



OFFICIAL REPORT  
AITHISG OIFIGEIL

# Meeting of the Parliament (Hybrid)

Wednesday 16 December 2020

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## Wednesday 16 December 2020

### CONTENTS

	<b>Col.</b>
<b>PORTFOLIO QUESTION TIME</b> .....	1
<b>RURAL ECONOMY AND TOURISM</b> .....	1
Holiday Accommodation Sector (Covid-19 Guidance) .....	1
Rural Economy and Tourism (Financial Support) .....	2
Hotels (Support).....	4
Less Favoured Area Support Scheme .....	5
Hospitality Sector (Support).....	7
Rewilding (Rural and Island Economies) .....	8
Glasgow Tourism (Support).....	9
Tourism in 2021 (Edinburgh).....	10
<b>JUSTICE AND THE LAW OFFICERS</b> .....	12
Jury Trials (Dumfries and Stranraer) .....	12
Offenders (Homelessness on Release) .....	13
Antisocial Behaviour .....	14
Children (Equal Protection from Assault) (Scotland) Act 2019 .....	16
Jury Trials (Covid-19) .....	17
Prisons (Staff Shortages) .....	18
Offender Services (Spending) .....	19
<b>CONSTITUTION, EUROPE AND EXTERNAL AFFAIRS</b> .....	20
Fair Trade (Promotion) .....	20
Democratic Engagement .....	21
Brexit Transition Period (Update) .....	22
Education (United Kingdom Internal Market Bill).....	23
Trade Arrangements (Post-Brexit).....	24
Brexit (East Lothian) .....	26
Food Standards (United Kingdom Internal Market Bill).....	26
Vaccine Delivery (End of Brexit Transition Period) .....	27
<b>BURNTISLAND FABRICATIONS</b> .....	29
<i>Statement—[Fiona Hyslop].</i>	
The Cabinet Secretary for Economy, Fair Work and Culture (Fiona Hyslop) .....	29
<b>SUPPORTING EU, EEA AND SWISS CITIZENS TO STAY IN SCOTLAND</b> .....	43
<i>Statement—[Ben Macpherson].</i>	
The Minister for Public Finance and Migration (Ben Macpherson) .....	43
<b>SCOTTISH PARLIAMENTARY STANDARDS (SEXUAL HARASSMENT AND COMPLAINTS PROCESS) BILL: STAGE 1</b> ... 54	
<i>Motion moved—[Bill Kidd].</i>	
Bill Kidd (Glasgow Anniesland) (SNP).....	54
The Minister for Parliamentary Business and Veterans (Graeme Dey) .....	56
Jamie Halcro Johnston (Highlands and Islands) (Con) .....	57
Neil Findlay (Lothian) (Lab) .....	58
Alex Cole-Hamilton (Edinburgh Western) (LD) .....	60
Gil Paterson (Clydebank and Milngavie) (SNP) .....	62
Margaret Mitchell (Central Scotland) (Con).....	62
Rona Mackay (Strathkelvin and Bearsden) (SNP).....	63
Elaine Smith (Central Scotland) (Lab).....	64
John Scott (Ayr) (Con).....	66
Graeme Dey .....	68
Patrick Harvie (Glasgow) (Green) .....	69
<b>BUSINESS MOTIONS</b> .....	72
<i>Motions moved—[Graeme Dey]—and agreed to.</i>	
<b>PARLIAMENTARY BUREAU MOTIONS</b> .....	75
<i>Motions moved—[Graeme Dey].</i>	
<b>DECISION TIME</b> .....	77

<b>INTERLINKED FIRE AND SMOKE ALARM SYSTEMS</b> .....	81
<i>Motion debated—[Sarah Boyack].</i>	
Sarah Boyack (Lothian) (Lab).....	81
Kenneth Gibson (Cunninghame North) (SNP) .....	84
Graham Simpson (Central Scotland) (Con) .....	86
Emma Harper (South Scotland) (SNP) .....	87
Pauline McNeill (Glasgow) (Lab).....	89
Sandra White (Glasgow Kelvin) (SNP).....	91
Alexander Stewart (Mid Scotland and Fife).....	93
The Minister for Local Government, Housing and Planning (Kevin Stewart).....	94

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# Scottish Parliament

Wednesday 16 December 2020

*[The Deputy Presiding Officer opened the meeting at 13:40]*

## Portfolio Question Time

### Rural Economy and Tourism

**The Deputy Presiding Officer (Linda Fabiani):** Good afternoon, everyone. I remind members that social distancing measures are in place in the chamber and right across the campus. Please take care to observe those measures.

The first item of business is portfolio question time. As always, I ask for short and succinct questions and answers so that we can get through them all, with as many supplementaries as possible being asked. We begin with questions on the rural economy and tourism.

#### Holiday Accommodation Sector (Covid-19 Guidance)

1. **Colin Beattie (Midlothian North and Musselburgh) (SNP):** To ask the Scottish Government what guidance it is providing to the holiday accommodation sector regarding the relaxation of the Covid-19 restrictions over Christmas. (S5O-04833)

**The Minister for Rural Affairs and the Natural Environment (Mairi Gougeon):** We published our guidance for the festive period on 26 November, and it was subsequently updated with amendments for the accommodation sector, in recognition of the fact that families socialising with relatives in order to alleviate social isolation might require holiday accommodation as a safer option.

Our accommodation sector guidance for the period was developed in line with public health advice, and is intended to minimise spread of the virus. It therefore requires that stays take place in the same local authority area as the place that is the main residence of one of the households. Sectoral guidance on distancing and hygiene should be followed.

**Colin Beattie:** What support is being considered for holiday accommodation businesses that have had reduced bookings because of the restrictions—in particular, over what would usually be a busy festive period?

**Mairi Gougeon:** We absolutely understand that this has been a difficult and challenging time for businesses, and especially for businesses in the holiday accommodation sector. Since the pandemic began, we have provided £2.3 billion-

worth of support to businesses of all types across Scotland, including holiday accommodation businesses.

However, we absolutely recognise the impact that further restrictions have had, so the strategic framework business fund offers financial support to businesses that are legally required to close, or which have been required to modify their operations. That includes eligible holiday accommodation. Just last week, the Cabinet Secretary for Finance announced £185 million more funding to help impacted businesses through the winter, with £60 million being allocated to tourism. We are currently working with partners to develop that funding support and will announce the details shortly.

#### Rural Economy and Tourism (Financial Support)

2. **Willie Rennie (North East Fife) (LD):** To ask the Scottish Government whether it will review the financial support for businesses in the rural economy and tourism sector that are affected by Covid-19 restrictions. (S5O-04834)

**The Cabinet Secretary for Rural Economy and Tourism (Fergus Ewing):** The Scottish Government will continue to engage with the business community, local authorities and others on the scale and effectiveness of United Kingdom Government financial assistance schemes in order to ensure that they are delivering for businesses in Scotland. We will seek to rectify gaps in those schemes, where possible.

We continue to monitor the funds that are available to support people and businesses, and any changes to funding or eligibility will be updated through the [findbusinesssupport.gov.scot](https://findbusinesssupport.gov.scot) website.

**Willie Rennie:** I thank the cabinet secretary for engaging with me and others on development of the new funds for tourism. I am particularly pleased about the support for self-catering businesses and travel agents, including golf tourism businesses.

However, the clock is ticking for those companies; many are on the edge of going under. When will the cabinet secretary publish the guidance? When will applications be accepted? Will there be more funds for larger businesses or will there be a flat rate?

**Fergus Ewing:** I think that there were three questions there. On 9 December, Kate Forbes announced a further package of £185 million and, at the same time, indicated that, in respect of tourism specifically, an additional £60 million is being provided in that, details of which are being developed in consultation with the industry. Those details will be announced shortly.

In respect of larger businesses, we have already supplied £14 million in the hotel support fund, which is specifically designed to support retention of about 3,000 employees in the largest employers.

I have engaged on three or four occasions with a number of senior representatives of the golf sector. Businesses in that sector are inextricably connected with international trade, with many customers coming from the USA, for example. Therefore, the future of that sector is, to an extent, linked to the resumption of international trade.

Mr Rennie has raised a number of fair points. I assure him that we will continue to work with him and with the industry on all those points to provide what support we can as soon as we can.

**The Deputy Presiding Officer:** Can we have quick supplementary questions, please?

**Jamie Halcro Johnston (Highlands and Islands) (Con):** There will be increased vaccination and the tourism sector will slowly and tentatively be opening up again in the next year. Will the cabinet secretary outline what plans he has to promote and market Scotland as a destination when it is safe to do so?

**Fergus Ewing:** VisitScotland has worked up several marketing plans. Jamie Halcro Johnston, whom I welcome to his new responsibilities, will appreciate that the right time for marketing will be once the restrictions are clear. There is no point in marketing now when people cannot take a holiday, because that would be a waste of money. However, I assure him that a lot of thought has gone into that by VisitScotland and the tourism recovery task force, which made a series of recommendations that the Scottish Government has considered. It is absolutely the case that we will need, when the time is right, to market Scotland and to bring people back here from other countries.

**Ruth Maguire (Cunninghame South) (SNP):** Will the cabinet secretary outline what support the Scottish Government is making available to wholesale food and drink suppliers, which have seen a significant proportion of their business being affected by tourism venues being forced to close or to limit trading due to the pandemic?

**Fergus Ewing:** The impact on food and drink wholesalers has been severe, particularly for those that sell to the hospitality sector and the on-licence trade. Those wholesalers lost most of their business overnight.

Many food and drink wholesalers are also vital in terms of supplies to remote islands. That is why we have announced support through a £5 million fund that is targeted at wholesalers that sell to the

hospitality sector. The fund closed on Sunday 13 December and we are assessing applications.

I pay tribute to Colin Smith of the Scottish Wholesale Association for his admirable work on that. That is not our Colin Smyth, Presiding Officer, but a different one, although that is no adverse comment on our Colin Smyth. Colin Smith of the Scottish Wholesale Association has done a great job in advocating the interests of his sector. That has helped us to come up with the package, which I hope will provide support to see those companies through the Covid period.

**Colin Smyth (South Scotland) (Lab):** On the subject of advocating on behalf of sectors, the point about the timescale is really important. It is now several weeks since the Government announced expansions to the discretionary funds that local authorities hold and, last week, we had the welcome announcement of support for coach firms, for example. However, businesses are really struggling at the moment, so I would like to know exactly when funds will begin to arrive for them.

**Fergus Ewing:** Our Colin Smyth—if I can continue on nomenclature—raises a very fair point. Timing is of the essence. Therefore—to be serious—I say that we are determined to get all the funding in the various packages out as quickly as possible. Plainly, the schemes have to be administered carefully to avoid inappropriate payments, but local authorities are doing a power of work to assist us in that respect. I assure Mr Smyth that we spend a considerable time discussing and dealing with the issue; indeed, Ms Forbes and I discussed that very topic just this morning.

### Hotels (Support)

3. **Jackie Baillie (Dumbarton) (Lab):** To ask the Scottish Government what support it has provided for hotels during the Covid-19 pandemic. (S5O-04835)

**The Cabinet Secretary for Rural Economy and Tourism (Fergus Ewing):** Hotels across Scotland have been severely impacted, which is why we established the dedicated hotel support programme, with £14 million of dedicated funding. In addition, some hotels have had 100 per cent rates relief and access to grants for closed and impacted businesses. I assure Ms Baillie and other members that we are doing all that we can to support hotels with the resources that we have.

**Jackie Baillie:** The cabinet secretary will know that the hotel support programme was vastly oversubscribed and that many hotels in my constituency and across Scotland have not received any support whatsoever, so they are really struggling. Although the £2,000 and £3,000 grants that have been announced are most

welcome, that does not even begin to touch the sides of the issues that hotels face. What more can the cabinet secretary do to help before those hotels go to the wall?

**Fergus Ewing:** The hotel fund, which was designed to help support the retention of around 3,000 jobs, was designed for the hotels with the largest payrolls—those with a minimum of 50 staff overall, I think.

Ms Baillie is correct to say that many hotels face enormous pressures. She and I have discussed the plight of hotels in her constituency on numerous occasions. I am extremely sympathetic to that. The one-off payments of £2,000 or £3,000—the amount will depend on rateable value—in January will assist hotels to deal with the difficult time of year.

In addition, further support of more than £60 million will be provided to the tourism sector. Details of that are being developed with representatives of the various segments of business, and I hope to make an announcement on those details as soon as possible.

**The Deputy Presiding Officer:** David Torrance has a supplementary question.

**David Torrance (Kirkcaldy) (SNP):** What discussions is the cabinet secretary having with the sector about further support?

**Fergus Ewing:** Such discussions take place almost all the time. On Monday, we had detailed discussions with some of Scotland's leading chefs. This morning, I had discussions with leading tourism voices in Aberdeen. I am in regular discussion with Marc Crothall of the Scottish Tourism Alliance, Fiona Campbell of the Association of Scotland's Self-Caterers, Stephen Montgomery in respect of the hospitality side, Wildland Scotland and Sail Scotland. Those discussions take place because we need to work as closely as possible with business to ensure that we provide the most effective support in the most effective way, without it having unintended consequences. I am very grateful to all the business representatives who freely give their time to help us with that essential task.

#### **Less Favoured Area Support Scheme**

**4. Annie Wells (Glasgow) (Con):** To ask the Scottish Government what its response is to NFUS Scotland's call for less favoured area support scheme payments for 2020 to be fully reinstated to 2018 rates. (S5O-04836)

**The Cabinet Secretary for Rural Economy and Tourism (Fergus Ewing):** As I have set out on numerous occasions, I am determined to ensure that the level of support for those who farm

in our upland and most challenging areas should be effectively maintained.

I can reassure farmers and crofters that although the rules mean that we cannot reinstate LFASS payments to 2018 levels for 2020, eligible recipients will receive additional payments to maintain or improve their financial position.

**Annie Wells:** [*Inaudible.*]—has been—

**The Deputy Presiding Officer:** Excuse me, Ms Wells. Unfortunately, we lost your voice at the beginning of your supplementary. Could you start at the beginning, please?

**Annie Wells:** NFUS Scotland has been, in its words, "crystal clear" that the 2018 rates should be reinstated for the 2020 claims to avoid a damaging settlement for Scotland's farmers. It says that

"upland support' payments fail to reflect the costs of remoteness or the value of mixed livestock enterprises",

and believes that the 2018 rates can be reinstated within European Union rules

"by redefining the 'upland support' payment to include the LFASS fragility markers and cattle multipliers".

Will the cabinet secretary listen to the NFUS and change his position to support Scottish farmers?

**Fergus Ewing:** I listen to the NFUS almost all the time. We engage with the organisation frequently.

We have maintained the level of support to hill farmers this year. The payments for 2020 will be made early next year. In addition to that, I have indicated that, for the following year, 2021, LFASS will go back to 100 per cent—the full rate. That announcement was very well received by the NFUS. I believe that it is entirely in support of that, and we are working with it on the long-term future of LFASS. Hill farmers' income is essential, and it will be maintained.

I was not aware that Annie Wells, as a member with a Glasgow constituency, had an acute interest in hill farming. Nonetheless, it beggars belief for the Tories to lecture us on funding for farmers when the United Kingdom Government is cutting the money that we will get up to 2025 by £170 million. I think that a little less sermonising would be appropriate.

**The Deputy Presiding Officer:** Emma Harper has a supplementary question. I ask her to make it quick, please.

**Emma Harper (South Scotland) (SNP):** During the Brexit campaign, our farmers and crofters were promised that we would not be left worse off if Scotland left the EU. Will the cabinet secretary reaffirm how much our farmers stand to lose over

the next five years as a result of the Tory Government's handling of Brexit?

**Fergus Ewing:** Nobody in this chamber has a scooby about what is going to happen about Brexit in the next few days, and the real tragedy about that is that we have been arguing the case for Scotland's farmers for the past four years.

An example is our hill farmers' sale of lamb. If they lose the European market, they will lose a very substantial proportion of their income, which will require a compensation scheme involving a very substantial amount of money. They risk losing markets, and we know that they are already facing cuts by the Tories of £170 million. That represents a complete breach of the promises that were made to persuade people to vote for Brexit in the first place. If those promises had not been made, one wonders whether we would be facing Brexit at all.

### Hospitality Sector (Support)

5. **Sarah Boyack (Lothian) (Lab):** To ask the Scottish Government, in light of its importance to the tourist industry, what additional support it plans to provide to the hospitality sector. (S5O-04837)

**The Cabinet Secretary for Rural Economy and Tourism (Fergus Ewing):** We have provided significant support to the hospitality sector since the start of the pandemic, including 100 per cent rates relief and grants for both closed and impacted businesses at various intervals across the different periods of disruption. Our overall business support package exceeds £2.3 billion.

We are doing all that we can with the powers that are at our disposal, and we continue to look at ways further to help the sector within available resources. We have announced a further £185 million to help impacted businesses through the winter and we are developing details of that with industry, including the hospitality sector. However, the United Kingdom Government must also recognise the challenges that the hospitality sector is facing and make additional resources available to help it survive and protect jobs.

**Sarah Boyack:** One of my constituents said that it broke his heart that he had to let more than 10 of his staff go as three quarters of his income comes from after 6 pm. Many Edinburgh businesses are now closed and on their knees. When will support actually be available to those hospitality businesses and their staff? Is the cabinet secretary aware that small hospitality businesses are particularly anxious that they will not survive and that they will lose out?

**Fergus Ewing:** The member raises very fair points. I am acutely aware of all those points and I discuss them day in, daily with a number of businesses, as I have already alluded to. The

financial support is being made available under the schemes that are being administered, and we have already announced, through my colleague Kate Forbes, £185 million-worth of support.

Sarah Boyack mentioned the 6 pm closure that is applicable, which prevents evening meals from being provided in most cases. The restrictions obviously require to be in place now, but the hospitality sector is clear that its two biggest asks are, first, that the 6 pm finish be extended a bit and, secondly, that it be permitted to serve a modest amount of alcohol with meals. Those requests cannot be met now. We just have to face reality, and that is that. If we did those things now, we would see a resurgence in cases, as has happened elsewhere. We are working on contingencies to look at allowing restrictions to be lifted, if the evidence permits, as soon as we can. However, we have to tackle the virus first in order to get to a position where we can consider lifting or easing the restrictions.

**The Deputy Presiding Officer:** Beatrice Wishart has a supplementary question. I ask her to make it quick, please.

**Beatrice Wishart (Shetland Islands) (LD):** What advice can the cabinet secretary provide on any possible further funding support for small bed and breakfasts and guest houses that do not pay non-domestic rates?

**Fergus Ewing:** I am aware that B and Bs and guest houses require support. Indeed, earlier in the lockdown period, I advocated that some support be made available to them, and I secured that. There were a number of complex issues, including the fact that some of them did not have business bank accounts, and we had to seek to circumvent those matters.

However, I assure the member that active consideration is being given to how best we can further support the owners of B and Bs and guest houses. They deserve it: they work hard, they scrupulously maintain their properties for their guests, and they deserve our support.

### Rewilding (Rural and Island Economies)

6. **Kenneth Gibson (Cunninghame North) (SNP):** To ask the Scottish Government what it considers the potential economic impact will be on rural and island economies of rewilding measures. (S5O-04838)

**The Minister for Rural Affairs and the Natural Environment (Mairi Gougeon):** Rewilding can refer to a wide range of different actions, including native tree planting, peatland restoration and the reintroduction of large carnivore species. That range of actions can have a range of impacts and we would not want to support the implementation of actions that could threaten the livelihoods of



farmers and crofters, and the jobs and businesses that already exist in rural and island communities, and which might undermine the place of people at the heart of the rural and island landscapes of Scotland.

We have to recognise links between environmental, social and economic considerations to support our rural and island communities. We believe that the potential positive economic impacts that might result from some rewilding actions in relation to habitat establishment and management can be achieved by other measures and activities that can also help to keep people on the land.

**Kenneth Gibson:** Has the United Kingdom Government discussed with the Scottish ministers the level of post-Brexit support that it will provide for the common agricultural policy's replacement, to assist with making agriculture more environmentally sustainable, or a timetable for agriculture's transformation?

**Mairi Gougeon:** The simple response to that question is no, it has not. The first that we knew that the UK Government was cutting Scotland's funding allocation by £170 million, as the cabinet secretary said in a previous answer, was in communication with Scottish Government officials. That left ministers in all the devolved Administrations to follow that up with correspondence.

The cabinet secretary has continued to pursue the matter with the secretary of state, George Eustice. The issue is also having a massive impact on the other devolved Administrations. Although it is for the Scottish ministers to decide the level of financial support that will be distributed in Scotland, and for what purposes, the cabinet secretary has already made it clear that the period from 2021 to 2024 will be a period of stability and some simplification, in which some new approaches will be piloted. That will be vitally important as we face the imminent uncertainty of European Union exit. Quite simply, what the UK Government has to do now is deliver the replacement of EU funding that it promised to our farmers and crofters.

