lead committee report.—[*Graeme Dey.*]

Motion agreed to.

Decision Time

18:51

The Presiding Officer (Ken Macintosh): The first question is, that motion S5M-23648, in the name of Graeme Dey, on the Scottish General Election (Coronavirus) Bill at stage 1, be agreed to.

Motion agreed to,

That the Parliament agrees to the general principles of the Scottish General Election (Coronavirus) Bill.

The Presiding Officer: The next question is, that motion S5M-23646, in the name of Jeane Freeman, on the Forensic Medical Services (Victims of Sexual Offences) (Scotland) Bill, be agreed to. As the motion is on a bill, we must move to a vote.

I ask members to refresh their voting screens. The question is—[*Interruption.*] I will give members a few more seconds. If members refresh their screens, we will wait a moment. When I put the vote, that might change the screens, so we will try that.

The question is, that motion S5M-23646, in the name of Jeane Freeman, on the Forensic Medical Services (Victims of Sexual Offences) (Scotland) Bill, be agreed to. I ask members to vote now. If they have any difficulty at this stage, I ask them to raise their hand to attract the attention of the information technology team, or raise an inquiry online.

The vote is closed. If any member thinks that they were not able to exercise their vote, please let me know.

For

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

Crawford, Bruce (Stirling) (SNP)
 Cunningham, Roseanna (Perthshire South and Kinrossshire) (SNP)
 Davidson, Ruth (Edinburgh Central) (Con)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (West Scotland) (Con)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harris, Alison (Central Scotland) (Con)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kelly, James (Glasgow) (Lab)
 Kerr, Liam (North East Scotland) (Con)
 Lamont, Johann (Glasgow) (Lab)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 Macdonald, Lewis (North East Scotland) (Lab)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Jenny (North East Scotland) (Lab)
 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)
 McDonald, Mark (Aberdeen Donside) (Ind)
 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)
 Robison, Shona (Dundee City East) (SNP)
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Rumbles, Mike (North East Scotland) (LD)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Sarwar, Anas (Glasgow) (Lab)
 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)
 Tomkins, Adam (Glasgow) (Con)
 Torrance, David (Kirkcaldy) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wells, Annie (Glasgow) (Con)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Wightman, Andy (Lothian) (Green)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division on motion S5M-23646, in the name of Jeane Freeman, on the Forensic Medical Services (Victims of Sexual Offences) (Scotland) Bill, is: For 122, Against 0, Abstentions 0.

Motion agreed to,

That the Parliament agrees that the Forensic Medical Services (Victims of Sexual Offences) (Scotland) Bill be passed.

The Presiding Officer: The Forensic Medical Services (Victims of Sexual Offences) (Scotland) Bill is passed. [*Applause.*]

The final question is, that motion S5M-23466, in the name of Kate Forbes, on the Scottish General Election (Coronavirus) Bill financial resolution, be agreed to.

Motion agreed to,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Scottish General Election (Coronavirus) Bill, agrees to any expenditure of a kind referred to in Rule 9.12.3(b) of the Parliament's Standing Orders arising in consequence of the Act.

Meeting closed at 18:56.

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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