### **Glasgow Tourism (Support)**

7. **Johann Lamont (Glasgow) (Lab):** To ask the Scottish Government how it will support the recovery of the tourism sector in Glasgow, in light of the impact of the Covid-19 pandemic. (S5O-04839)

**The Cabinet Secretary for Rural Economy and Tourism (Fergus Ewing):** Glasgow is a city that is rich in culture and history, and I look forward to encouraging the return of people from all over the world to enjoy its many attractions. We

have committed to provide a £2.3 billion support package for businesses, with much-needed business rates relief and tailored funds for the tourism sector.

We are continuously looking at how we can increase support to ensure that more businesses can benefit. As I said earlier, the finance secretary set out last week a further support package of an additional £185 million. On top of that, £60 million will be provided to the tourism sector. We are in close discussion with businesses in the sector, including pubs, restaurants and business attractions, on how best to distribute the £60 million funding.

**Johann Lamont:** The cabinet secretary will be aware of the many renowned museums, galleries and attractions in Glasgow that are run by Glasgow Life, all of which have been closed since March, leading to fears that they might not survive the pandemic. Does he agree that those venues run international-quality cultural and sporting events, and that they are pivotal to the tourism sector in Glasgow and critical to the Scottish economy? What response does he have to demands agreed last week by Glasgow City Council that Glasgow needs clarity and improved funding from the Scottish Government to ensure that those venues can survive and thrive, and play their role in the Scottish economy?

**Fergus Ewing:** Some of the matters that the member raised do not fall within my particular portfolio of responsibility, but we are all part of a team and this is all part of the jigsaw of tourism and hospitality that covers the establishments that Johann Lamont mentioned. We are very sympathetic to the case for reasonable support to be provided.

We have announced additional resources in the past week or so. I am sure that Fiona Hyslop and I will want to continue to engage with Glasgow City Council and work with it to do what more we can to support these vital parts of Glasgow's life and the tourism offering to visitors and natives alike.

### **Tourism in 2021 (Edinburgh)**

8. **Alex Cole-Hamilton (Edinburgh Western) (LD):** To ask the Scottish Government how it is preparing to facilitate tourism activity and events in Edinburgh over the course of 2021. (S5O-04840)

**The Cabinet Secretary for Rural Economy and Tourism (Fergus Ewing):** We are committed to the long-term recovery of tourism and the events industry in Edinburgh and across the country. We engage with the events sector through the event industry advisory group, and we have considered the tourism recovery task force recommendations as we work to ensure the return

of the world-class events that take place in Edinburgh.

We have acted to offer support to businesses, and that support now exceeds £2.3 billion. On 9 December, Kate Forbes announced additional funding of £185 million, including over £60 million for tourism. We have provided over £42 million to hospitality and tourism businesses in addition to small business grants and destination marketing organisation support. We are providing £14 million through the hotel recovery programme, and we continue to provide funding grants of up to £3,000 as outlined in the strategic framework.

Finally, we announced £10 million to support the events industry during the summer and, yesterday, we announced a further £13 million of support for that sector in recognition of the particular challenges that it faces.

**Alex Cole-Hamilton:** Although that money is very welcome, the events industry has taken a pounding during the pandemic and what it requires is certainty, or at least some degree of understanding of Government thinking about what will be allowed and when. Many events companies have tried to box clever and make their events Covid secure, only to see that swept away by yet further restrictions being brought in.

Now is the time when big events, such as the Royal Highland Show in my constituency and the Edinburgh festival, attract investment and make big strategic decisions. They need certainty about what the Government is thinking about viral rates and when they will be allowed to go ahead. Will the Government commit to publishing a framework under which such decisions will be taken?

**Fergus Ewing:** We are in the middle of a pandemic, and we are taking measures that are designed to tackle that pandemic, which were recently vindicated and supported when they were challenged in court. We take no pleasure in doing that, but we have to.

I am bound to reflect that we are not alone. Germany, Holland and England are taking measures that, if anything, might be regarded as even tighter than those that we are taking. The point is that every country appears to be adopting the same practice of trying to protect its citizens, save lives, and prevent the spread of the virus. I am afraid that Alex Cole-Hamilton's request about when we will be able to say that things will be over is not one that any prudent Government in the world could or should answer at this point.

We work closely with the events industry, and I am absolutely seized of its importance to tourism and, indeed, to society as a whole. I have attended Highland shows for several decades, including the Royal Highland Show, which is among the most famous in the world and makes

an enormous contribution to the economy. Of course we want to see it re-established and coming back as soon as possible, but it is quite impossible, and it would be utterly irresponsible, for me to answer Alex Cole-Hamilton's question in the way that he appears to wish me to.

**The Deputy Presiding Officer:** If I request a short question, it is usually as a courtesy to let a member in. Members should bear that in mind, please, because we have disadvantaged members who have questions in other portfolios.

## Justice and the Law Officers

### Jury Trials (Dumfries and Stranraer)

1. **Colin Smyth (South Scotland) (Lab):** To ask the Scottish Government what its response is to the decision to hold jury trials for Dumfries and Stranraer sheriff courts in Ayr. (S5O-04849)

**The Cabinet Secretary for Justice (Humza Yousaf):** I know that Mr Smyth has already received correspondence from the chief executive of the Scottish Courts and Tribunals Service that outlines the operational reasons for that decision. I will respond to a letter that Mr Smyth sent to me on the same issue.

It is, of course, the Lord President who is responsible for making and maintaining arrangements for securing the efficient disposal of business in the Scottish courts. However, we must be clear that the Scottish Courts and Tribunals Service is not operating in a business-as-usual scenario and that difficult decisions are necessary to ensure that our criminal justice system continues to operate. The Scottish Courts and Tribunals Service has worked with the judiciary, the legal profession, third sector victims organisations and many other stakeholders to take forward the remote jury centre model. That is an innovative, complex and technical solution that cannot be replicated in every court in the country.

For sheriff court cases, the SCTS has contracted to provide a network of centres across Scotland linked to a smaller number of courts. To minimise travel, the SCTS has confirmed that jurors will be cited from the area in which the jury centre is located and that witnesses can give evidence remotely if agreed by the Crown, the defence and the court.

**Colin Smyth:** The reality is that that will increase travel for some people. For example, in some cases solicitors will have to make a 200-mile round trip daily. To propose a solution that asks people to travel from a level 1 area, Dumfries and Galloway, into what was a level 4 area at the time of the announcement, Ayr, is the height of irresponsibility. I appeal to the cabinet secretary to intervene to find a more local solution, even at this

late stage. At the very least, can he give a guarantee that that will not be the solution in the long term, and that all sheriff and jury work will return to Dumfries and Stranraer sheriff courts from Ayr?

**Humza Yousaf:** I thank Colin Smyth for his response and we are listening carefully to what he has to say. I have already raised the issue with the Scottish Courts and Tribunal Service. To give him the short answer, yes, we will keep these decisions under review.

The member will know that travel out of a level 3 or 4 area for the purposes of a jury trial is permitted under the regulations, but he is right that we would try to minimise that. I can give him an absolute assurance that jurors will be cited only from Ayr, so there should not be any jurors who are having to travel from Dumfries. With the agreement of the Crown, defence and the sheriff, and where it is agreed that it is appropriate, evidence can be heard remotely from Dumfries sheriff court. Notwithstanding all that, I hear Colin Smyth loud and clear and I will continue to engage with the Scottish Courts and Tribunal Service on the issue.

#### **Offenders (Homelessness on Release)**

**2. Maurice Corry (West Scotland) (Con):** To ask the Scottish Government how it is responding to the issue of offenders having no home to return to when they are released from prison. (S5O-04850)

**The Cabinet Secretary for Justice (Humza Yousaf):** Especially at this time of year, it is worth emphasising that tackling homelessness remains a national priority. The experience of the coronavirus response has shown us that we can, and must, accelerate our ambitions to end homelessness and rough sleeping. The Scottish Government is working closely with all councils to make sure that people experiencing homelessness are provided with accommodation. It has allocated £32.5 million of our £50 million ending homelessness together fund to local authorities for that purpose. The member will be aware that local authorities have a legal duty to offer advice, assistance and temporary accommodation to anyone leaving prison without accommodation, just as they would for any member of the public.

The Scottish Prison Service, local government and housing organisations work to the sustainable housing on release for everyone—SHORE—standards, which set out best practice for how prisons and housing services can work together to support people's housing needs on release from prison.

**Maurice Corry:** The latest prison population statistics show that the number of prisoners arriving in prison with no fixed abode rose from 4.4 per cent in 2010-2011 to 7.5 per cent in 2019-2020. Although I am aware that there are other reasons for people saying that they have no fixed abode when they enter prison, there is an indication that the problem of homelessness for prisoners is rising. Do those statistics not show that the Scottish National Party Government needs to be doing more to work with the Scottish Prison Service and local authorities to prevent those homeless people from returning to a life of crime on their release from prison?

**Humza Yousaf:** I agree with the broad thrust of Maurice Corry's question. There are a myriad of complex factors that mean that those who are homeless will often find their way back into the criminal justice system. We want to address those factors as much as possible.

This year, I am pleased to say that all 32 local authorities have signed up to data sharing agreements with the SPS for the first time. They now receive weekly reports from the SPS detailing upcoming releases over a 12-week period, so that prisoners can engage with housing services in advance of coming out of prison. That ensures that they have the best housing support in place but also access to other services, as Maurice Corry suggests, that I hope could support their reintegration back into the community.

**Rhoda Grant (Highlands and Islands) (Lab):** The cabinet secretary will be aware that some people are being held on remand because they do not have access to housing in the community. What steps is he taking to ensure that that is not the case?

**Humza Yousaf:** Ultimately, decisions on remand and bail are for the courts to make, independently of Government or ministerial influence. I can say to Rhoda Grant that the number of those who are on remand is too high and we are working with the court service on that. I hope that electronic monitoring for bail, which the Government is taking forward, will lead to a reduction in the number of remand prisoners.

#### **Antisocial Behaviour**

**3. Claire Baker (Mid Scotland and Fife) (Lab):** To ask the Scottish Government what its response is to the report, "The Picture of Anti-Social Behaviour in Scotland". (S5O-04851)

**The Minister for Community Safety (Ash Denham):** We welcome the report, and particularly its findings that levels of antisocial behaviour have decreased over the past 10 years and that the public have noticed that decline in their areas. In addition, the member will be

pleased to note that Police Scotland has confirmed that the number of calls about the antisocial use of motorbikes in Fife has fallen from 891 in 2018 to 354 in 2019, and that the number of reports over the same period this year has dropped further still, to 217.

The report confirms that we are on the right track but also that we need to go further in addressing the links between antisocial behaviour and deprivation and in addressing stereotypical perceptions about those who engage in antisocial behaviour. Those considerations will continue to be central to our approach as we work with partners to reduce antisocial behaviour in all areas of Scotland.

**Claire Baker:** I recognise the important contribution of the Scottish Community Safety Network, but I was disappointed not to see a direct reference in the report to antisocial behaviour on motorbikes, as the minister has mentioned my interest in it. That would appear to be because of the way in which the behavioural charges are recorded. The minister will recognise that I have campaigned on that issue for many years, and I am frustrated by the lack of a national approach to addressing that behaviour. Will she commit to recognising the impact of illegal quad and off-road bike use in our communities? Notwithstanding the proactive approach that Fife has taken through local police, it is an on-going issue. Will she ensure that the investment that is needed to tackle it is made available?

**Ash Denham:** I agree with much of the gist of the member's question. There has been quite a degree of success in Fife with the delivery of the Levenmouth together programme. I have written to the member on that, and my officials have shared examples of the good practice in tackling the illegal use of quad bikes—which we had gathered from local authorities and which included a case summary of the improving Levenmouth together project—with all local authorities, the Convention of Scottish Local Authorities, the antisocial behaviour officers forum, the antisocial behaviour lawyers forum and the Scottish Community Safety Network.

Although I accept that the problem that the member recognises is substantial in her area at times, from the research that my officials have done in writing to all the local authorities, it seems that it is not shared across all local authorities. However, I would be happy to listen to anything more that the member wishes to raise on the issue. I am always happy to see whether there is more that we can do to tackle that kind of antisocial behaviour.

**Liam Kerr (North East Scotland) (Con):** The minister seems rather unaware that the incidence of antisocial behaviour this year is at the highest

level since Police Scotland started recording statistics. That suggests that the Scottish National Party does not have any answers for tackling the issue. Can she confirm when she last had any discussions with the chief constable specifically about how to combat the issue, and can she say what solutions were discussed?

**Ash Denham:** In 2017-18, 29 per cent of adults thought that antisocial behaviour was common in their area. That is down from 46 per cent in 2009-10. The Antisocial Behaviour etc (Scotland) Act 2004 provides a wide range of measures for dealing with all forms of antisocial behaviour, and our national strategy is based on prevention, early intervention and diversionary activities. We believe that a range of powers is already available to authorities to allow them to deal effectively with antisocial behaviour, regardless of the circumstances in which it appears.

The Scottish Government has not been approached by Police Scotland, local authorities or support services to seek changes to legislation in relation to that issue. However, if approaches were made to me, I can confirm to the member that I would be very happy to look at the evidence for making any changes that are necessary.

**The Deputy Presiding Officer:** Before I move on, I say gently to the cabinet secretary and ministers that the answers are taking far too long. Unless they speed up, members will be disadvantaged by that.

#### **Children (Equal Protection from Assault) (Scotland) Act 2019**

**4. Richard Lyle (Uddingston and Bellshill) (SNP):** To ask the Scottish Government what support is being provided to local authorities, Police Scotland and the Crown Office to help to implement the Children (Equal Protection from Assault) (Scotland) Act 2019. (S5O-04852)

**The Minister for Children and Young People (Maree Todd):** The Convention of Scottish Local Authorities, Police Scotland and the Crown Office and Procurator Fiscal Service are all members of the implementation group that was formed by the Scottish Government to consider what would be needed to implement the 2019 act.

The Scottish Government wrote to all local authorities before the act came into force. The Lord Advocate, who exercises his role as head of the system of investigation and prosecution of crime entirely independent of Government, has issued guidelines to the chief constable on reporting of assaults of children, and has issued guidance for prosecutors. Police Scotland has rolled out training for police officers, in line with the Lord Advocate's guidance.

**Richard Lyle:** What advertising has been done through other agencies to reinforce the 2019 act's intentions among the wider public?

**Maree Todd:** As members will be aware, the intention of the act is to provide children with the same legal protections from assault as adults have. We have created a package of resources that explain that intention; we have shared the resources widely with stakeholders and have published them on the Scottish Government's website, so that anyone can use them.

We have also published content on the Parent Club's website, which is aimed at parents and carers. That content covers positive parenting and the general support that is available, as well as covering the 2019 act, in particular. During this year, with all the challenges that the pandemic has thrown up, Parent Club has become a valued resource for parents, so I am pleased that it has a dedicated page for the act.

We have also sent a letter and framework document on the act to various delivery bodies, including local authorities, social work colleagues and the national health service. Those documents set out the intentions behind the act, so their distribution across a wide variety of organisations will help to ensure a common approach to implementation.

**The Deputy Presiding Officer:** Claudia Beamish has been in touch about question 5, which will not be asked.

### Jury Trials (Covid-19)

**6. Finlay Carson (Galloway and West Dumfries) (Con):** To ask the Scottish Government what support it is providing to the courts system to allow criminal jury trials to proceed during the Covid-19 pandemic. (S5O-04854)

**The Cabinet Secretary for Justice (Humza Yousaf):** The Scottish Government has agreed an additional £15 million to develop court technology and to enable the Scottish Courts and Tribunals Service to set up remote jury centres in order to increase trial capacity and reduce delays in cases coming to trial. That has already helped the SCTS to restore pre-Covid capacity in the High Court and to resume sheriff court jury trials, with it being anticipated that pre-Covid capacity will be restored by February.

**Finlay Carson:** We are all aware that normally we would be in the midst of the pantomime season, so I would like to ask the justice secretary why he is playing Scrooge and refusing to release the estimated £40,000 that would allow jury trials to be staged in Stranraer, instead of forcing lawyers to travel to Ayr, which is in a higher Covid level area, thereby potentially putting their health and those of other constituents in Dumfries and

Galloway at risk? Will the cabinet secretary agree to review those worrying plans? If trials do move to Ayr, can he make the commitment right now that jury trials will return to Dumfries and Stranraer as soon as possible, when it is safe to do so?

**Humza Yousaf:** Finlay Carson might want to be careful about his use of language. He has, in effect, made an accusation about the Lord President. The Lord President and the SCTS are ultimately responsible for the operationalisation of sheriff and jury trials. To have described the Lord President as "Scrooge" is, I think, extraordinarily unfortunate. Finlay Carson might just want to reflect on that.

On the substance of Finlay Carson's question, I say that Dumfries cannot be viewed in isolation. If we were to use the solution that the member suggests for Dumfries, we would have to consider it for other courts right across the country. If it was a matter of £40,000, of course the Government would provide it; that would not be an issue. However, there are broader issues that we would have to explore in that particular case.

I say to Finlay Carson what I said to Colin Smyth: once sheriff and jury trials are up and running, the position will remain under review, as the Scottish Courts and Tribunal Service has told me, and I will continue to engage with the service, as the member is also welcome to do. He should, however, have the good grace to acknowledge that we have put in place an innovative solution that will help us to reduce the backlog in the long term.

### Prisons (Staff Shortages)

**7. Alex Rowley (Mid Scotland and Fife) (Lab):** To ask the Scottish Government what recent action it has taken to address any staff shortages in prisons. (S5O-04855)

**The Cabinet Secretary for Justice (Humza Yousaf):** I am pleased to report that the Scottish Prison Service currently has a vacancy rate of only 1 per cent for prison officers. That equates to 31 vacancies. Those vacancies will be filled through a scheduled intake of 62 prison officers in February 2021. Turnover among prison officers in Scotland has remained low, and workforce planning activity is carried out in anticipation of future needs.

Our prisons remain stable, safe and well run, which is very much down to the unwavering dedication and commitment of the staff who have kept, and will continue to keep, our prisons safe during what is an incredibly challenging time.

**Alex Rowley:** I am pleased that progress has been made in recruitment, but I have raised before with the justice secretary the issue of the amount of workload pressure that staff are under. Figures for last week that I have looked at show that 10

per cent of the total workforce was off sick. Workload and stress clearly contribute to that, and 85 people were off with Covid-related illnesses.

Are we monitoring all staff and looking at sickness levels and the levels of pressure that they are under in order that we can put in resources? I keep hearing other ministers talk about the amount of money that is, rightly, going into various areas to support businesses, but are we putting enough support into our prisons, and is there a plan for a roll-out of testing of all prison staff and prisoners, given the close confinement that they are under?

**Humza Yousaf:** A range and number of questions were asked there; I will try to respond as quickly as I can, Presiding Officer.

We have provided the Scottish Prison Service with an additional £50 million of funding in this financial year. I am not sure that there was a particular financial ask from Alex Rowley and the Labour Party in that regard, but I am pleased that we have provided that funding.

In terms of staff absences, during the peak of the pandemic almost a quarter of prison staff were absent. The amount has gone down to less than 10 per cent, and less than 2 per cent is Covid related. We continue to have discussions with not only the SPS but the Prison Officers Association in Scotland about how we can help to reduce staff absence rates even further.

Alex Rowley might know that prison staff have had exceptional payments during the pandemic, which has helped to keep absences low and to boost morale. There was also a very generous—I say—pay offer to prison officers agreed last year. It was certainly generous in comparison with the pay offer in England and Wales.

### Offender Services (Spending)

**8. Bill Bowman (North East Scotland) (Con):** To ask the Scottish Government what its response is to the claim by Victim Support Scotland that spending on offender services is more than double the amount spent on victims. (S5O-04856)

**The Cabinet Secretary for Justice (Humza Yousaf):** A key point to make is that we do not characterise those funding streams as having opposing purposes. Our focus in funding offender services is to make our society safer for everyone by reducing reoffending, reducing recorded crime and, ultimately, reducing the number of victims by keeping everybody safe. Our approach is clearly working, as is demonstrated by the fact that the reconviction rate for offenders in Scotland is at its lowest level in 21 years.

It should be noted that the £18.7 million for victims and witnesses in 2020-21 that was referred

to in that question by Bill Bowman is only part of the support that we offer. For example, we also had a budget of £15.5 million to compensate victims of violent crime that has been increased to more than £21 million in-year to match demand. We have invested £12 million to tackle violence against women and girls, and we have provided an additional £5.75 million since lockdown to support organisations that are on the front line for people who experience violence or domestic abuse.

I am passionate about victims and survivors being properly supported, but we should not ignore the fact that we also serve victims through addressing offending and reoffending behaviour.

**Bill Bowman:** I thank the cabinet secretary for his answer. He makes a tenuous link between offenders and victims. Victim Support Scotland says that £40.8 million is being spent on offender services this year and that that funding has increased 10 times more than help for victims and witnesses has in the past two years. Despite the Scottish National Party's warm words on delivering Michelle's law, can the cabinet secretary really claim that the Government is working in victims' interests?

**Humza Yousaf:** Yes, I can. I do not necessarily expect Bill Bowman to have a nuanced grip on the issue, but I have to say that to think that there is not a link between reducing reoffending and victims is exceptionally poor, and misses the point entirely.

In fact, if we plough money not only into victim services—which we are doing—but into reducing reoffending, we will ultimately have less crime, which means that there will be fewer victims of crime. That is our policy, and we will continue to take that approach because it is obviously paying dividends, given the reduction in the reconviction rate and in crime—violent crime, in particular—over the past decade.

Under the SNP, we are seeing results. It is not about a choice between hard and soft justice, but about an approach that has been characterised as smart justice, which is evidence based and is, as I said, leading to a reduction in the number of victims, which I am delighted about.

## Constitution, Europe and External Affairs

### Fair Trade (Promotion)

**1. Miles Briggs (Lothian) (Con):** To ask the Scottish Government what progress it has made on promoting fair trade awareness across the public sector. (S5O-04857)

**The Minister for Europe and International Development (Jenny Gilruth):** The achievement of fair trade nation status for Scotland, first in February 2013 and again in March 2017, signals to the world that Scotland takes an active leadership role in challenging global poverty and recognising the dignity and rights of producers through our commitment to fairness in international trading.

The Scottish Fair Trade Forum has received core funding from the Scottish Government since 2007 and takes forward our work on fair trade. The forum continues to engage across the public sector with local authorities, schools, universities and colleges and other public bodies to raise knowledge and awareness, and increase purchasing, of Fairtrade goods.

**Miles Briggs:** I have always believed that you should practise what you preach. Can the minister outline where the Scottish Government has invested directly in the promotion of fair trade and directly awarded Fairtrade contracts? When I asked the Scottish Parliament information centre that question, it was unable to locate any details that relate to the promotion of fair trade by the Scottish Government and no direct awards by the Scottish Government to Fairtrade companies.

**Jenny Gilruth:** With regard to the work that we do directly with fair trade, we provide core funding for the Scottish Fair Trade Forum, as I mentioned. We conducted a review and produced a report on the forum's work in February this year, and the member will be aware that we are also looking at the work of the forum through the international development review.

The forum has reflected on its work as a result of the pandemic. First, it has contacted all public sector bodies to gauge the current procurement of Fairtrade products, which Miles Briggs mentioned. Secondly, it is working with the development education centres to support continuous professional development sessions for teachers on fair trade and global citizenship. In addition, the forum hosted our webinar to inform fair trade campaigners about Fairtrade products in the public sector and encourage them to evaluate fair trade statements from their local public bodies.

### Democratic Engagement

**2. Neil Findlay (Lothian) (Lab):** To ask the Scottish Government what action it is taking to increase democratic engagement. (S5O-04858)

**The Minister for Parliamentary Business and Veterans (Graeme Dey):** Over the current session of Parliament, we have extended the electoral franchise to give everyone who lives in Scotland and has leave to remain the right to vote. We put in place the access to elected office fund

for disabled candidates for both local and national elections, and we have modernised the annual canvass to make it easier for voters to engage and ensure that all 14-year-olds can preregister as attainers ahead of reaching voting age.

The Scottish General Election (Coronavirus) Bill, which is currently before Parliament, seeks to ensure that the next election can go ahead safely in the context of Covid-19. We intend to ensure that people are fully informed about the voting options that are available to them, which include voting in person, by post or by proxy.

**Neil Findlay:** Voting in elections and referendums is really important. Does the minister agree that, if there is ever to be another referendum on Scotland's future, a multi-option referendum would increase democratic engagement and prevent voters from being forced to choose between two bad options—namely, the unsustainable status quo and the undesirable growth commission?

**Graeme Dey:** Like many unionists in the chamber, Mr Findlay needs to let go of his constitutional obsession—[*Interruption.*]

I am glad that he is so keen on an upcoming independence referendum, but I have to say that right now, at this minute, the Government is focused on Covid-19 and on dealing with the horrendous fallout from Brexit; he might want to do that himself.

### Brexit Transition Period (Update)

**3. David Stewart (Highlands and Islands) (Lab):** To ask the Scottish Government whether it will provide an update on its preparations for the end of the Brexit transition period. (S5O-04859)

**The Cabinet Secretary for the Constitution, Europe and External Affairs (Michael Russell):** As I outlined in my statement to Parliament last week, the Scottish Government is doing all it can to mitigate the impact of leaving the transition period. We have put in place a comprehensive set of resilience arrangements to manage our response to the challenges that we face. We are trying to increase access to funds where required. I gave the examples of the £100 million package of measures to support citizens—in many cases through the third sector—and the £5 million fund to help Scottish wholesale food and food and drink businesses. We are also working with other Administrations to ensure that critical supplies such as medicines can reach the United Kingdom mainland without interruption.

While we are doing what we can, I ask members to recall what I have said regularly: we simply cannot avert every negative consequence of Brexit.

**David Stewart:** I thank the cabinet secretary for his comprehensive answer. Does he share my regret that Scottish students stand to lose access to the European Union's Erasmus exchange programme from next year? Erasmus allows students to study in Europe and involves more than 4,000 participating institutions. Does the cabinet secretary share my view that the Tory Brexit deal is not "oven ready", but is, rather, half-baked?

**Michael Russell:** I thank David Stewart for that remark. I know that he has been a strong supporter of Erasmus, the origins of which lie in the work of many people, including Winnie Ewing.

It is shocking if, as reported, Erasmus will not go ahead and the UK will not participate in it. There are very mixed messages on that, and I ask the UK to make it clearer. No substitute will do. Indeed, both the Welsh and Scottish Administrations have asked to go forward with Erasmus, even if the UK does not. I understand that the UK has not even raised that with the EU.

**Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP):** The UK Government has announced that Northern Ireland will receive an extra £400 million to address the impacts of Brexit on trade. Can the cabinet secretary advise whether the Scottish Government has received any similar commitment from the UK Government that funding will be provided to mitigate the impacts of Brexit on Scotland?

**Michael Russell:** We have received no such assurance. It is indeed true that the amounts that are being provided are disproportionate. We do not begrudge anybody money, but it is important that the UK provides the resources so that there is no detriment from Brexit. It is a very long way from doing that, however.

#### **Education (United Kingdom Internal Market Bill)**

**4. Clare Adamson (Motherwell and Wishaw) (SNP):** To ask the Scottish Government how it anticipates the United Kingdom Internal Market Bill will affect Scotland's education system. (S5O-04860)

**The Minister for Europe and International Development (Jenny Gilruth):** I refer members to my entry in the register of members' interests as a member of the General Teaching Council for Scotland. As introduced, the bill would have forced Scotland to accept professional standards in teaching that would not meet our regulatory requirements.

After considerable pressure, not least from organisations such as the GTCS, as well as from the Scottish Government, the UK Government backed down and has conceded an exemption to

the bill for school teaching. However, the bill takes spending powers to Westminster in devolved areas, bypassing devolved Administrations, including in educational and training activities and exchanges.

**Clare Adamson:** The bill threatens to alienate our international allies and to hamstring devolved policy and governance to the whims of an increasingly desperate Tory Administration that just seems to treat Scotland with contempt. Endless uncertainties persist, as mentioned in the previous question, around the Erasmus+ programme, and the minister has highlighted the concerns of the GTCS, which thankfully have now been alleviated.

Will the minister outline her understanding of what might happen to horizon and research funding in future?

**Jenny Gilruth:** Regarding horizon funding and Erasmus+, we have consistently asked the UK Government for Scotland to remain part of the system, and the Welsh Government has made similar representations. Unfortunately, they have fallen on deaf ears. The UK Government has advised that it is seeking to participate in select elements of Erasmus on a time-limited basis. That position appears to conflict with the European Union's stance on no cherry picking—and the outcome of the negotiations remains uncertain, as we all know.

If the UK Government fails to associate with Erasmus+, for instance, it intends to roll out a UK-wide replacement scheme. Any replacement scheme must, of course, respect devolution, replacing any lost EU funding in full and providing full support to all those who currently benefit from our participation in those schemes.

#### **Trade Arrangements (Post-Brexit)**

**5. Michelle Ballantyne (South Scotland) (Ind):** To ask the Scottish Government what its position is on which post-Brexit trading arrangements between the United Kingdom and European Union would be best for Scotland. (S5O-04861)

**The Cabinet Secretary for the Constitution, Europe and External Affairs (Michael Russell):** The best arrangement for Scotland in trading with the EU is to do so as a member of the EU. Independence is therefore the answer to Michelle Ballantyne's question.

We have always been clear that the best option for the UK as a whole would have been to remain in the European Union. It is with regret that we find ourselves in the position that we are in today. Throughout the Brexit process, we have pressed the UK Government to seek the closest possible relationship with the EU. A compromise solution, whereby the UK, or at least Scotland, would have



stayed in the single market and the customs union would have been the least worst outcome. Unfortunately, the Prime Minister has been set on achieving the hardest of Brexits, with only the most minimalistic of free trade agreements still possible. Nonetheless, we continue to urge the UK Government to avert disaster.

**Michelle Ballantyne:** Although I thank the cabinet secretary for that answer, the reality is that the democratic decision to resign the UK's membership of the EU was supported by more than 1 million Scottish voters, and that we officially left the EU in January of this year.

Therefore, does the cabinet secretary want a trade deal that returns control of our territorial fishing waters and gives us sovereignty over supporting jobs in Scotland, or is he encouraging Scottish National Party MPs to vote against any deal that is placed before Parliament in the final days available and, by default, support an end to the transition period with no deal in place?

**Michael Russell:** The number of people who voted non-Brexit parties into the Scottish Parliament in 2016 was far greater than the number who voted for Brexit parties. I am sorry that the extremists seem to have taken over Michelle Ballantyne's party—or rather, her former party; she has become even more extreme than the extremists.

I am arguing for a fair deal for Scotland and for what Scotland voted for. MSPs are elected by Scottish voters, they are responsible to Scottish voters, and they should speak up for Scottish voters. I am sorry that Michelle Ballantyne finds herself unable to do so.

**Anas Sarwar (Glasgow) (Lab):** The cabinet secretary and I are in full agreement that the best thing for trade would not be Tory Brexit chaos; it would be—if we have Brexit at all—alignment with the customs union and the single market. At the same time, however, does the cabinet secretary recognise that, although we want to celebrate and take part in the EU single market, we also have to recognise the importance of the UK single market, whose value to Scotland is four times greater than that of the EU single market?

**Michael Russell:** I know that Anas Sarwar is new to his portfolio, but there is no such thing as the UK single market. There is an internal market in the UK, but a “single market” has a very specialised definition and I do not think that anybody would accept that one exists within these islands—unless, of course, Mr Sarwar is proposing the end of devolution. I suppose that, in those circumstances, one could enforce a unitary market, but I am not sure that even Mr Sarwar would insist on that.

## Brexit (East Lothian)

**6. Iain Gray (East Lothian) (Lab):** To ask the Scottish Government what assessment it has made of how leaving the European Union will impact on East Lothian. (S5O-04862)

**The Minister for Europe and International Development (Jenny Gilruth):** The economic and social impacts of Brexit will be felt across all regions of the Scottish economy. We know that those impacts would be greatest under a no-deal Brexit, which of course remains a very real possibility. Scottish Government modelling indicates that such a scenario could result in Scottish economic output being 8.5 per cent lower by 2030 compared to what it would have been under EU membership. In the short term, areas such as manufacturing, agriculture and fishing are likely to be hit hardest as trade barriers emerge. Regional employment data indicates that employment in those areas in East Lothian is in line with the Scottish average.

**Iain Gray:** I understand that the minister will deeply regret the impact of leaving the EU, as do I. Nonetheless, many businesses in my constituency now face that prospect and need practical advice and assistance that is specific to their sector and to East Lothian. What support is being provided, and where can they find it?

**Jenny Gilruth:** Iain Gray is right to be concerned about the impact of Brexit on his constituency. In the 2016 referendum, East Lothian, like Scotland as a whole, voted overwhelmingly to remain. We are doing everything that we can to support business readiness in Scotland. That work includes wide outreach to companies that are most likely to be affected by the changes; contingency preparations for the end of the transition period at the end of the year; and signposting to United Kingdom Government information and resources.

For example, the building resilience steering group is providing strategic leadership and co-ordination across our enterprise agencies to ensure effective delivery of the joint Brexit and Covid-19 response for Scottish businesses.

I am aware that we are short of time, so I am happy to give Iain Gray a written note of the other detail that I have with regard to the business support that is available for his constituency.

## Food Standards (United Kingdom Internal Market Bill)

**7. David Torrance (Kirkcaldy) (SNP):** To ask the Scottish Government what impact it considers the United Kingdom Internal Market Bill will have in Scotland on food standards, environmental standards and public health policies such as minimum unit pricing. (S5O-04863)

**The Cabinet Secretary for the Constitution, Europe and External Affairs (Michael Russell):**

The United Kingdom Internal Market Bill represents the biggest threat to devolution that the Parliament has ever faced. The changes that were finally announced last night do not go nearly far enough to alleviate the damage that it will cause. That is why we have indicated in the past hour that we fully support the legal move that the Welsh Assembly Government announced this afternoon, and that we will not only stand alongside it but support it in any future action once it has a response to the legal and constitutional points that it is making to the UK Government.

The bill would force Scotland and Wales to accept goods and services from other parts of the UK, whether they met the standards that our Parliaments set or not. Stakeholders have made clear that that situation would lead to a lowering of standards and have a damaging effect on businesses and consumers.

The legislation would undermine the Parliament's ability to uphold the highest environmental and food standards, as the member observes. Therefore, the Parliament and the Welsh Senedd voted overwhelmingly to withhold consent to the bill, and the House of Lords made it clear that there was widespread opposition, as there has been among stakeholders.

**David Torrance:** Recent figures have shown a drop in alcohol-specific deaths in Scotland since it became the first country in the world to introduce minimum unit pricing of alcohol in May 2018. Does the cabinet secretary agree that the early evidence that is linked to minimum unit pricing legislation is yet another example of the success of the Parliament in improving the lives of the people of Scotland, and that the United Kingdom Internal Market Bill is a deliberate act of constitutional sabotage?

**Michael Russell:** I agree with that point. I am encouraged to see that reduction. Evaluation is over a five-year period but we will assess it at that stage. Good progress is being made.

The Parliament's ability to put public health first is paramount—this year of all years, I hope that all accept that principle. We must be able to legislate for our own priorities, and any attempt by the UK to undermine that is unwelcome and, as the member says, sabotage.

**Vaccine Delivery (End of Brexit Transition Period)**

8. **Pauline McNeill (Glasgow) (Lab):** To ask the Scottish Government what impact it anticipates the end of the Brexit transition period could have on delays to the delivery of vaccines. (S5O-04864)

**The Cabinet Secretary for the Constitution, Europe and External Affairs (Michael Russell):**

The United Kingdom Government's vaccines task force has been planning to ensure the continued supply of vaccines to the whole of the UK from 1 January 2021. The plans include a £77 million freight contract, to help ensure the smooth flow of category 1 goods, including vaccines.

The Pfizer vaccine is manufactured outwith the UK and the final stages of the process are undertaken in Europe. Contingency arrangements have been drawn up to fast track transportation of the vaccine to the UK, should the UK leave without a deal. Those plans include direct transport to various ports and airports and prioritising passage.

**Pauline McNeill:** A report in *The Observer* says that millions of doses of vaccine will be flown to Britain by military aircraft if there are delays after 31 December. The cabinet secretary is perhaps referring to those plans. Can he confirm whether the UK Government has kept the Scottish Government apprised of all the contingency plans and any knock-on effects that there might be for Scotland's ability to access the vaccine?

**Michael Russell:** I understand that the assurances that we have from the UK Government are that the flow of vaccines will continue and be uninterrupted. Despite the many difficulties in the relationships between the two Governments, there continues to be a working relationship between the health ministers, and everybody recognises that it is in all our interests to ensure that the flow of vaccines continues and is uninterrupted. That is what we will endeavour to do.

**The Deputy Presiding Officer:** That concludes portfolio questions on the constitution, Europe and external affairs and all portfolio questions for today.

Before we move on to the next item of business, I inform the Parliament that it has been confirmed with business managers that the vote on the financial resolution to the Hate Crime and Public Order (Scotland) Bill will be called at decision time today.

I remind members that social distancing measures are in place across the campus and to take care to observe those as they leave the chamber.

## Burntisland Fabrications

**The Deputy Presiding Officer (Lewis Macdonald):** The next item of business is a statement by Fiona Hyslop, providing an update on Burntisland Fabrications. The cabinet secretary will take questions at the end of her statement, so there should be no interventions or interruptions.

14:51

**The Cabinet Secretary for Economy, Fair Work and Culture (Fiona Hyslop):** Thank you for the opportunity to make a further statement on BiFab.

In 2016, the owners of BiFab sought to sell the business. At that point, DF Barnes became involved in the process and achieved preferred bidder status. The negotiations were paused when the managing director of BiFab sadly passed away. It subsequently became clear that BiFab would require external funding to be able to complete the works on the Beatrice offshore wind farm contract.

In 2017, the Scottish Government stepped in and provided a loan facility of £15 million. In April 2018, the company was purchased by DF Barnes. As part of that deal, the Scottish Government agreed to increase its existing commercial loan facility to £41 million, to be used specifically for the completion of the Beatrice contract, and to provide a second loan facility of up to £10 million for restructuring and working capital requirements.

Ultimately, £37.4 million of the original loan facility was used and, as agreed in the sale process in April 2018, it was converted to an equity stake of 32.4 per cent. Subsequent loan monies that were provided by the Scottish Government sit as a liability on BiFab's balance sheet. The financial support provided by the Scottish Government ensured that the Beatrice contract secured work at the three yards, thereby providing employment for around 250 permanent staff, with a further 1,100 being employed via agencies to support specific contracts at peak construction. The support also ensured the Moray East wind farm pin piles contract, which secured 90 jobs in Arnish for around eight months, as well as a Nigerian oil and gas contract from FIRST Exploration & Petroleum Development Company Ltd for work at Burntisland and Methil for 250 contractors.

In 2018, it was clear that, to be successful and to secure and deliver new contracts, BiFab required working capital. It required appropriate assurance packages by the shareholders, and it needed investment at the sites. However, the majority shareholder made a commercial decision not to provide the support to the business in the

way that we would expect of a majority shareholder and, as a result, it was unable to secure future work.

If the majority shareholder will not invest, investment by central Government can, almost by definition, be seen only as a subsidy. Investment by Government must be made on the same basis as that of a commercial investor. When the pipeline of future work was adversely affected by SSE Renewables deciding not to award the Seagreen work to BiFab, the commercial position changed. I have been asked why we could not invest at that time. It is simply because there was no prospect of a commercial return. A commercial investor would not have invested, so we were unable to do so. By investing, we would only have been providing subsidy with no prospect of a return. That fact is key to the state aid position.

As a minority shareholder, we have been exhaustive in our consideration of the options that are available to us to financially support BiFab. We have worked collaboratively with the United Kingdom Government to explore all options, and we have not identified a legally compliant way to support the business.

Deloitte LLP was appointed as administrator on Monday 14 December. We will work with it and trade unions to secure a new future for the yards in Fife and the Western Isles, helping to ensure they are able to diversify and compete in the competitive market.

The Scottish Government has engaged directly with the appointed administrators to understand their current strategy and plans for the workforce in the immediate term, and to shape the strategy and plans to reflect our priorities for the workforce and yards. I have agreed that the Scottish Government will fund the administrators' initial work, which includes paying the workforce while a sale of business process is pursued, should there be insufficient funds in the business to do so. That will avoid any immediate redundancies, which I am sure will be welcome news for the workforce.

We remain hopeful that a buyer who is willing to invest in the business will be found. We will work closely with the administrators and trade unions to secure the best possible outcome for the workforce, yards and local communities.

The administrator is now responsible for all management and operational decisions at BiFab. It will form an independent assessment of the position of the company and will implement a strategy to maximise the return to all BiFab's creditors. As a secured creditor with a considerable outstanding debt, the Scottish Government has a significant interest in the administration process and will work closely with the appointed administrator throughout the coming

days and weeks. The administration process is governed by legislation, and the administrator is bound to act in the interests of all creditors.

The Scottish Government seeks a positive future for the workforce and the sites, and stands ready to work with credible parties who share our objectives. The process of securing a buyer for the business is for the administrator to manage. We will, of course, work closely with the administrator to support the marketing process in any way we can.

While the chances are receding of the Neart na Gaoithe contract being fulfilled from the yards, I reiterate my desire for that to happen. On two occasions in recent weeks, I have written to Saipem to express my hope that the NnG contract for eight jackets can still be completed in Scotland, but I am aware that Saipem has gone to the market to seek alternatives.

We are setting up a joint working group with the United Kingdom Government to rally our collective efforts to secure a strong future for BiFab's sites. Although that group must respect the live administration process, it will position both Governments to stand ready to work with potential new investors. Last Thursday, Scottish Government officials met UK Government counterparts to discuss the group's membership and terms of reference, including how we involve key Scottish stakeholders. I remain keen that the voice of our trade unions is heard as part of that process and will continue to press for that.

Our immediate focus is on delivering a sustainable future for the yards and the workforce. We remain committed to supporting Scottish supply chain growth and to bringing inward investment opportunities to Scotland, which will create employment and build our economy by capitalising on our natural resources. We have demonstrated that commitment with a series of initiatives. Those include the renewable energy investment fund, through which we have invested £70.3 million in 39 companies, leveraging additional investment of £168.5 million; the £62 million energy transition fund; and the green new deal and green recovery, which form our coherent and strategic approach to Scotland's transition to net zero emissions by 2045.

Nonetheless, we must do more. The Crown Estate Scotland ScotWind leasing round must deliver benefit for the Scottish supply chain. It is an opportunity for Scotland that we should not miss. Scottish Enterprise and Highlands and Islands Enterprise will work in partnership with stakeholders and communities to ensure that resources are properly targeted to achieve a maximum impact for Fife, the Isle of Lewis and Scotland as a whole. With a collective effort, we can and must deliver for Scotland.

Beyond a focus purely on Scotland, we have been calling on the UK Government to reform the contract for difference process and to make greater use of supply chain plans in that process. The UK Government should not award contracts solely on price, but should weigh the contribution of the bid to domestic supply chains to ensure a better outcome for us all.

Despite our efforts, BiFab is now in administration. The best outcome is for the business to be sold as a going concern. For that reason, and to support the workforce, I have agreed to fund the administrators' work in the short term in the event that there are insufficient funds available in the business to do that.

Over the longer term, we must pick up the opportunities and challenges that are offered by our green new deal to provide the best possible outcome for the yards and Scotland.

**The Deputy Presiding Officer:** The cabinet secretary will now take questions on the issues raised in her statement. I intend to allow around 20 minutes for questions, after which we will move on to the next item of business.

**Graham Simpson (Central Scotland) (Con):** I thank the cabinet secretary for advance sight of her statement. We had a good question and answer session at the Economy, Energy and Fair Work Committee yesterday, and I made clear my view that the Scottish Government has mishandled the spending of more than £50 million of public money. Saving jobs is a good thing and investing in a key sector such as this one is important, but it should come with a degree of influence. The Scottish Government put tens of millions of pounds into BiFab but did not even have a seat on the board. The company went into administration because the Government would not provide guarantees that could have secured the vital NnG contract, citing state aid rules.

Five hundred staff were preparing to return to work on that contract, and it is them I want to ask about today. They will perhaps be thinking of the words of the First Minister at Methil in April 2018, when she announced so-called new investment in BiFab—investment that amounted to £4—and said:

“We are delivering on the commitment”

to

“stand by BiFab and work to secure a long-term future for the company.”

Today, those words have a hollow ring about them.

Focusing on the workers, what discussions has the cabinet secretary had with unions? Has a working group been set up with the unions? For

how long will the Scottish Government pay the workers through the administrator, and how much will it pay them?

**Fiona Hyslop:** There were a number of questions in there. To address the issue of working with the trade unions, I have had regular contact with the trade unions and we have had a number of meetings. Indeed, my most recent meeting with the Scottish Trades Union Congress was on 3 December. Unite the union and the GMB have been present at a number of those meetings.

My officials are in daily contact with the STUC, so that regular contact is happening, particularly at this time, and it is informing the strategy that we would want to persuade the administrator to follow while, of course, respecting their legally independent position.

In that case, it is about making sure that a regular pipeline of business can be secured, which was singularly absent—indeed, in the two-hour question-and-answer session that Graham Simpson referred to, one of the issues that was covered was what contracts had been bid for and what had been secured. Clearly, during the course of the last period, the issue of the lack of continuing contracts was very pertinent indeed.

I now want to address Graham Simpson's initial point. Investment by the Scottish Government to support the completion of the vitally important Beatrice contract is being put into question by the Conservatives. Their view is that the Scottish Government should not have stepped in, should not have tried to save the yards and should not have supported the workforce. That is the premise of the member's question.

In terms of the investment by a private company in a private purchase of the shares of BiFab back at that time, it is not uncommon for acquisitions of distressed businesses to be for a low value. BiFab was not acquired out of administration and therefore JV Driver was still liable for those existing liabilities to creditors and for exposure to future claims and other aspects.

We want to support the yard. We have invested in the yard and we have supported the yard. If the position of the Conservative Government is that we should have either had full nationalisation or walked away completely, as the Conservatives would have done in 2018, that is unacceptable to the workforce, it is unacceptable to Fife and the Isle of Lewis and it is unacceptable to Scotland.

**Rhoda Grant (Highlands and Islands) (Lab):** I thank the cabinet secretary for prior sight of her statement.

These yards are crucial in their importance to Scotland's renewables pipeline, and it is disappointing that they are now in administration

due to the Scottish Government renegeing on its guarantee. Although we welcome the information that the Government is paying for the workforce and the administrator in the interim, I cannot help but wonder whether that investment would have been better spent on the guarantee and on securing the Neart na Gaoithe contract. There appears to be hope that a buyer will be found for BiFab and hope of still securing the NnG contract. That calls into question the Scottish Government's defence in citing state aid rules, even if those were still a consideration beyond Brexit.

What is the cost to the Scottish Government of paying for the workforce and administrator in the interim? Will that include employing the care and maintenance staff at Arnish? Has the Scottish Government discussed with the administrator the decoupling of the Arnish yard from BiFab?

**Fiona Hyslop:** There were a number of questions there. If I do not answer them all, I will get back to the member after the meeting.

Clearly, state aid is not a trivial thing and not something that can be put aside. As of now, on 16 December, we still do not know what the state aid provisions will be in the relationship between the UK and the EU, because the level playing field—which is about business competitiveness and subsidy—is still part of the discussions on that.

I refer the member to my evidence to the Economy, Energy and Fair Work Committee yesterday and reiterate what I said then. The point at which ministers make their decision is the point at which the state aid application is needed. Therefore, we did not renege on an assurance; we gave an agreement in principle in relation to NnG at a point in time when commercial returns and a pipeline of work were envisaged. That is very important in terms of those aspects.

Rhoda Grant asks specific questions to do with the provision for payment. That will depend on how much the existing resources in the company can be used. That gives the member an indication of the company's perilous financial situation, which obviously led the board to move into administration. I will get back to the member on that provision. Obviously, we would need to ask the administrator about who exactly is covered by the provision on staffing costs. It is important that we support the wages of the staff through this very difficult time. I understand that there are about 30 full-time staff, but there are also temporary staff, whom Rhoda Grant might be referring to when she talks about care and maintenance aspects. I will also get back to the member on Arnish, in particular, in that respect.

On the point about decoupling Arnish, we have been speaking to the trade unions as well as to Highlands and Islands Enterprise and Scottish

Enterprise about what might be suitable. Clearly, decoupling might be on the table, but it depends on who comes forward and what their interests are. However, it is absolutely essential to have more regular work for Arnish and to ensure that the provision ties in with the requirements for the Isle of Lewis, particularly in relation to the blue economy that has been developing and is in a strong prospective state there.

We are conscious of that, and we are ensuring that all those aspects are relayed to the administrator so that it has a full understanding of the particular needs. I cannot commit to what the administrator will do on decoupling, but that position has clearly been put to the administrator with regard to the interests that might develop in Arnish, rather than Methil.

**Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP):** I understand from what the cabinet secretary says that the best future for BiFab is as a going concern, and she is right to say that. However, like many, I continue to hear that a number of companies might have expressed an interest in making use of the site at Arnish. Can the cabinet secretary give an update on what is being done to engage with and encourage any such interests, and will she say how that will factor into the administration process?

**Fiona Hyslop:** The member is correct in saying that a number of parties have an interest. Any parties that express an interest in any of the BiFab sites will be directed to the administrator to make their interest known, as is appropriate. The Scottish Government stands ready to support any credible party that is willing to take on the business, but I reiterate what I said to Rhoda Grant: the process is for the administrator to manage in the first instance. As I said, we are working closely with the administrator to support the marketing decisions. Certainly, in relation to the Arnish site, we are asking any interested parties to engage with the administrator.

The point of reference on that is the interest of the unions and Highlands and Islands Enterprise. Their view is that a truly successful outcome for Arnish must support year-round economic activity. We want to make it clear to the administrator that the priority is securing long-term sustainable employment rather than having peaks and troughs, and we want prospective tenants to demonstrate the ability to provide a pipeline of activity. As the local constituency member, Alasdair Allan will be aware of the positive announcement of investment in Stornoway harbour and that there are strong opportunities for the island in relation to growth of the blue economy. We want to ensure that, whatever happens in Arnish, it is part of the wider blue economy reach that the island can have.

**Gordon Lindhurst (Lothian) (Con):** The cabinet secretary said in her statement:

“Despite our efforts, BiFab is now in administration.”

Yesterday, when she appeared before the Economy, Energy and Fair Work Committee, she repeated the Scottish Government’s position that it will not produce the legal advice that it received on BiFab or release the pre-acquisition business plan. How is anyone to know what efforts the Scottish Government has actually made without sight of the relevant paperwork? Why the secrecy and lack of transparency?

**Fiona Hyslop:** I have been extremely transparent. I have had several meetings with local MSPs and MPs, and I took part in yesterday’s session with the committee. I know that we are in the chamber rather than a committee meeting, but I reiterate what I said to the committee, which I think that members fully understand: under the ministerial code, I am not able to release legal advice that we have received. We can confirm the existence of legal advice but cannot divulge the content of it. However, I have made clear some of the surrounding issues. I would have thought that, by now, members would understand that it not possible to release legal advice.

We wrote to interested members to explain the context of issues such as those to do with the market economy investor principle, and I shared that information in a letter to Mr Lindhurst in his capacity as the convener of the Economy, Energy and Fair Work Committee.

I think that it would be a good idea if the committee could see the pre-acquisition business plan but, as I explained yesterday, it would be for the company to agree to that and, as yet, it has not done so. When it comes to the issue of “commercial in confidence”, we operate with many businesses for many different reasons and if, at any point in time, we were to release such a document—we should remember that the pre-acquisition business plan is the company’s document—more widely to committees, it could then be made public, which could compromise the trust that any company would have in working with any future Government, not least a future Scottish Conservative Government, should the Scottish Conservatives aspire to be in government, although I think that that is a bit doubtful on the basis of the two questions that Mr Lindhurst has just asked.

**Annabelle Ewing (Cowdenbeath) (SNP):** I am very pleased to hear of the close engagement on the part of the Scottish Government with the trade unions, and I am very pleased to hear that the Scottish Government is committed to covering the

wages of the workforce, as necessary, while a sale of business process is pursued.

In that respect, can the cabinet secretary advise what funds, if any, are in the business? If that is not yet known, when is that information likely to become available?

**Fiona Hyslop:** It is the role of the administrators to look at the balance book of the business and the assets and liabilities. The decision of the board probably reflects an understanding of the urgency and immediacy of the position that the company was in. Decisions had to be taken because of the company's financial situation.

I do not think that it would be appropriate for me to provide the information that Annabelle Ewing has requested at this time, but I will check with the administrator what could be made available more publicly. That information might influence the future sale and purchase of the company. As of now, the main interest of all of us is in ensuring that the company is sold as a going concern, and I think that that should be the focus of our attention.

However, I will try to get an understanding of the position of the administrator in relation to the sharing of the information that Ms Ewing has asked for.

**Claire Baker (Mid Scotland and Fife) (Lab):** I am disappointed by the lack of urgency in the statement. My top priority is to secure the NnG contract and the up to 500 jobs and apprenticeship opportunities that would come to Fife, and I am not prepared to give that up.

The cabinet secretary says that she has written to Saipem in recent weeks, but I am afraid that that is not good enough. What does the cabinet secretary have to say to those workers who are relying on the NnG contract? What are the conditions that will mean that those jobs can be brought to Fife?

**Fiona Hyslop:** I have not waited until now, or even the past few weeks, to try to ensure that, despite the problems that BiFab, as a company, had, there would be opportunities for the NnG contract to be delivered for the workforce. If Claire Baker had listened to my statement, she would know that I still want to pursue that. Long before she took an interest in the issue and long before she asked for engagement with EDF or Saipem—*[Interruption.]*

**The Deputy Presiding Officer:** Cabinet secretary.

**Fiona Hyslop:** I reassure Claire Baker that, all along, we have tried to secure the jobs. I do not question her interest or what she is doing in trying to support the workforce at this time. However, I think that it is wrong for her to say that there has been a lack of urgency, because even before the

period of administration, we were working with EDF and Saipem. That was before she would have been aware of the administration or indeed the threat of it. Even at that time, I was working to try to find a way, with EDF and Saipem, to secure the NnG contract, despite the inability of JV Driver to provide any financial assurance.

I say to Claire Baker that I was previously focused on the matter and I continue to be focused on it, but I say again that we are not in control of the process. As I have said to her previously, if there is a possibility in the tendering that Saipem is doing for the eight jackets—we understand that there may have been interest, but that is a matter for Saipem—of that work being done at BiFab, we will do what we can to ensure that that happens. That is why I was pleased to hear back from Saipem that it will keep me informed on the process and what it is doing.

**Mark Ruskell (Mid Scotland and Fife) (Green):** Deloitte, which is the administrator, said in *The Courier* newspaper yesterday:

"We believe the skills of the BiFab workforce, and the strategically important facilities, can be utilised to take advantage of future market opportunities."

The work is clearly not going away and there is still work available for Fife to bid into. Does the Scottish Government want a seat on the board of BiFab? If it does, how will it achieve that? How will it get on the board without future investment?

**Fiona Hyslop:** It is very difficult to deal in hypotheticals. We do not know what the interest is, although we know that there is interest in selling the company as a going concern.

On what we can do, it is obviously very difficult, and this comes back to the state aid rules in any case, whether under the market economy investor principle or under block state aid for Government, either as a shareholder or indeed to invest in a failing company. That is one of the basic things in relation to a financially failing company.

On what we can do going forward, that is exactly what we are looking at. It is about an investor coming in with the prospects of securing, as the member said, the future pipeline of work that is there. However, the arrangements for any sale are obviously subject to the administrator. I cannot give that answer.

My commitment to Mark Ruskell as an MSP with a regional interest, and indeed other constituency and regional MSPs, is to try to keep them as informed as I can. However, I ask them to respect the fact that many of the questions are to be answered by the administrator. I cannot do that on its behalf.

**Willie Rennie (North East Fife) (LD):** Claire Baker is right. The cabinet secretary is just

repeating the same old excuses that she gave the last time she was in the chamber.

The cabinet secretary tells us that BiFab or Scotland probably will not build the eight NnG jackets. When is she going to deliver the jobs that she promised, instead of just managing decline? She said that she has written to Saipem twice, but what did it say when she spoke to it?

**Fiona Hyslop:** In relation to the EDF discussion, because obviously it is the developer and Saipem has won the contract, that was a very early discussion, as I said in my answer to Claire Baker.

On securing the jobs—again, this has not been touched by anybody—there is a very welcome and probably overdue consultation by the UK Government on contracts for difference. The deadline for that is January, and it is important that there is a dramatic change in those issues, in terms of what they relay.

Why is that important? We have important improvements in the statement of procurement or supply statement that is part of the ScotWind leasing, but we understand that those that are applying for the ScotWind leases will also want to apply for contracts for difference. There will be a real opportunity if the UK Government changes the contract for difference so that, instead of being a race to the bottom on price, it enables supply chain development in Scotland.

If that happens, the jobs that I and the Government have been talking about, which are already being secured by some of the other investments that we have been talking about, can actually be realised. Until such times as the contract for difference changes, there will be a hamstrung situation.

If the member has looked at the evidence that has been given to the Economy, Energy and Fair Work Committee by the industry—by EDF, JV Driver and other witnesses—he will know that the key to unlocking job opportunities is a change to the contract for difference. There is a possibility of that, and it would be very welcome if this Parliament could collectively ensure that the UK Government has a strong understanding of the vital importance of changing the provisions in the contract for difference.

**David Torrance (Kirkcaldy) (SNP):** It is clear that the UK policy context presents challenges. Contract for difference rules are seen to work against the Scottish supply chain. Does the cabinet secretary share those concerns, and can she provide any further detail on how the Scottish Government thinks that the rules could be reformed to support the wider economy and our response to the climate emergency?

**Fiona Hyslop:** Those things are tied together. On tackling the climate emergency, the update to the climate change plan that has been published today gives the strong evidence of our commitment and support, and the levels of investment that will be involved in that.

The greater use of supply chain plans as part of the contract for difference would make a material difference to the opportunities for Scottish supply chains to get work and jobs. A dramatic shift is needed, and the opportunity is there. In my previous answer, I relayed the point that those who are tendering for the current ScotWind contract are expected to apply for contract for difference. We understand that the CFD option round is due to commence in autumn next year. Ideally, the supply chain statements that we have from the Crown Estate provision and the improved contract for difference will ensure a very strong position for Scotland's supply chain.

**Alexander Stewart (Mid Scotland and Fife) (Con):** In her statement, the cabinet secretary said that the green new deal and the green recovery are

“our coherent and strategic approach to Scotland's transition to net zero emissions by 2045.”

When will Scotland become the Saudi Arabia of renewables?

**Fiona Hyslop:** To be fair, the member may have not had the opportunity to see the climate change plan update that has been published today. Alongside that we have the climate emergency skills action plan, which is about ensuring that we have the skills base to support jobs. I encourage the member to look at those.

There are more than 600 companies in this arena. Nine of them are working very effectively and there is a real opportunity in relation to not just offshore wind but onshore wind, and also hydrogen. If the member looks at the statements that have been produced during this period, he will realise that there is real ambition there, backed up by investment and opportunity for jobs. I encourage him to look at that.

There is a clear path, although there are hurdles that have to be overcome, not least of which relates to contract for difference. With the collective will of not just Government but the Parliament, we can do that.

**Richard Lyle (Uddingston and Bellshill) (SNP):** This all comes down to securing contracts for BiFab due to price. I appreciate that, sadly, the Scottish Government is bound by state aid rules, which limit the action that it can take to support BiFab. For the sake of clarity, can the cabinet secretary provide any further details of the



limitations and whether we can change the rules that are affecting BiFab?

**Fiona Hyslop:** We do not know what the state aid situation will be after January. I am not saying that any member in particular is doing this, but there seems to be a general attitude that state aid will not exist after EU exit, and it is disingenuous to give that impression. That is not the case; it will exist in a different form, even under World Trade Organization rules. Indeed, because the level playing field is a key aspect of the EU exit negotiations, I suspect that it will feature in that.

A key aspect of state aid in relation to our position is the market economy investor principle. I have relayed that to many members in the letter that I wrote to them.

“The essence of the MEIP is that when a public authority invests in an enterprise on terms and in conditions which would be acceptable to a private investor operating under normal market economy conditions, the investment is not a state aid”

according to the terms of the relevant European Commission article. That requires an assessment, supported by appropriate financial evidence, demonstrating that the proposed investment is forecast to produce an acceptable commercial rate of return. This analysis does not take into account any wider public policy objectives that might be achieved as a result of the intervention. Only commercial considerations can be taken into account.

I have relayed to the chamber the UK Government’s position that, legally and commercially, it would not be able to provide state-aid compliant support either. It is not just the Scottish Government that has said that; the UK Government has made that point. I hope that that gives the context of the issues and the pressures under which we have been placed.

**Alex Rowley (Mid Scotland and Fife) (Lab):** The Scottish Government was absolutely correct to put in the investment to complete the Beatrice contract, and the Scottish Tories should stop trying to get cheap headlines on the back of workers’ jobs.

If it was correct and not in breach of state aid rules to put £37 million into rescuing BiFab, why was it in breach of state aid rules to give the guarantee for the contract for NnG, which had already been secured, to be delivered?

DF Barnes confirmed to the Economy, Energy and Fair Work Committee that it offered the Scottish Government all the shares in BiFab free of charge. The company that is building the wind farm off the coast of Fife and shipping the product halfway round the world is a French, state-owned company. What is wrong with us looking at public

ownership of those companies for Scotland to try to get those jobs for Scottish workers?

**Fiona Hyslop:** On the transfer of shares, the Scottish Government looked seriously at what would be possible with a share transfer and public ownership. Under state aid rules, we would still have been prevented from investing and financially supporting the company. That was the problem with that proposal. We considered it very seriously, but that was the situation that we found ourselves in.

On the Beatrice contract, a significant series of contracts were available for tender and securing at that point. On the point about the commercial situation, the prospects for future contracts and so on, it should be remembered that that was an investment before the Scottish Government was a stakeholder. Obviously, there were strategic interests in the Beatrice contract.

It is absolutely right to say to the Conservatives that it is not right or fair to the workers to try to make out that the funding of the Beatrice contract was somehow a problem. That was a solution not just for the workforce but for the Beatrice contract. It was state aid compliant, and we examined that at the time.

If members heard my answer to Richard Lyle’s question, they will know that the market economy investor principle put us, particularly as a shareholder, in a different situation in relation to the funding of a company that was obviously in distress at the time or in danger of going into a negative cash flow for a period of weeks or months recently.

I hope that that gives a technical explanation in answer to the member’s inquiry.

**The Deputy Presiding Officer:** That concludes questions on the statement. I apologise to John Mason, but we must move on to the next item of business.

I remind members to observe the rules on social distancing when exiting and entering the chamber. Those rules are in place across the campus.

## Supporting EU, EEA and Swiss Citizens to Stay in Scotland

**The Deputy Presiding Officer (Lewis Macdonald):** The next item of business is a statement by Ben Macpherson on supporting European Union, European Economic Area and Swiss citizens to stay in Scotland. The minister will take questions at the end of his statement, so there should be no interventions or interruptions.

15:28

**The Minister for Public Finance and Migration (Ben Macpherson):** Friday is international migrants day, which is a day on which we all have the opportunity to reflect on the circumstances and contributions of those who have chosen to migrate to and from different places around the globe and a day for us to recognise and respect the rights of all migrants.

For the whole world, migration has, of course, always been a central aspect of human history. Indeed, in decades past, many people left Scotland to go and make their future elsewhere. The Scottish story is one of migration. In recent decades, that story has been enriched significantly by the inward migration of individuals and families who have chosen to come to Scotland and make their home here—people who have paid this country the compliment of moving here to develop our economy, contribute to our public services, and enhance our communities.

As we mark international migrants day and look ahead to 2021, and as the transition period comes to an end on 31 December, I ask MSP colleagues and all of Scotland to focus anew on doing all that we can to recognise, value and support EU, EEA and Swiss citizens who have chosen to live and work in Scotland, and to commit together to uphold their rights. I know that we all want EU citizens to continue to feel welcome in Scotland and to retain their rights to stay. That is why I am calling on colleagues, people and organisations across Scotland to do all that we can in the next six months to support EU, EEA and Swiss citizens in our communities, workplaces and constituencies to successfully apply for the United Kingdom Government's EU settlement scheme before it closes at the end of June 2021.

In the interests of expediency, for the remainder of my statement I will refer to those who need to apply as EU citizens, although EEA and Swiss citizens also need to apply to the scheme, as do non-UK citizen family members of EU, EEA and Swiss citizens. It should be noted that Irish citizens do not need to apply, although they can if they wish to.

The Scottish Government has always been clear that it is wrong that any such citizens are being asked to apply to retain the rights that they already enjoy. We still believe that the EU settlement scheme should be a declaratory system, that the five-year residence requirement for full settled status should be removed and that the UK Government should provide the option of physical proof of settled and pre-settled status to mitigate the risk of discrimination.

However, we are also realistic that the current UK Government is ideological and obstinate when it comes to immigration issues. Although we cannot expect it to do the right thing, the rest of us can. We can collectively mobilise all that is in our powers and responsibilities to help EU citizens in Scotland to stay, which means supporting those new Scots—our friends, loved ones, colleagues and neighbours—to successfully apply to the scheme before the end of June 2021.

So far, more than 225,000 applications have been made by people who are living in Scotland. Although that is welcome, it is important that we understand that that figure relates to the number of applications, not the number of individuals who have secured their status. Unfortunately, we do not know how many individuals have applied to the scheme, because the UK Government will not release that information.

Many of the EU citizens I speak to tell me they are worried about the future. Unfortunately, the potential risk of discrimination, particularly from next year, is one of the key issues that they raise. Once the transition period ends on 31 December, there will be three distinct groups of EU citizens living in Scotland: first, people with settled and pre-settled status; secondly, people whose rights are protected by the withdrawal agreement but who have not yet secured their settled or pre-settled status and are entitled to it; and thirdly, EU citizens who arrived in Scotland for the first time after 1 January 2021.

In theory, people who are in the first of those two groups should not see any significant changes to their lives. However, there are concerns about discrimination. A hostile environment is based on requiring employers and service providers, under threat of sanction, to check an individual's immigration status. However, without physical proof of status—or even any proof at all for those who have not yet secured their status—it will be difficult for many EU citizens to prove their eligibility. Will a landlord or an employer know the difference between the three categories of citizen? Will they even understand what pre-settled and settled status means? Will an employer be tempted to offer a job to a less-qualified candidate, rather than risk a penalty? What will happen after 30 June? The Home Office has said that it will

accept late applications when there are reasonable grounds to do so, but what constitutes reasonable grounds? As yet, we do not know.

From 1 July 2021, those who do not apply will, in the eyes of the UK Government, be here illegally. At best, they will face a hostile environment and, at worst, they will face enforced removal. We know that because the Windrush scandal showed how callous and devastating the UK Government's immigration policies can be. In good faith, I genuinely hope that the UK Government has learned from those mistakes and will listen to the worries of EU citizens. Given the risks, we must all do what we can to help and support EU citizens. We must ensure that every EU citizen understands that they need to submit an application.

In the Scottish Government, we are doing everything that we can to get that message out, and we will continue to do so. I ask every member of Parliament to continue to help in that process—to help every EU citizen to secure their legal rights and to help everyone in Scotland to know what EU citizens' rights are.

To assist with that, the Scottish Government's stay in Scotland campaign provides information and support. As colleagues will be aware, working with third sectors partners, we are funding an EU citizens support service with a telephone helpline that is free to use and staffed by qualified advisers; I remind everyone that the number is 0800 916 9847. In addition, we part-fund a network of advisers in citizens advice bureaux throughout Scotland, and we are funding a specialist caseworker to work with the Convention of Scottish Local Authorities and take referrals from any Scottish local authority. That will ensure that the most vulnerable, including looked-after children and care leavers, get the support that they need. We are also providing funding for two solicitors to provide legal advice and representation for people with more complex cases. Again, I urge MSPs and others to share the information about those services.

We are doing all of that because, although some people will find the application process straightforward, others will have complex immigration histories or have difficulty in gathering the necessary evidence. Applying can be a bureaucratic and challenging process, particularly for those who are vulnerable. That is why we all need to work to support EU citizens across Scotland.

We also need to make sure that people know what EU citizens are entitled to. Accurate information about the rights of EU citizens is crucial, not just for EU citizens but for service providers, employers, landlords, banks and elected representatives. That is why I have

commissioned the human rights charity JustRight Scotland to produce a series of accessible guidance notes on EU citizens' rights. Available in a range of languages, the notes help people better understand their rights to live, work, study and access healthcare, benefits and housing in Scotland. I encourage colleagues and others to share those materials widely.

Presiding Officer and colleagues, my ask today is clear: let us send an unequivocal message to EU citizens across Scotland that they are valued, appreciated and an integral part of modern Scotland. Let us commit collectively to work across Parliament to support EU citizens and to help them to secure their right to stay in this country—their country. Let us do all that we can in the year ahead to safeguard their rights and protect them from direct, indirect and accidental discrimination. Let us work together to do all that by signposting EU citizens to the advice and the support that they need and by raising awareness across the board of the rights of EU citizens.

We must stand together with EU citizens in Scotland—our friends, loved ones, colleagues and neighbours—and support them through this challenging period. Together, we are 21st century Scotland and we are collectively enriched by our diversity.

**The Deputy Presiding Officer:** The minister will take questions on the issues that have been raised in his statement. I intend to allow around 20 minutes for questions, after which we will move on to the next item of business. It will be helpful if members who wish to ask a question press their request-to-speak button now.

**Dean Lockhart (Mid Scotland and Fife) (Con):** I thank the minister for early sight of his statement. I start by saying that the Scottish Conservatives whole-heartedly agree that citizens of the EU and the European Economic Area and Swiss citizens have played and continue to play a welcome and vital role in Scotland's economy, community and public life.

The latest EU settlement figures show a very positive trend in that a higher than expected number of those citizens have applied for settled status. Almost 4.5 million applications were received across the UK and 4.3 million applications have been concluded. As the minister said, 225,000 applications were made in Scotland, which demonstrates that people who have made Scotland their home want to stay.

However, there are many whose settled status remains to be confirmed. Many are in that position because of the disruption that has been caused by the Covid pandemic and the fact that they have stopped working because of the furlough scheme. To address those issues, the UK Government has

confirmed that anyone who has left the UK temporarily because of Covid can continue to apply online and that that should not affect their eligibility. I am sure that the minister will welcome that.

In order to ensure maximum take-up of settled status by those who are eligible, what specific steps is the Government taking to promote the scheme, especially in our university communities, the agricultural sector, tourism and other areas in which there are high numbers of EU and other eligible workers?

Can the minister also confirm that the Scottish Government has spent all of the £200 million of Barnett consequential from the UK Government on Brexit preparedness in Scotland, including on the settled status scheme?

**Ben Macpherson:** First, I welcome Dean Lockhart to his post. I also welcome his constructive engagement since taking up his post.

Dean Lockhart is right to emphasise the number of applications that we have received. However, as I said, we need collectively to engage in considering an issue around that, which is that the number of applications does not necessarily marry up with the number of people who have applied. I will illustrate that with an example. There have been more than 14,000 applications from Romanian citizens in Scotland, but it is estimated that there are only 13,000 Romanians in Scotland. We welcome the figure of more than 225,000 applications, but the latest figures show that there are more than 234,000 EU citizens in Scotland, so there is still some way to go. We need to work collectively to encourage people to go through the scheme, and that is what today's statement is about.

On what we are doing to engage, since 2019, when we launched our stay in Scotland campaign, which was funded with investment of more than £1 million, we have engaged with third sector partners such as Citizens Advice Scotland and the Citizens Rights Project, in particular, along with JustRight Scotland, to provide materials and support. The phone line support that I mentioned is only available in Scotland and it goes over and above what is being done in the rest of the UK to provide advice as well as information.

We continue to engage with a range of stakeholders. On Friday, the Scottish Government will seek to cascade that welcoming message and information for people so that they sign up to the scheme. We hope that stakeholders and all political parties will use international migrants day to get that message out.

We continue to engage with the Consular Corps, faith groups, rural communities, the National Farmers Union Scotland, the Scottish

Tourism Alliance, the business community, the health sector, the Scottish Retail Consortium and supermarkets. We are using a whole range of different ways to get the message out that people should apply and that support is available. If any members, including Mr Lockhart, have further suggestions, they should please let me know because we can only do this effectively if we do it collectively.

**Claire Baker (Mid Scotland and Fife) (Lab):** I thank the minister for advance sight of his statement.

EU, EEA and Swiss citizens make a vital contribution to Scotland. They are our families, our neighbours and our colleagues, and we want them to choose to stay. I join the calls for the UK Government to introduce a declaratory system to protect people's rights and demonstrate how much we value their contribution.

I share the concerns that we risk facing another Windrush generation. There are reports that older or vulnerable residents who have been in the UK for some time might not yet be aware of the scheme. How is the Scottish Government raising awareness among those groups in particular, encouraging harder to reach residents to apply to the scheme and making sure that the support is tailored to their needs?

I sought assurances from the UK Government's immigration minister last week at the Culture, Tourism, Europe and External Affairs Committee about the ability of citizens who have, understandably, returned to their home country during the Covid-19 pandemic to apply for settled and pre-settled status remotely. What support can Scottish Government give to encourage those people to apply remotely and return to Scotland? Many of them have lost their jobs and accommodation because of the pandemic. How can we make sure that they have access to the information and support that is available to residents who are still here?

**Ben Macpherson:** I thank Claire Baker for those questions—I will try to get through them all.

First, I agree with Claire Baker's points about a declaratory system. One of the main arguments in favour of such a system over an application-based system is that it avoids those who are particularly vulnerable, those who are elderly or those who are remote from Scotland inadvertently not applying for settled status. That has been one of our concerns from the beginning. A declaratory system, with people's rights enshrined in law, would remove the need for an application and remove that risk. That is why we continue to call for such a system.

However, given the reality that we face in terms of vulnerable or older citizens, who may have been here for decades, we have engaged in a

marketing campaign for well over a year, in order to raise awareness of the scheme among EU citizens because we want people to apply to stay.

We have provided funding of more than £1 million, working with Citizens Advice Scotland in its bureaux across Scotland and through its networks, and we continue to fund the Citizens Advice project, which has undertaken a number of events—I am engaging in one event next week. We also continue to reach out through the CAS networks and to engage with other third sector partners, such as the Fife Migrants Forum, with which I know Claire Baker has significant engagement.

We continue to engage in that effort and to use all mechanisms in order to reach out. Recently, we wrote to the Italian diaspora—the Scots-Italian community. The Italian consulate in Scotland helped us to reach a number of potentially vulnerable people, and we will continue to undertake such initiatives.

On those who are remote from Scotland, one of our big concerns is about people who have a place at university in Scotland but who have not been able to attend because of Covid. Because they have not been in the UK before 31 December, they will not be able to apply to the EU settlement scheme under the current rules. I have written urgently to UK ministers to urge them to change the rules so that those who would have been entitled to the settlement scheme will be able to apply.

We continue to engage on those challenging issues, but, unfortunately, because of the way in which the scheme is designed, I envisage that significant anomalies such as the example that I just gave will come up over the months ahead.

**The Deputy Presiding Officer:** The first two questions have taken eight minutes. I encourage succinct questions and answers, please.

**Annabelle Ewing (Cowdenbeath) (SNP):** Does the minister agree that the UK Government should urgently review its settled status programme to ensure that issues such as not providing physical proof of status can be resolved? Surely, no reasonable person could oppose the provision of physical proof of status. Indeed, one would have thought that the UK Tory Government would wish to do the necessary to avoid another Windrush scandal.

**Ben Macpherson:** I agree. It is extraordinary that proposals—for example, in the House of Lords—to bring in the option of physical proof were rejected, particularly as the people who were affected by the Windrush scandal are now, rightly, able to obtain physical proof of their status. No other group in the UK is denied physical proof of their immigration status apart from EU citizens.

That differential treatment is wrong in principle and in practice, it raises a real risk of discrimination, and it particularly affects vulnerable groups, as I have mentioned. We do not want digital proof to be scrapped—moving to digital status has its advantages; we want the additional option and safeguard of physical proof. The UK Government should make those changes as soon as possible.

**Peter Chapman (North East Scotland) (Con):** My colleague Dean Lockhart asked two questions, the second of which the minister declined to, or did not, answer. I will repeat it. Has the Scottish Government spent all of the £200 million of Barnett consequential funding from the UK Government on Brexit preparations, including on the settled status scheme? I ask the minister to answer that question now.

**Ben Macpherson:** The consequentials that we have received in preparation for Brexit are, of course, under consideration and have been utilised by my colleague Mr Russell, the Cabinet Secretary for the Constitution, Europe and External Affairs, and others.

As far as I am aware, no consequentials have been received for the EU settled status scheme. Indeed, the investment that the Scottish Government has made in providing our helpline, for example, has been over and above anything that the Home Office is doing. It has been widely welcomed by campaign groups and others who are supporting EU citizens, so I would say that the Scottish Government is, if anything, going above and beyond in supporting EU citizens here.

**Emma Harper (South Scotland) (SNP):** Does the minister share the concerns of organisations such as the NFU Scotland regarding the end of freedom of movement and the new immigration rules? Those concerns relate to Scotland's agricultural sector, which relies heavily on seasonal workers, and our dairy sector, which relies all year round on European workers, many of whom do not meet the minimum salary threshold of £25,600 and are ineligible for the seasonal agricultural workers scheme.

**Ben Macpherson:** Indeed. We are concerned that the current number—10,000 people—that the UK Government is allowing in under the seasonal agricultural workers scheme is inadequate. We have consistently encouraged the UK Government to raise the figure in order to support the agricultural sector as we move into the coming period.

With regard to others who play key roles in the sector but are not part of, or eligible for, the seasonal agricultural workers scheme, I recognise that the salary threshold in the UK Government's proposed immigration system will be prohibitive

and will cause problems. In addition, I note that we should encourage everyone in the agricultural sector who can apply for settled status to do so.

**Anas Sarwar (Glasgow) (Lab):** I join the minister in thanking EU citizens, EEA citizens and Swiss citizens for their contributions to Scotland. I am sorry if any of them have felt hurt by any of the rhetoric around Brexit that we have heard over the past four or five years. This is their home: we want them here and we welcome them here, and they are as Scottish—and, if they are from my city, as Glaswegian—as anybody else.

It is very welcome that, as the minister noted in his statement, the Scottish Government has introduced a helpline, and that there will be one case worker with the Convention of Scottish Local Authorities and access to two solicitors for advice and representation. However, if there is higher demand than can be met by the two solicitors and the case worker, will the resources be made available to citizens?

**Ben Macpherson:** We consistently monitor use of the helpline and whether more resource is required. That is an on-going consideration as we go into the next period, in which we face the situation with the three groups of EU citizens that I mentioned. We continue to keep the matter under review. In the past few months, we have seen an increase in use of the helpline and the services, but there is still capacity. We want people to use the services, so I ask colleagues to share their knowledge of the resources in order that people can get the help that they need.

**Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP):** Given the major uncertainties around the future immigration system, and the United Kingdom Government's complete refusal to engage with the Scottish Government about it, does the minister agree that it is now imperative that the Scottish Parliament gets powers to tailor migration policies to meet Scotland's specific needs? I speak as the MSP for a constituency that will, it is projected, lose nearly 5 per cent of its population by 2026 and for which inward migration is essential.

**Ben Macpherson:** Today's debate focuses on the people who are already here, but we need and want to attract more people to Scotland, because of our demographic challenges, including our low birth rate, and because we want people to be here in order that we can realise our growth potential and capacity.

We are deeply concerned about the system that the UK Government proposes to implement from 1 January; it will have significant impacts in the short, medium and long terms. The UK Government's policy making in that regard

underlines the need for a differentiated approach to immigration for Scotland.

**Ross Greer (West Scotland) (Green):** For how long will the helpline for EU citizens be available? Why did the Scottish Government decide that it was unable itself to issue physical tokens of settled status, given that it has access to the relevant data?

**Ben Macpherson:** The helpline will be in place until at least the end of the current financial year, but given that the closing date is June 2021, we would look to extend it beyond that point if it becomes clear that it is still required, as I anticipate it will be.

With regard to physical proof, Mr Greer asks an important question. Given that immigration policy and law are reserved, the Scottish Government would not be able to issue anything that would demonstrate a successful application to the settled status scheme that would be legally valid. In fact, if we were to issue physical proof, that might well merely create another layer of discrimination and could become highly problematic.

I appreciate the suggestion that has been made. I have looked at it robustly, but I am afraid that it would come with significant risks and challenges.

**Willie Rennie (North East Fife) (LD):** Liberal Democrats opposed the Immigration and Social Security Co-ordination (EU Withdrawal) Bill at Westminster last month and sought to amend its digital-only proof provisions. My colleague Christine Jardine is gathering support for a private member's bill that will automatically guarantee the rights of EU citizens and give them that physical proof. Will the minister lend his support to that effort?

**Ben Macpherson:** I thank Mr Rennie for what his party has done thus far, and I would be very interested in engaging with Christine Jardine on what seems to be a very worthwhile private member's bill.

**John Mason (Glasgow Shettleston) (SNP):** Immigration is clearly reserved, yet it is hugely important for Scotland. Has the minister found his opposite number at UK level to be willing to engage with and talk to him?

**Ben Macpherson:** Unfortunately, I have not. I have not had a meeting with an immigration minister of the UK Government since July 2019. There have been three immigration ministers in the Boris Johnson Government, but I have not been offered the courtesy of a meeting with any of them. That is wrong.

Immigration cuts across a range of devolved areas, so the approach that has been taken demonstrates very inefficient government. I noted that the Minister for Public Borders and

Immigration told a committee of this Parliament last week that he would meet my colleagues, but not our designated migration minister. That would be really inefficient use of ministerial time; it makes no sense at all, and it just shows the disrespect agenda of the UK Government.

**The Deputy Presiding Officer:** That concludes questions on the statement. I apologise to Stuart McMillan, but we need to move on to the next item of business.

I remind members to observe the social distancing arrangements that are in place as they enter and exit the chamber.

## Scottish Parliamentary Standards (Sexual Harassment and Complaints Process) Bill: Stage 1

**The Deputy Presiding Officer (Christine Grahame):** The next item of business is a stage 1 debate on motion S5M-23672, in the name of Bill Kidd, on the Scottish Parliamentary Standards (Sexual Harassment and Complaints Process) Bill.

15:57

**Bill Kidd (Glasgow Anniesland) (SNP):** Back in September, the Parliament agreed to the Standards, Procedures and Public Appointments Committee's proposal for a committee bill that would allow the Commissioner for Ethical Standards in Public Life in Scotland to investigate complaints of past sexual harassment made about members of the Parliament in respect of behaviour towards members of their own staff. The bill also removes the default time limit for making complaints to the commissioner and removes any requirement for the complainer's signature.

The bill and its accompanying documents were introduced on 13 November, and I am very happy to be in the chamber today to invite the Parliament to agree to the bill's general principles. The bill is the result of work initiated by the Parliament in 2017 to address sexual harassment after press reports that there were issues that needed to be addressed within public institutions.

Since then, a series of changes have been made to the "Code of Conduct for Members of the Scottish Parliament", with the aim of ensuring that MSPs, MSP staff and parliamentary staff who experience sexual harassment can be assured that their complaint will be investigated independently and in confidence.

A joint working group on sexual harassment was established by the Parliament in February 2018. It was made up of representatives from all parties, as well as senior members of parliamentary staff and a representative from Engender.

The joint working group reported in December 2018 and made a series of recommendations. Following a consultation on those recommendations, its report was referred by the Scottish Parliamentary Corporate Body to my committee—the SPPA Committee—to implement the recommendations relating to the standards regime in the Parliament.

The committee considered the joint working group's recommendations before consulting all MSPs on proposed revisions to the code of conduct in order to implement two of the working group's key recommendations. Those were that no time limit should be applied to complaints of

sexual harassment, and that members should be held to account for their behaviour towards their own staff in the same way as they would be for their behaviour towards anyone else working in the building. The joint working group also wished to see consistency of approach to all investigations of allegations of sexual harassment by MSPs.

Following its consultation, the committee recommended, and the Parliament agreed, a number of changes to the code of conduct. Those changes made it possible for the Commissioner for Ethical Standards in Public Life to investigate complaints about an MSP's conduct towards Parliament staff or the staff of other members. Such complaints had previously been excluded complaints and subject to different procedures; only if those procedures failed to reach a resolution could they then be referred to the commissioner.

The code changes also introduced a standard of conduct for MSPs towards their own staff for the first time. The new standard, agreed by the Parliament, prohibits MSPs from behaving in a manner towards their own staff that includes bullying, harassment—including sexual harassment—or any other inappropriate behaviour. Although, clearly, never acceptable or lawful, sexual misconduct by an MSP toward his or her own staff was explicitly prohibited by the code of conduct from that moment forward.

However, the bill is needed so that complaints can be made about historical conduct by MSPs, including former MSPs, towards their own staff members. That is because the act governing the remit of the standards commissioner allows her to investigate only breaches of a “relevant provision” of the code of conduct, standing orders, or legislation relating to members' interests in place at the time of the alleged misconduct.

The joint working group also specifically recommended the removal of an extra barrier to the bringing forward of complaints that are made more than a year after the complainer becomes aware of the misconduct. The committee believes that the measure should be applied to complaints of any breaches, not just those relating to sexual harassment, so that all complaints are on an equal footing.

Back in September, I outlined the committee's consultation with political parties, MSPs, MSP staff, those who responded to the committee's 2018 inquiry, and anyone else with an interest in responding to its proposals. The responses are published on the committee's web page. Zero Tolerance told us that sexual harassment in the workplace is both a cause and a consequence of women's inequality. It recommended that the Parliament should make sanctions clear and

visible, and that there should be a trusted, single focal point for reporting that type of misconduct. The Scottish Women's Rights Centre spoke to survivors of sexual harassment in the workplace before submitting evidence. It underlined the importance of an avenue that victims can pursue free from the fear of repercussions. The bill removes some of the barriers to complaining about sexual misconduct by MSPs, and places its survivors on a more equal footing, if they decide to take that step.

I thank the Finance and Constitution Committee for its report on the bill's financial memorandum, and note that it had no comment to make on it.

I move,

That the Parliament agrees to the general principles of the Scottish Parliamentary Standards (Sexual Harassment and Complaints Process) Bill.

16:03

**The Minister for Parliamentary Business and Veterans (Graeme Dey):** I welcome the opportunity to take part in the debate. However, as was the case when Parliament considered the proposal for the bill, I will keep my contribution short in order to provide members with more time to have their say. Parliament agreed to the committee's bill proposal without division, and I have no reason to believe that the outcome will—or indeed should—be any different today.

The Government's stance on sexual harassment is well known, as is that of this Parliament. That message was sent out loud and clear back in September and it of course remains the same today: sexual harassment or abuse in any form, whether in the workplace, in the home or in society, is reprehensible and cannot be tolerated.

The Parliament has already established many new measures to tackle head on any accusations that might unfortunately arise. The committee's bill seeks to deliver the remainder of the recommendations that the joint working group made.

The content of the bill is a matter for the Parliament. However, I consider it important for Parliament to complete the implementation of the measures that the group saw fit to recommend. The Government supported the committee's inquiry into sexual harassment and inappropriate behaviour in the Scottish Parliament. The work of the committee, and of Parliament in general, reflects everyone's right to work and live their life free from abuse, harassment and intimidation. I commend that activity and welcome the strong emphasis on ensuring that rules and practices are fair, sensitive and supportive, which is an essential



feature of an entity at the centre of Scottish democracy.

The committee's inquiry into sexual harassment and, as we have heard, the recommendations of the Parliament's joint working group shaped the committee bill. The Government is supportive of the proposed changes to the Scottish Parliamentary Standards Commissioner Act 2002, which will allow for the investigation of historical complaints, remove extra requirements for the investigation of older complaints in general and—through the committee's own proposal—remove the requirement for complaints and complaint withdrawals to be signed.

Although this is not a matter for the bill itself, I thank the committee for its confirmation that it would consider the need for changes to the MSP code of conduct to ensure that any new arrangements would cover Scottish Government officials as well as MSP staff and staff of the parliamentary service. The Government welcomes and is supportive of the committee bill, and I look forward to hearing the views of other members.

16:06

**Jamie Halcro Johnston (Highlands and Islands) (Con):** It has been some time since the committee started to look into the improvement of the Parliament's processes around sexual harassment. Since then, a great deal of water has flowed under the bridge and institutions in Scotland, across the UK and around much of the world have considered how to strengthen safeguards and how to best recognise, investigate and handle accusations of historical wrongdoing.

Out of the committee's deliberations, the need for the bill has been clear. One of the central roles of the standards committee since devolution has been to protect the reputation of the Parliament, to ensure that it is transparent, fair and takes its wider responsibilities to society seriously. We all appreciate how important that reputation, which ensures that we have a representative Parliament that can be respected, is to our work.

Just as importantly, we are all committed to ensuring that the victims of improper behaviour are justly represented. Extensive engagement across the Parliament informed the joint working group's report, which was published two years ago this month. The core of the bill has emerged from its recommendations.

Many of the report's other proposals have already been implemented and absorbed into the working practices of the Parliament. As our convener, Bill Kidd, mentioned at the proposal stage in September, the bill is

"the last piece of the jigsaw"—[*Official Report*, 29 September 2020; c 41.]

of dealing with the working group's recommendations.

Those recommendations are a package—a good one—but they will not be the last word, because if this process has taught us anything it is that work to improve the Parliament as a place to engage with, and in which to work, must be on-going.

I do not intend to dwell on the contents of the bill itself, which have been well covered at the proposal stage and in other speeches. To bring issues around the treatment of a member's own staff under the remit of the commissioner to investigate is appropriate and reflects what we should have already assumed to be part of the role and requirements of being an MSP—to treat people, including our own staff, with the respect that they deserve.

When they work in or outside Parliament, elected members have a duty to hold themselves to a high standard of conduct. That duty is not only what our constituents expect; it recognises that our actions reflect on the Parliament as an institution.

The bill will improve things, but it must not be seen as the end of the process. If we are to meet the standards that are expected of us, we must ensure that every complaint is dealt with justly and that no improper behaviour goes unacknowledged on the basis of process alone. I thank the committee, the joint working group and others for the significant work that they have undertaken to lead us to this stage. I am pleased to support the bill.

16:09

**Neil Findlay (Lothian) (Lab):** It goes without saying that sexist behaviour and sexual harassment, or any bigoted and abusive behaviour, do not belong in our national Parliament or anywhere else in our representative democracy.

Equality is supposed to be one of the Parliament's founding principles. As we all know, on the mace at the front of the chamber are inscribed the words "wisdom", "justice", "compassion" and, importantly, "integrity". Every person, no matter where they work or who they work for, has the right to work in an environment that promotes respect, fairness, equality and dignity, and enables them to make the best contribution that they can to their work. As a trade union member all my working life, those principles are important to me. Indeed, the advances that we have made over the centuries, including ending serfdom, slavery and bonded labour, winning advances in health and safety, welfare, equal pay, pensions and the minimum wage, and introducing

legislation on equalities, were all won by brave people and organisations refusing to accept the status quo, challenging powerful individuals and institutions, and forcing change. Such progress was not, and never will be, won by the benevolence of those who hold power, and so it is with this Parliament. The bill comes about because we have been forced to change by brave people coming forward.

When the sexual harassment survey was issued to just over 1,600 people, the response rate was 62 per cent, with 81 per cent of parliamentary staff and 76 per cent of MSP staff responding. We might take some comfort that 78 per cent of respondents said that they had never experienced any sexual harassment or sexist behaviour, but it is dreadful that 20 per cent had. That means that more than 300 people have experienced such behaviour while working in our Parliament, which we often think of as a place that has a moral superiority over other institutions. Thirty per cent of women and 6 per cent of men reported experiencing such behaviour in some form, and the survey also showed that, although knowledge of different reporting procedures was high, the percentage of those who used them was low. Crucially, those who had experienced such behaviour were the least likely to have confidence in the reporting process. That does not paint the Parliament in a very good light.

We have seen some revisions of the code of conduct such that complaints under the code about an MSP's treatment of a member of the Parliament's staff, or of a member of staff of another MSP, can now be directly made to the commissioner. MSPs' own staff are now included in order to give effect to the recommendation of the joint working group that such complaints be dealt with under the code. That means that Parliament will be able to hold members to account for their behaviour towards their own staff in the same way as for their behaviour towards anyone else. That is a good thing.

Although the changes to the code place the parties who experience misconduct by an MSP on an equal footing, the code does not address complaints about historical misconduct towards an MSP's own staff, and that is where the bill comes in. It amends the 2002 act to allow the commissioner to investigate complaints about past instances of alleged sexual harassment by MSPs towards their own staff. That is achieved by adjusting what is treated as a relevant provision for the purposes of the commissioner's investigations under the 2002 act. The expansion of what is deemed as a relevant provision will apply only to complaints of sexual harassment, and not to other forms of misconduct. The change means that complaints about MSPs' treatment of their own staff, if they relate to sexual harassment,

will be treated as though they have always been covered by the code of conduct.

The committee inquiry identified that there are various barriers to people bringing complaints and that it can take time for people to do so. To address the issue and deliver the recommendation, a change to the admissibility criteria is required. The criteria normally require a complaint to be

"made within one year from the date when the complainer could reasonably have become aware of the conduct complained about."

If the commissioner considers that the one-year requirement has not been met but the complaint is otherwise admissible, they are obliged under the 2002 act to seek a direction from the Parliament to either dismiss the complaint or treat it as admissible. The committee views that requirement as a deterrent to anyone who is considering bringing a complaint about historical misconduct, and the bill removes that step. That is a good move.

Dealing with sexual harassment is not only a case of revising policies; it is about creating a change in culture so that people are treated with dignity and respect regardless of who they are.

Scottish Labour supports the general principles of the bill and will vote for it tonight.

16:14

**Alex Cole-Hamilton (Edinburgh Western) (LD):** It falls to us in this chamber to legislate for people as we sometimes find them and not as we wish them to be—that goes for MSPs more than most—so I welcome the bill.

As we heard in Neil Findlay's very good speech, the Parliament is at the centre of our democracy. We should set the highest standard and best example of good working practice and culture, and we must reflect the better nature of the communities that we seek to serve. Sadly, we have seen from the results of the staff survey that the system here falls short of that.

The sexual harassment and sexist behaviour survey that the Parliament conducted found that a fifth of respondents—30 per cent of women and 6 per cent of men—had experienced harassing behaviour, which is shocking. In 45 per cent of cases, the perpetrator was an MSP, and in 40 per cent of cases, the perpetrator was a member of MSP staff.

The Parliament must act as a leader for other employers, including public bodies, through its refreshed policies for workplace harassment. The bill will be a start in achieving that, but it must be joined by strong responses to sexist and misogynistic voices, as well as by the promotion of

measures to advance women's equality in all arenas.

I will pick up on the committee's recommendation to consider an ultimate sanction for MSPs that is akin to dismissal for gross misconduct, which sits in the same groove as my party's call for a recall procedure for the Scottish Parliament. Putting something in place in that regard will certainly be challenging, as the job of MSP does not come with a conventional interview process or the sort of performance appraisal that is attached to jobs in other walks of life. Rather, the public put their trust in us by electing us to the office of MSP.

If we do not manage to conclude the process following a serious breach of the code of conduct with a serious professional consequence to match, we will fail to achieve our goal of having a high standard of working culture, and it will signal that the Parliament does not take matters of that nature as seriously as it should. Whether that professional consequence turns out to be suspension or another mechanism—potentially even recall—the public will expect follow-up actions to harassment and sexual harassment cases in the same way that we expect such action from employers in the private and public sectors.

It is worth remembering that unwelcome behaviours cover a wide spectrum. Although more serious incidents are thankfully rare, sexism and misogyny are sadly far more commonplace, which is why it was so valuable that the entire workforce of the Parliament was offered the same training on sexual harassment in order to challenge outdated cultures and to develop a healthy culture of respect. I hope that, having taken part in the training, employees and MSPs now feel informed and comfortable enough to call out unwelcome behaviour when they see it.

Training will be an on-going process, not least because, in a few months, the parliamentary session will end, we will have an election and there will be many new first-time MSPs and brand new members of MSP staff. It is an iterative process and one of continuous improvement and re-education.

Although this work is a challenge, it is also an opportunity to recommit to the high standard of working culture that we all want. It is a privilege to work here and we must strive to have full confidence in saying that there is a healthy working culture and an environment in which complaints are followed up and taken seriously. For that reason, the Liberal Democrats look forward to the progress of the bill.

16:18

**Gil Paterson (Clydebank and Milngavie) (SNP):** The bill is an important piece of legislation that will bring about major changes to the Scottish Parliamentary Standards Commissioner Act 2002, in that some of the limitations of the previous legislation will be withdrawn and replaced with a much more robust and transparent process.

As society has become more aware of the impacts of historical sexual harassment, bullying and abuse on the wellbeing of individuals, and of how their careers can be damaged, it is necessary that the Scottish Parliament demonstrates that it is in the vanguard of reducing this unequal abuse of power.

The retrospective provisions of the bill are extremely significant, in that the bill makes the point that, even if the previous legislation had time barred a complaint of sexual harassment by an MSP staff member because the complaint had not been raised within a year of the harassment event, that is no longer a reason not to investigate a complaint.

In fact, the bill enables historical harassment to be investigated by extending the definition of "relevant provision" to cover not just provisions that were in force at the time of the alleged harassment but those that are proposed in the bill. To me, that is a sensible revision, because many sexual harassment claims can take years to surface for a variety of reasons and, as can be seen in the media, intimidation at the time is a real issue for the victims. Removing a time bar for sexual harassment and abuse claims is the right thing to do and is very much in tune with public sentiment.

The clarification that MSPs' own staff are included as individuals who must be shown courtesy and respect and must not be subjected to any inappropriate behaviour is welcome. Withdrawing the requirement that a complaint and a withdrawal of a complaint must be signed by the complainant is in keeping with the technological practice of electronic communication.

I very much stand behind the bill, Presiding Officer. Thank you very much for giving me the opportunity to speak on it.

16:21

**Margaret Mitchell (Central Scotland) (Con):** The Scottish Women's Convention stated in its submission to the committee on the bill:

"As the democratic leader within Scotland, the Parliament must take note that whilst many of the work practices within its boundaries are relatively unique, the significant findings of sexual harassment uncovered within the past few years is conducive of a wider prevalence of sexual harassment within all workplaces. Analysis is

needed of the power imbalance, the deficiency of equal representation at a parliamentary level and women's inequality in general in order to gauge the responses and the lack of such thereof to sexual harassment within the Parliament at all levels."

That evidence followed on from a survey that the Scottish Parliament launched in 2017 of all those working in the Parliament, including members and their staff. The findings revealed that a fifth of respondents had experienced sexual harassment or sexist behaviour while working at the Parliament and that 40 per cent of respondents had not reported that sexual harassment or sexist behaviour.

Many of the victims of sexual harassment do not report sexual harassment in the workplace when it occurs. The reasons include the imbalance of the power dynamic and concerns about the impact that a complaint could have on their career prospects. It was for that reason that the joint working group recommended in its report that

"there should be no time limit applied to complaints of sexual harassment."

Therefore, the one-year time limit for any complaints regarding a breach of the code of conduct, including sexual harassment, will be abolished. That is welcome. However, having no time limit introduces retrospectivity and the possibility of complaints of sexual harassment being brought against former members. I therefore seek some clarification about the intent of the legislation and the possible retrospective consequences. In particular, how far back can a complaint go? Can it go back to 1999? Will former members who are now deceased be included? Was a seven-year time limit, which exists in similar Westminster legislation, considered and ruled out?

I would be grateful if those issues could be considered at stage 2, if the convener or deputy convener is not able to speak about them this evening. In the meantime, Presiding Officer, I welcome the bill and confirm that the Scottish Conservatives will be voting for its general principles this evening.

16:24

**Rona Mackay (Strathkelvin and Bearsden) (SNP):** I am pleased to speak in this debate on the Scottish Parliamentary Standards (Sexual Harassment and Complaints Process) Bill. It is very important, and I will be happy to support the general principles at decision time.

In a civilised society, everyone has the right to work and live their life free from abuse, harassment and intimidation. Sexual harassment or abuse of any form, whether in the workplace, at home or in wider society, is abhorrent and cannot be tolerated. As MSPs and employers, we must

ensure that the highest standards of conduct are upheld among elected members, particularly with respect to sexual harassment. We have a duty of care to all employees to create a culture in which such behaviour is simply not tolerated and people can come to work to experience a happy and inclusive workplace.

It is crucial that, when complaints are raised, they are investigated, and there must be a clear pathway for raising them. I am therefore pleased that the bill's focus is on encouraging individuals to raise their concerns with an assurance that such issues will be handled sensitively and discreetly. We know that sexual harassment is an abuse of power in all cases. That is why it is essential that staff are protected. They can often feel intimidated and can have fears about what will happen to their job if they come forward, which is totally unacceptable.

One of the most important aspects of the bill is that the committee believes that it is in the parliamentary and wider public interest to allow anyone who might have been sexually harassed by a serving or former member to complain with no time bar. That means that a complaint can be made and investigated no matter when the alleged harassment occurred. I welcome that, because time should be no defence. A victim of harassment might feel too traumatised to complain immediately, but there should always be access to justice when they feel strong enough to pursue a complaint.

The bill proposes allowing the Commissioner for Ethical Standards in Public Life in Scotland to remove any requirement for the complainant's signature. Again, that is a sensitive and sensible proposal.

I warmly welcome the further strengthening of Scottish parliamentary standards regarding sexual harassment and complaints, and I will be happy to support the general principles of the bill at decision time.

16:26

**Elaine Smith (Central Scotland) (Lab):** The debate has been a positive one with thoughtful contributions, starting with that of the Standards, Procedures and Public Appointments Committee convener, Bill Kidd, through to that of Rona Mackay.

It is a privilege to be elected to serve as an MSP. As we all know, it is a lifestyle and a political vocation, not a 9 to 5, Monday to Friday job. Although it is well paid, the hours of work are long, commitment is needed and there can be intense pressure. There is no detailed job description or training, and there are no defined employment rights. Of course, members do not stand for

election to become employers, and many will have no management experience.

Serving as an MSP gives great job satisfaction in making a difference every day. We advocate directly for our constituents in our area or on Scotland-wide issues, and we give a voice to the unemployed, the homeless and the hungry. With that privilege comes enormous responsibility to our constituents, our colleagues and staff, including those whom we directly employ. As Alex Cole-Hamilton said, we should set the highest standards.

The MSP code of conduct was revised in January, but that did not address complaints about historical misconduct towards MSP staff. That requires legislative change, which is why the bill is necessary and welcome. It brings us towards completion of a process that, as several members have said, started in 2017 following press reports of sexual harassment in the Parliament.

Sadly, we know that sexual harassment is a routine part of many people's working lives. A 2016 Trades Union Congress report on sexual harassment in the workplace confirmed that 52 per cent of women have experienced some form of sexual harassment. Polling in Scotland in 2019 showed that almost 40 per cent of workers have witnessed a colleague being sexually harassed and that 68 per cent of those who have been harassed did not report it to their employers.

As we know, the Parliament is not immune to that sort of behaviour, despite our founding principles and efforts to be an exemplary workplace. As Neil Findlay and Margaret Mitchell said, a survey by the SPCB found that 20 per cent of respondents had experienced sexual harassment or sexist behaviour, and, when that was broken down by sex, the vast majority were women. Therefore, the bill is an important step towards creating a zero-tolerance working environment and allowing the commissioner to investigate complaints of past behaviour, which will grant rights to MSP staff that are similar to those that have already been given to other Scottish Parliament staff.

Let us remember that sexual harassment is about power and that MSPs are senior figures in this institution, whereas MSP staff are often regarded as junior.

Within that power imbalance, I would say that women are at more risk of harassment and abuse. Concerns about damage to career prospects or working relations were raised by several respondents to the original SPCB survey, and concerns about complaints not being taken seriously were also raised. Although the Parliament has worked to change perceptions, I think that we all recognise that there is a lot more

work to be done to make women—and, in some cases, men—feel confident about coming forward.

The removal of the admissibility criteria is not only welcome but essential, as some people might not be aware that they have experienced actionable sexual harassment until a much later date or might not have felt able to make a complaint. It might also encourage others to come forward in circumstances in which behaviour by a perpetrator has been experienced by multiple people.

The removal by section 3 of the bill of the requirement for a signature will facilitate the use of electronic means to submit and withdraw complaints, which I hope will make it easier for people to come forward. However, I note that complaints must still be made by an individual person whose name and address are stated. In its submission to the consultation, the Scottish Women's Convention pointed out that the lack of anonymity within reporting processes continues to act as one of the most significant impediments for women who have experienced sexual harassment. Perhaps the convener or the deputy convener would like to comment on that, depending on who sums up the debate.

It takes a lot of strength and resolve for any woman to raise a grievance against her boss, and even more to follow through with it, so we should do all that we can to make that process less difficult.

On behalf of Scottish Labour, I thank the committee for proposing the bill, the working group for all its work and everyone who has worked on these issues over a long period and striven to make the Scottish Parliament a zero-tolerance workplace. I confirm that Scottish Labour will support the general principles of the bill at decision time.

16:31

**John Scott (Ayr) (Con):** As the closing speaker for the Scottish Conservatives in this stage 1 debate, it is important for me to reiterate that our party welcomes the Standards, Procedures and Public Appointments Committee's Scottish Parliamentary Standards (Sexual Harassment and Complaints Process) Bill.

For my part, I initially questioned the need for such a bill, but like other members, including Neil Findlay, I was horrified to learn that 20 per cent of our staff had experienced sexual harassment or sexist behaviour while working in the Parliament, which I take such pride in. That the further analysis of the Scottish Parliament's sexual harassment and sexual behaviour survey showed that 30 per cent of women and 6 per cent of men experienced that form of behaviour was both

staggering and shaming, and it demanded that our Parliament act to protect our women and men, and our reputation—which Jamie Halcro Johnston referred to—as a Parliament that strives to be an example of best practice. As Margaret Mitchell said, the written submission from the Scottish Women’s Convention of January 2020 further highlighted the need for action in our institution and our workplace.

The bill will allow for the investigation of complaints about current and historical sexual harassment of their staff by MSPs. Specifically, section 1 enables the commissioner to investigate historical complaints that allege sexual harassment of their staff by an MSP, which is a matter that was previously dealt with under employment law. Section 1 also adds MSPs’ staff to the list of people members must treat with dignity and respect. That is long overdue, as Bill Kidd, Jamie Halcro Johnston and Neil Findlay said.

Section 2 removes the one-year time limit for complaints to be made and will make it possible for historical complaints that date back to the very beginning of the Parliament, more than 20 years ago, to be made. Although the evidence that was given to the joint working group suggests that it will not be the case that a huge volume of historical complaints will be made, some such complaints may be made as a result of the changes in the bill.

That we all have a duty of care and respect towards our staff should not need to be laid out in legislation. However, the facts appear to be that, allegedly but regrettably, members of this place have fallen short of an acceptable standard of good behaviour towards their staff, and it is essential and right for that poor behaviour to be addressed in the bill, as Alex Cole-Hamilton and others have stated.

Section 3 removes the requirement for complaints and withdrawal of complaints to be signed, although the person who makes a complaint will, of course, need to identify themselves when they make the complaint. The purpose of that section is to allow complaints to be made electronically—the expected route is by email—and thus to make it easier for complaints to be made to the commissioner in the future.

It is a fundamental change in practice that we are proposing today, in that the new, streamlined complaints procedure for MSP staff will allow them to make complaints direct to the Commissioner for Ethical Standards in Public Life in Scotland, instead of having sexual harassment complaints dealt with under employment law, as is currently the case. That change will give MSP staff the same right of complaint as is currently held by Parliament staff. In all honesty, that should have

been the position from the beginning of this Parliament.

The Scottish Conservatives will unreservedly support the bill at stage 1 at decision time.

**The Deputy Presiding Officer:** I call Graeme Dey to close for the Scottish Government.

16:35

**Graeme Dey:** I again thank the Standards, Procedures and Public Appointments Committee for its work on its inquiry into sexual harassment and inappropriate conduct at the Parliament, and for enabling the bill to progress to its current point and beyond. The bill will send an important message to ensure that the highest standards of conduct are upheld among MSPs and that no individual should be subjected to any form of abuse, particularly in respect of sexual harassment.

There have been many fine contributions to this short debate, but I will focus on one or two. Like Jamie Halcro Johnston, I welcome what he described as the last piece of the jigsaw, which is the joint working group’s recommendations being put in place. That undoubtedly sends a clear message to staff and, just as important, to members about the expectations that staff should have for how they should rightly expect to be treated and how members should conduct themselves.

Alex Cole-Hamilton was also right when he expanded on that point, noting that, as well as putting down a marker for those of us who currently work here or who have worked in this institution in the past, the proposals send a message to those who will enter the Parliament or might consider seeking employment here post the May election.

Appropriate standards of behaviour will be demanded of the new MSPs, and staff who enter this place will do so knowing that, if they have an unacceptable experience—one would hope that the deterrent effect of the measures in the bill and the measures that were introduced previously will ensure that that does not happen—they will be able to raise their concerns and have them dealt with properly.

As I said, there have been many fine contributions to this short debate, but I think that John Scott summed things up perfectly for us all when he described the findings of the survey that have driven the bill as “staggering and shaming”. They were unacceptable, and the measures in the bill are necessary.

I look forward to the bill’s progress. It is normal for bills to be subject to amendment at stage 2. That could happen to this bill, but I suspect that it

is unlikely, because we have captured in the bill before us the essence of what requires to be done. However, I agree with other members that more must be done going forward.

**The Deputy Presiding Officer:** I call Patrick Harvie to close for the Standards, Procedures and Public Appointments Committee.

16:38

**Patrick Harvie (Glasgow) (Green):** The bill is, as the convener reflected, the last piece of a jigsaw that delivers on the recommendations that were made by the joint working group, whose membership included representatives from all the political parties. We should expect everyone to support high standards for MSPs and for that to be the experience of their staff members. The bill signals that we take sexual harassment seriously and that there is no place for it in the Parliament.

I think that every member who spoke in the debate made similar points on that high expectation that we wish to set and said that everyone should have the right to come to work in an environment that is free of sexual harassment but that, where someone needs to make a complaint, it should be taken seriously and dealt with in a professional manner.

However, several members, including Neil Findlay and John Scott, also reflected on the reality that that high standard that we aspire to is not, in fact, the norm either in our society or in our Parliament. Passing the bill will be one more step in taking responsibility for that situation.

The bill opens up a historical conduct complaints route that was previously unavailable to one group of staff: those harassed by their employing MSP. The committee felt confident in introducing the bill because, of course, it has never been acceptable—or even lawful—for an MSP to sexually harass their staff. However, such cases were previously dealt with through employment grievance procedures. We do not think that that is fair, and the committee agrees with the joint working group that the Parliament should be able to hold members to account for their behaviour towards their staff in the same way that it can hold them to account for their behaviour towards other people working in the Parliament. I think that most people would expect the Parliament to be able to do that, and they might be shocked to learn that that gap in the system existed.

The Parliament aims for a zero-tolerance approach to sexual harassment. Such conduct is, of course, harmful to individuals, but, as several members have said, it also brings the Parliament itself into disrepute. Consequently, there is a

compelling public interest in bringing past cases within the commissioner's remit.

It is unhelpful for there to be such a range of options for bringing complaints depending on someone's job role, who harassed them—or is accused of doing so—or when it happened. That type of clutter and confusion will only inhibit people from coming forward and making a complaint when they feel that they need to. The bill will ensure that there is one coherent approach in relation to historical complaints.

I turn to the provision on the one-year admissibility step for all MSP complaints. The commissioner is currently obliged to seek a direction from the SPPA Committee to investigate any complaints made within one year of the complainer becoming aware of the conduct. It has always been possible for complaints of a historical nature to be made, but the change is that the commissioner will no longer be required to seek a direction before investigating them. That will further ensure the independence of the complaints process.

The Parliament's joint working group on sexual harassment recommended that the one-year hurdle be removed. It said:

"there should be no time limit applied to complaints of sexual harassment ... Each complaint should be dealt with on its own merits and how far back the allegations go, whether it was a one-off incident or whether the behaviour has recurred can all be taken into account during the investigation to determine whether there is a case to answer."

It also said:

"If our aim is to create a culture where people feel more confident to report, we believe it would be counter-productive to set a time limit on making such complaints."

The Parliament and the political parties have all signed up to the joint working group's recommendations.

The bill puts everyone on the same footing when it comes to complaints of this nature. There should not be different processes for different cases. A Parliament, our Parliament, should be able to hold its members to account for conduct that falls short of that required of elected members and falls short of the standard that, as is clear from the debate, we all wish to set. The bill will allow the Parliament to learn lessons and apply the sanctions that it sees fit to apply.

I reiterate the remarks that the convener made in his opening speech: the bill is the culmination of a series of measures designed to ensure that, with respect to sexual harassment, the highest standards of conduct among MSPs are upheld.

I am pleased to close the debate on behalf of the committee and I invite the Parliament to agree to the bill's general principles.

**The Deputy Presiding Officer:** That concludes the stage 1 debate on the Scottish Parliamentary Standards (Sexual Harassment and Complaints Process) Bill. We are a little bit ahead of time.

16:43

*Meeting suspended.*

16:49

*On resuming—*

## Business Motions

**The Presiding Officer (Ken Macintosh):** I call everyone to order. We have a minute until decision time, but there are a number of items to go through before then.

The next item of business is consideration of business motion S5M-23731, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, setting out a revision to tomorrow's business.

*Motion moved,*

That the Parliament agrees to the following revision to the programme of business on Thursday 17 December 2020—

delete

12.20 pm Parliamentary Bureau Motions

and insert

12.00 pm Parliamentary Bureau Motions

12.00 pm Legislative Consent Motion: Trade (Disclosure of Information) Bill—[*Graeme Dey*]

*Motion agreed to.*

**The Presiding Officer:** The next item of business is consideration of business motion S5M-23708, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, setting out a business programme.

*Motion moved,*

That the Parliament agrees—

(a) the following programme of business—

Tuesday 22 December 2020

2.00 pm Time for Reflection

*followed by* Parliamentary Bureau Motions

*followed by* Topical Questions

*followed by* Ministerial Statement: COVID-19

*followed by* Stage 3 Proceedings: UK Withdrawal from the European Union (Continuity) (Scotland) Bill

*followed by* Committee Announcements

*followed by* Business Motions

*followed by* Parliamentary Bureau Motions

5.00 pm Decision Time

*followed by* Members' Business

Wednesday 23 December 2020

11.00 am Parliamentary Bureau Motions

11.00 am Members' Business

*followed by* Ministerial Statement: Update on Covid Vaccine and Testing Programmes



12.20 pm First Minister's Questions  
 2.00 pm Parliamentary Bureau Motions  
 2.00 pm Portfolio Questions:  
 Education and Skills; Health and Sport;  
 Communities and Local Government  
*followed by* Ministerial Statement: Brexit Update  
*followed by* Stage 3 Proceedings: Scottish General  
 Election (Coronavirus) Bill  
*followed by* Business Motions  
*followed by* Parliamentary Bureau Motions  
*followed by* Approval of SSIs (if required)  
 6.05 pm Decision Time

Tuesday 12 January 2021

2.00 pm Time for Reflection  
*followed by* Parliamentary Bureau Motions  
*followed by* Topical Questions  
*followed by* Ministerial Statement: COVID-19  
*followed by* Environment, Climate Change and Land  
 Reform Committee Debate: Green  
 Recovery  
*followed by* Scottish Government Business  
*followed by* Committee Announcements  
*followed by* Business Motions  
*followed by* Parliamentary Bureau Motions  
 6.20 pm Decision Time  
*followed by* Members' Business

Wednesday 13 January 2021

2.00 pm Parliamentary Bureau Motions  
 2.00 pm Portfolio Questions  
*followed by* Scottish Labour Party Business  
*followed by* Business Motions  
*followed by* Parliamentary Bureau Motions  
*followed by* Approval of SSIs (if required)  
 5.10 pm Decision Time  
*followed by* Members' Business

Thursday 14 January 2021

12.20 pm Parliamentary Bureau Motions  
 12.20 pm First Minister's Questions  
 2.30 pm Parliamentary Bureau Motions  
 2.30 pm Portfolio Questions  
*followed by* Ministerial Statement: Salmon Farming  
*followed by* Stage 1 Debate: Liability for NHS  
 Charges (Treatment of Industrial  
 Disease) (Scotland) Bill  
*followed by* Business Motions  
*followed by* Parliamentary Bureau Motions  
 5.05 pm Decision Time

beginning 21 December 2020, in rule 13.7.3, after the word  
 "except" the words "to the extent to which the Presiding  
 Officer considers that the questions are on the same or  
 similar subject matter or" are inserted.—[*Graeme Dey*]

*Motion agreed to.*

(b) that, for the purposes of Portfolio Questions in the week

## Parliamentary Bureau Motions

time as a meeting of the Parliament during 12pm to 12.20pm on 17 December 2020.—[*Graeme Dey*]

16:50

**The Presiding Officer (Ken Macintosh):** The next item of business is consideration of eleven Parliamentary Bureau motions. I ask Graeme Dey, on behalf of the Parliamentary Bureau, to move motions S5M-23709 to S5M-23716, on approval of Scottish statutory instruments, S5M-23717, on committee membership, S5M-23732, on suspension of standing orders and S5M-23734, on committee meeting times.

*Motions moved,*

That the Parliament agrees that the Invasive Non-native Species (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 [draft] be approved.

That the Parliament agrees that the Island Communities Impact Assessments (Publication and Review of Decisions) (Scotland) Regulations 2020 [draft] be approved.

That the Parliament agrees that the Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 [draft] be approved.

That the Parliament agrees that the Public Procurement etc. (EU Exit) (Scotland) (Amendment) Regulations 2020 [draft] be approved.

That the Parliament agrees that the Trade in Animals and Related Products (EU Exit) (Scotland) (Amendment) Regulations 2020 [draft] be approved.

That the Parliament agrees that the Common Agricultural Policy (Less Favoured Area Support) (EU Exit) (Scotland) Amendment Regulations 2020 [draft] be approved.

That the Parliament agrees that the Direct Payments to Farmers (Miscellaneous Amendments) (Scotland) Regulations 2020 [draft] be approved.

That the Parliament agrees that the Feed (Transfer of Functions) (Miscellaneous Amendments) (Scotland) Regulations 2020 [draft] be approved.

That the Parliament agrees that—

Graham Simpson be appointed to replace Alison Harris as a member of the Economy, Energy and Fair Work Committee;

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

Jamie Halcro Johnston be appointed to replace Oliver Mundell as a member of the Rural Economy and Connectivity Committee.

That the Parliament agrees that, for the purposes of consideration of the legislative consent memorandum on the Trade (Disclosure of Information) Bill, Rule 9B.3.5 of Standing Orders is suspended.

That the Parliament agrees that, under Rule 12.3.3B of Standing Orders, the COVID-19 Committee, the Culture, Tourism, Europe and External Affairs Committee, the Standards, Procedures and Public Appointments Committee and the Public Audit and Post-legislative Scrutiny Committee can meet, if necessary, at the same

## Decision Time

16:50

**The Presiding Officer (Ken Macintosh):** As the Presiding Officer who was in the chair said earlier, I will call the vote from yesterday, on the Hate Crime and Public Order (Scotland) Bill: Financial Resolution, first. I will then call the votes on today's business.

The first question is, that motion S5M-23531, in the name of Kate Forbes, on the financial resolution to the Hate Crime and Public Order (Scotland) Bill, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division. I will suspend the meeting for a few moments to allow members to access the voting app.

16:51

*Meeting suspended.*

16:54

*On resuming—*

**The Presiding Officer (Ken Macintosh):** We are back in session, and we will go straight to the vote. This will be a one-minute division.

The vote is now closed. I will allow a few moments for any members who believe that they have not been able to vote to let me know through a point of order, and then I will declare the result.

### 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)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Campbell, Aileen (Clydesdale) (SNP)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 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)  
 Fee, Mary (West Scotland) (Lab)  
 Findlay, Neil (Lothian) (Lab)  
 Finnie, John (Highlands and Islands) (Green)  
 FitzPatrick, Joe (Dundee City West) (SNP)

Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Iain (East Lothian) (Lab)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kelly, James (Glasgow) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lamont, Johann (Glasgow) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 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)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAlpine, Joan (South Scotland) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Neil, Alex (Airdrie and Shotts) (SNP)  
 Paterson, Gil (Clydebank and Milngavie) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robison, Shona (Dundee City East) (SNP)  
 Ross, Gail (Caithness, Sutherland and Ross) (SNP)  
 Rumbles, Mike (North East Scotland) (LD)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Smith, Elaine (Central Scotland) (Lab)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)  
 Stewart, David (Highlands and Islands) (Lab)  
 Stewart, Kevin (Aberdeen Central) (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)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

### Against

Balfour, Jeremy (Lothian) (Con)  
 Ballantyne, Michelle (South Scotland) (Ind)  
 Bowman, Bill (North East Scotland) (Con)  
 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)  
 Chapman, Peter (North East Scotland) (Con)  
 Corry, Maurice (West Scotland) (Con)

Davidson, Ruth (Edinburgh Central) (Con)  
 Golden, Maurice (West Scotland) (Con)  
 Greene, Jamie (West Scotland) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harris, Alison (Central Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Lindhurst, Gordon (Lothian) (Con)  
 Lockhart, Dean (Mid Scotland and Fife) (Con)  
 Mason, Tom (North East Scotland) (Con)  
 Mitchell, Margaret (Central Scotland) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Scott, John (Ayr) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)

**The Presiding Officer:** The result of the division on motion S5M-23531, in the name of Kate Forbes, on the financial resolution to the Hate Crime and Public Order (Scotland) Bill, is: For 84, Against 29, Abstentions 0.

*Motion agreed to,*

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Hate Crime and Public Order (Scotland) 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.

**The Presiding Officer:** The second question is, that motion S5M-23672, in the name of Bill Kidd, on the Scottish Parliamentary Standards (Sexual Harassment and Complaints Process) Bill, be agreed to. Are we agreed?

*Motion agreed to,*

That the Parliament agrees to the general principles of the Scottish Parliamentary Standards (Sexual Harassment and Complaints Process) Bill.

**The Presiding Officer:** If no member objects, I will put a single question on nine of the Parliamentary Bureau motions. The question is, that motions S5M-23709 to S5M-23717, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, be agreed to.

*Motions agreed to,*

That the Parliament agrees that the Invasive Non-native Species (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 [draft] be approved.

That the Parliament agrees that the Island Communities Impact Assessments (Publication and Review of Decisions) (Scotland) Regulations 2020 [draft] be approved.

That the Parliament agrees that the Plant Health (EU Exit) (Scotland) (Amendment etc.) Regulations 2020 [draft] be approved.

That the Parliament agrees that the Public Procurement etc. (EU Exit) (Scotland) (Amendment) Regulations 2020 [draft] be approved.

That the Parliament agrees that the Trade in Animals and Related Products (EU Exit) (Scotland) (Amendment) Regulations 2020 [draft] be approved.

That the Parliament agrees that the Common Agricultural Policy (Less Favoured Area Support) (EU Exit) (Scotland) Amendment Regulations 2020 [draft] be approved.

That the Parliament agrees that the Direct Payments to Farmers (Miscellaneous Amendments) (Scotland) Regulations 2020 [draft] be approved.

That the Parliament agrees that the Feed (Transfer of Functions) (Miscellaneous Amendments) (Scotland) Regulations 2020 [draft] be approved.

That the Parliament agrees that—

Graham Simpson be appointed to replace Alison Harris as a member of the Economy, Energy and Fair Work Committee;

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

Jamie Halcro Johnston be appointed to replace Oliver Mundell as a member of the Rural Economy and Connectivity Committee.

**The Presiding Officer:** The next question is, that motion S5M-23732, in the name of Graeme Dey, on the suspension of standing orders, be agreed to.

*Motion agreed to,*

That the Parliament agrees that, for the purposes of consideration of the legislative consent memorandum on the Trade (Disclosure of Information) Bill, Rule 9B.3.5 of Standing Orders is suspended.

**The Presiding Officer:** The final question is, that motion S5M-23734, in the name of Graeme Dey, on committee meeting times, be agreed to.

*Motion agreed to,*

That the Parliament agrees that, under Rule 12.3.3B of Standing Orders, the COVID-19 Committee, the Culture, Tourism, Europe and External Affairs Committee, the Standards, Procedures and Public Appointments Committee and the Public Audit and Post-legislative Scrutiny Committee can meet, if necessary, at the same time as a meeting of the Parliament during 12pm to 12.20pm on 17 December 2020.

**The Presiding Officer:** That concludes decision time. Before we move to the next item of business, I will allow a few moments for members who wish to leave the chamber to do so. I ask them please to observe social distancing rules, to wear their face masks and to follow the one-way systems that are in place around the Parliament.

## Interlinked Fire and Smoke Alarm Systems

**The Deputy Presiding Officer (Linda Fabiani):** The final item of business is a members' business debate on motion S5M-23592, in the name of Sarah Boyack, on interlinked fire and smoke alarm systems. The debate will be concluded without any question being put.

### *Motion debated,*

That the Parliament notes the Scottish Government requirement on all homeowners in Lothian and across Scotland to install an interlinked fire and smoke alarm system alongside carbon monoxide protection; notes the view that there needs to be a substantial delay of two years to the requirement being implemented as a result of the impact of COVID-19 and the reported lack of public awareness and understanding since it was first announced in February 2018; further notes concerns that there is a need for a high-profile public awareness campaign to improve understanding of what homeowners need to do to and where they can seek further information and support; acknowledges calls for a significant package of financial support for people who cannot afford to meet the requirements and there is a need for advice on the costs of buying and fitting an interlinked system so that consumers have a more realistic price guide to enable them whether to install the alarms themselves or to hire a tradesperson, and notes the calls for the provision of clearer guidance on approved devices and where they can be bought.

16:59

**Sarah Boyack (Lothian) (Lab):** I am disappointed that I have to bring this members' business debate to the chamber. Fire and smoke alarms are vital to keep people safe, and the impetus to put together a change in legislation came in response to Grenfell. However, following the passing of the relevant Scottish statutory instrument, we have not seen the leadership and drive that are needed to ensure that people are aware of what they need to do now.

People across the country found out about the legislation after an advertising leaflet for new smoke and fire alarms, which bore the Scottish Government's logo, was issued and put through their letterbox. More people subsequently found out about it through the newspapers, given the discussions that followed. In a survey of its members, Age Scotland found that 34 per cent of respondents had heard about the planned changes only through the survey itself. I think that, if we asked people more generally, we would find out that many people are still not aware of what they are meant to do in their homes.

At today's meeting of the Local Government and Communities Committee, we discussed the proposal by the Minister for Local Government, Housing and Planning to delay the implementation of the regulations by a year. However, I am

seriously concerned that one year simply does not give us enough time to ensure that home owners are informed of the changes that they need to make. In addition, we need the Scottish Government to work harder to put in place a financial package for those who cannot afford the changes and a better set of guidance to ensure that consumers are not ripped off.

I am also concerned that we are still in the middle of the pandemic. People have concerns about their safety, many are suffering as a result of the economic consequences of the pandemic and money is tight. One of the respondents to Age Scotland's survey put it very well, stating:

"Everyone will be wanting to get this done and you will not be able to get this completed in time for the deadline and some people will not have the money to do it in such a short time."

The minister, in his letter to the Local Government and Communities Committee last week, said that the legislation does not place a direct obligation on home owners, although it will be up to home owners to ensure that the standard is met, and that the obligation lies with local authorities. He said:

"As local authorities are required to have a strategy for ensuring compliance with the tolerable standard within a reasonable period, they have a wide range of discretionary powers to assist home owners and, where necessary and appropriate, to require owners to carry out work to improve substandard homes."

As we emerge from the pandemic, our councils will be dealing with a range of urgent challenges. I firmly believe that we need a commitment from the Scottish Government that any financial or staffing support that councils provide needs to be supported by the Government, as there are ongoing issues with local government funding. In discussing the post-Grenfell era, we need to ensure that we have a comprehensive Government-led response, and that is the case here.

The issue of insurance is also important. In written evidence to the LGC Committee in 2018, the minister said:

"In general it will be for individual insurers to decide how they respond to the new standard. Insurers tend to ask whether the property is fitted with working smoke alarms, rather than questions about specific standards."

However, at the Local Government and Communities Committee today, we reviewed written evidence from a home owner who is concerned about the roll-out of the changes. He highlighted that it is extremely difficult to find

"information in the public domain about how the insurance industry currently handles the Tolerable Standard",

especially now that the legislation is in place.

Given the challenges around post-Grenfell-style cladding and the EWS1—external wall system 1—form, we need a stronger assurance from the Government that it is working with home owners not just to enable them to install the kit but to ensure that they are not left with compromised buildings insurance if their building does not meet the tolerable standard for the purpose of fire alarms.

I will briefly raise the issue of cost. The quotes that Age Scotland members have received for the work that is required range between £152 and £400. Age Scotland points out that, for someone who is on the state pension, £200 is a lot of money to access. The same will undoubtedly apply to those whose work situation has been negatively impacted by the pandemic. I am very keen for the minister to use his summing-up speech to talk about the work that he has done with local authorities to look into the average cost of £200 for installation that we have been told about. We need to ensure that vulnerable home owners are not being charged excessive amounts.

For many, installation will not be the simple do-it-yourself process that it may look like. Accessing ceilings will not be possible or straightforward for older people, people with disabilities or folk in tenements, so we need to ensure that support is in place. I am very keen to hear the Government's full proposals—albeit not today, but the minister gave us a promise on that this morning. We need a full awareness-raising campaign. My motion calls for a delay of at least two years, as I am concerned about the implications of the pandemic and the fact that we have not really started yet. We need not just a publicity campaign but a co-ordinated strategy, with political leadership, to ensure that we get the focus and action that we have not had to date.

I hope that we will get agreement from across the chamber that we need to radically step up implementation. The minister did not answer my question this morning at committee, when I asked how many houses still have to get the right alarms installed. It is not having an alarm that is critical; it is having the right, interlinked alarms—the fire and smoke alarms and, possibly, the CO alarms. Their interlinking is crucial.

I decided that, before making this speech, I would have my own house sorted. I read the Government's guidance, I read the material on the Scottish Fire and Rescue Service website and I made notes, as you would expect somebody like me to do. I went to a major store and, armed with all the information that I had, I asked for help. I had checked it out, and I asked for the fire alarm expert in the store. That person came and talked to me, and, after about 20 minutes, I went home empty handed, as they could not tell me which of

the alarms were compliant with the Scottish Government's advice. There is Government action, but there is a big issue with retailers, installers and people's general awareness.

In addition to supporting local authorities with their work, groups such as Citizens Advice Scotland, Age Concern and all other groups that can give people advice need to be able to give the right advice about what people need to install. Work needs to be done with suppliers and retailers, because it is not currently clear what is compliant. That needs to be done both in stores and online. I checked out the guidance online—although it was not my first option, as I wanted to go to my local store—and it was not clear online either.

I hope that we are not here, debating this subject, at the same time next year. I hope that we get a big push on it, because, with six months until the elections and a long way to go before we come out of the pandemic, real urgency is required from the Government. We need a clear plan. Our constituents need that leadership, and they need effective guidance and support. I hope that today's debate helps to build awareness and the case for action, so that we are not here in a year's time, saying, "Please can we extend this by another year?" The matter needs to be sorted, and it needs leadership and action.

17:07

**Kenneth Gibson (Cunninghame North) (SNP):** I congratulate Sarah Boyack on lodging the motion and securing this debate on a topic that concerns many of my constituents. I also thank Age Scotland for providing such an excellent briefing.

We remember the shock that was felt in June 2017, when a severe fire tragically killed 72 people inside London's Grenfell tower. The establishment of a ministerial working group on building and fire safety, in response, was therefore very welcome. Its aim was

"to oversee reviews of building and fire safety frameworks, regulations and guidance, and any other relevant matters, to help ensure that people are safe in Scotland's buildings."

As a direct result of that, the Parliament agreed in January 2019 that, from February 2021, new standards in line with those for the private rented sector should be in place to better protect people in Scotland's 1.5 million owner-occupied homes from the potentially devastating impact of fire. We agreed that all home owners should install an interlinked fire and smoke alarm system, alongside carbon monoxide protection.

Of course, nobody anticipated the global pandemic that has completely dominated our lives since then. It is therefore unsurprising that many

people felt anxious and confused when, last October, they received a commercial fire safety firm's leaflet that wrongly used the Scottish Government's logo to urge them to make the necessary changes before the February deadline. Like other members, I was contacted by numerous constituents, including residents from a large retirement housing complex, who were rightly worried about the prospect of having tradespeople enter their homes during the pandemic.

I immediately contacted the housing minister, Kevin Stewart. I commend Mr Stewart, a listening minister, for deciding swiftly to seek a one-year postponement of the February 2021 deadline. I also welcome the loan funding of more than £15 million, which has been made available for social landlords so that they can procure and install the necessary alarms, ensuring that social tenants are safe in their homes. I further welcome the provision of an additional £870,000 in each of the past two years to the Scottish Fire and Rescue Service to support home safety visits to vulnerable and high-risk people.

Nonetheless, several concerns remain about the proposed new February 2022 deadline, which we must address. I believe that, given the impact of the on-going pandemic, the deadline should be extended to 2023. Although the Covid vaccination programme gives us hope, we simply do not know when we will return to something like normality. A 2023 deadline would give home owners across Scotland clarity and the Scottish Government sufficient time to launch a high-profile awareness-raising campaign aimed at improving understanding of the new standards and providing concise advice on approved devices and where those can be purchased. Such a campaign is vital to ensuring that people are aware of the new guidelines on protecting their homes. In fact, as Sarah Boyack touched on, a recent Age Scotland survey showed that only a minority of people are aware of the rule change and that 73 per cent have not yet taken action.

I urge the Government to revisit the financial support that is currently available to homeowners and to provide a more significant package for those who cannot afford to meet the improved standards. I am sure that the Government will appreciate that the original estimated cost of £220 to make those changes in an average three-bedroom flat is a significant sum for most people in normal times, let alone during a global recession. Many people have different-sized houses, and it could cost them significantly more.

I also ask the Scottish Government to review the price of purchasing and fitting the required interlinked system so that people have a more realistic benchmark of the costs that the changes to their homes might incur. That would reduce the

risk of people falling victim to scams and excessive prices from installers who may be approved but could overcharge. Allowing more time would also allow more installers to be trained. I doubt that there is a surfeit of them, and, if there is a shortage, there is no doubt that that will force prices up.

I remain fully supportive of the new standards. However, the current context of the global pandemic requires a further postponement of the deadline and the Government to deliver additional financial support to those who would otherwise struggle to afford the installation of a necessary interlinked alarm system.

17:11

**Graham Simpson (Central Scotland) (Con):** I thank Sarah Boyack for bringing the debate to the chamber. We have probably got it the wrong way around: the debate should have happened before the Local Government and Communities Committee's session this morning. Nevertheless, it was a delight to take part in that session and to briefly rejoin that committee. What a shame it was that my good friend Mr Gibson could not be there. However, it is always good to hear him speak in the chamber. Unfortunately, I have to apologise because I will be leaving after my contribution, so I will not get to hear Alexander Stewart speak. That is a shame.

Sarah Boyack touched on what, for me, is a vital issue for consumers, the people who are going to have to go out and buy the products. As she said, she tried to do that today, and I have attempted to buy the same products, with no success. It is really confusing. It appears that the products are not available—at least, not that I could find—in the shops. That needs to be sorted out.

In 2018, when the proposal was brought before the committee and I was a member of it, I raised a number of serious questions with the minister. I put them in writing and he responded. Those questions still remain. One is around insurance and what happens if a person's house does not comply with the regulations. Insurers could use that as an excuse to wriggle out of paying insurance claims, which is a real danger, as people could unwittingly not be compliant with the law and suddenly find that they fall foul of their insurance policy. That is a serious matter that needs to be addressed by the Government and in regulations but, frankly, it has not been.

Earlier, there was confusion when I questioned the minister about who the regulations apply to—it is unclear. On the one hand, they are directed at home owners; on the other hand, the minister's letter to the committee says that they apply to councils and that it is up to them to make sure that

the regulations are complied with. There is a danger of people being scammed or ripped off.

I also question the actual units that are required by the regulations. If a person chooses to do work themselves or to buy a battery-operated system—which they could do—and not bring in an electrician to hardwire their house, that system has first to be interlinked and the units have to be sealed. The batteries cannot be replaced, so, when they go, the whole unit has to be chucked out. That does not seem to be particularly environmentally friendly, and it could also be extremely costly. Perhaps the whole system might have to be thrown out if it is all interlinked. I do not think that the minister has properly thought things through.

That is why it is essential that, even at this late stage—

**Clare Adamson (Motherwell and Wishaw) (SNP):** Will the member take an intervention?

**Graham Simpson:** Yes, I certainly will.

**Clare Adamson:** I have listened carefully to the member's concerns. Does he not recognise that, in the past, one of the problems with fire alarms was that people took the batteries out of them? Part of the reason for wanting to have sealed units is to prevent any interference with their operating as they were intended to, which will save lives in the event of a fire.

**Graham Simpson:** I take that point—people do take the batteries out. However, the danger is that people might just chuck out the whole unit and not replace it if they could not afford to do so. The approach needs to be properly thought through. If people go to the trouble of putting systems in their homes, I think that they will ensure that the batteries work. Speaking personally, I would much rather have a system in which I could replace the batteries rather than just get new ones and not have to fork out potentially more than £200 for a brand-new system.

It would have been better had the minister agreed to delay the requirement by another year. He could still do so, even at this late stage. We need to get our approach right. It is important that we have such an approach, but it needs to be got right and we need to bring the public with us.

17:17

**Emma Harper (South Scotland) (SNP):** I am pleased to speak in the debate, and I congratulate Sarah Boyack on securing it.

I put on record my condolences to the families and friends of all the victims of the tragic Grenfell tower disaster in 2017. That has undoubtedly been the catalyst for Governments across the United

Kingdom to improve the law on building materials and fire alarm systems, to prevent such a tragedy from ever occurring again.

On 13 October, I was contacted by constituents and a local elected member, councillor Iain Howie, who had received leaflets stating that they must update their fire alarms by February 2021, as “time is running out” for home owners to make such changes in compliance with the new legislation. Given those representations, and in the light of the Covid-19 pandemic, via a written question I immediately called on the Scottish Government to delay the implementation of the new regulations. I am sure that other members acted similarly.

Those who had contacted me were also, rightly, concerned about having to carry out such changes during the pandemic, especially because that would have required tradespeople to enter their properties, which might have led to exposure to infection. The new regulations, which took the form of an amendment to the Housing (Scotland) Act 1987, require all homeowners in Scotland to ensure that their properties have smoke alarms in living rooms and in circulation spaces such as hallways and landings, that there is a heat alarm in every kitchen, that all alarms are ceiling mounted and interlinked, and that carbon monoxide alarms are placed where there are fixed combustion appliances such as boilers and wood burners. The estimated average cost was £220 per home, and in her opening remarks Sarah Boyack mentioned a range of possible costs.

Although I welcome the Scottish Government's agreement to delay the deadline for implementing the requirement until February 2022, which will provide time for my constituents to make arrangements to have the necessary changes carried out, I share the concerns of organisations such as Age Scotland over the costs of the scheme. I thank them for the information that they provided to members ahead of the debate.

The Scottish Government states that, as a general principle, home owners are responsible for the costs of on-going work that is needed to protect and preserve their own properties in line with legislation. Therefore, as with other housing standards, it will be their responsibility to meet the new standards on fire, smoke and carbon monoxide alarms. I understand that local authorities have broad discretionary powers to provide advice and assistance to home owners on work that is needed to look after their homes. However, I join the calls for the Government to issue guidance and additional financial support to those who most need it, if they are to make changes to be compliant with the law.

As Kenneth Gibson mentioned, the Government has made more than £15 million of loan funding available to social landlords to ensure that social



tenants are safe in their homes. It has also made available £875,000 of funding to the Scottish Fire and Rescue Service to support home safety visits that ensure that vulnerable and high-risk people can get the necessary alarms installed at no cost to them, so that they are safe in their homes

Sarah Boyack's experience of attempting to purchase the right interlinked system sounded like quite a challenge, so it would be interesting to hear how that process could be made easier.

Kenneth Gibson also made a good point about helping to protect people against scams, which is something that we really must be aware of.

Constituents across Dumfries and Galloway have expressed concern about the communication of the changes. Indeed, the leaflet that came through their door was the first that they had ever heard of the issue. I ask the minister to comment on whether the method of communicating such changes could be improved to ensure wider public awareness of the process.

Once again, I thank Sarah Boyack. I welcome the debate and the Government's actions to delay the implementation of the changes to fire systems.

17:21

**Pauline McNeill (Glasgow) (Lab):** I, too, thank Sarah Boyack for securing this important debate. We have all been contacted by our constituents on the issue, and there is no doubt that it causes them stress and worry. It is probably one of the biggest consumer issues that there has been in recent times.

I agree that what happened at Grenfell was a horrific tragedy, and I am sad to say that it was one that could have been avoided. Therefore, it is absolutely right that the Scottish Government introduced legislation to make people safer. That said, there are a number of issues with the new regulations that need to be sorted out urgently, particularly surrounding public awareness of the regulations and costs.

Scotland has around 1.5 million owner-occupied homes that are impacted by the new rules, as well as just under a million homes in the social rented sector that are impacted. The legislation brings those properties into line with the existing regulations in the private rented sector.

As has been mentioned, the alarms can be either mains or battery powered. In a Government impact assessment, it was assumed that the cost would be around £330, but it could be much more than that if the system needs to be installed by a tradesperson. Furthermore, the Government had initially estimated that it would be around £220 per household.

I wonder how much thought the Government gave to the implications for some families and the many individuals who will be unable to afford to spend that amount of money. There needs to be urgent clarity about the costs, so that people have a more realistic guide to the price should they choose to install the alarms themselves or decide that they need to hire a tradesperson for the job.

I tend to agree with Emma Harper and Kenny Gibson that, although there is a pressing need to keep people safe, given that we are in the middle of a pandemic, 2023 sounds like a more realistic target year.

The initial estimated cost of £220 is a significant expense for most households, and many people will struggle to afford that, particularly in the wake of the pandemic, in which people have been furloughed or have lost their jobs. Currently, 150,000 pensioners live in relative poverty, and one in four households live in fuel poverty. Those households will simply be unable to comply with the new regulations without financial support.

Kenny Gibson talked about scams and mentioned a leaflet that gives the impression that the business was endorsed by the Government. It is extremely worrying that that could happen. The Government needs to provide clearer advice on approved devices and where they can be bought. That would help people to avoid scams and inflated pricing from rogue traders, which has been an issue in the past. Research that was done for Age Scotland and Age UK found that more than two fifths of older people—more than 400,000 people—believe that they have been targeted by scammers. That is a big issue for this Parliament in relation to the installation of linked fire and smoke alarms.

Concerns have been raised of an upsurge in people being targeted in their homes during the coronavirus restrictions. Brian Sloan, the chief executive of Age Scotland, said:

"It's disgusting that anyone would try to take advantage of older people at this time, but sadly there will always be heartless scammers who prey on the most vulnerable in our society. Older people are already the most targeted group for fraud and scams, and this can have a devastating impact on victims. Not only can they lose a lot of money, but they may also lose their confidence and feel too embarrassed to confide in family and friends."

The Scottish Government must be alert to the fact that scammers are likely to take advantage of the new nationwide regulations and must put robust measures in place to protect people from scams and rogue traders. Age Scotland says that the one-year delay to the implementation of the regulations is not enough, and the Local Government and Communities Committee voted against the delay for the same reason.

It is clear that much greater practical and financial support needs to be put in place to enable older, disabled and low-income home owners to comply with the new regulations. There are also other families who may need some financial assistance.

Although it is laudable that the Scottish Government has sought to improve safety standards—we all agree on that—more should be done to enable us to achieve the objective of keeping people safe in their own homes as well as ensuring that people can meet the costs of purchasing the alarms and installing them safely or having them put in by a tradesperson they feel confident about inviting into their homes. We must ensure that an event such as the Grenfell tragedy never happens again.

17:26

**Sandra White (Glasgow Kelvin) (SNP):** I thank Sarah Boyack and congratulate her on securing such an important debate. I am not a member of the Local Government and Communities Committee, but I have attended several of the meetings, particularly those following the Grenfell tragedy. We know that the new regulations have come about as a result of that tragedy, as has the new legislation on cladding. Cladding is an issue that still needs to be addressed in certain blocks of houses.

The new legislation is very important, but I agree with Sarah Boyack and others that the deadline needs to be extended for another year, particularly because of Covid. I acknowledge the fact that the working group that the minister set up after the Grenfell tragedy has considered various aspects, including smoke alarms and sprinklers. I also acknowledge the fact that there are scammers and people who send out leaflets. However, no one really knew anything about the new regulations. They seemed to come not just as a surprise but as a great shock not only to my constituents but to housing associations and local authorities, too.

Those issues have been well rehearsed, both in the committee and in today's debate, so I want to consider where we go from here. As I have said, we need to delay the deadline for at least another year.

There must have been a rush on smoke alarms and sprinklers in the shops. I needed a new smoke alarm, so I got someone in to fit it, and they spoke about joining the sprinklers and smoke alarms together. However, as others have found, the tradesman I called in could not access the equipment he needed to join it all together. As others have said, we need clarification of that aspect.

We also need clarification of the costs of smoke alarms and sprinklers, which we know are for the benefit and safety not only of individual households but of tenement properties—of which there are a great many in my constituency, as there are in others. Recently, in some parts of Glasgow, there have been fires where the consequences may not have been tragic but that have led to people having to be moved out of their homes. There was also a fire in Yorkhill recently that did have tragic consequences and that led to some people having to be put up in hotels.

We know that the legislation is intended to improve people's safety, but we need an advertising campaign to explain why it is desperately needed to protect people. Why is the Government not delaying the regulations for another year because of Covid? At the moment, as others have said, many people—particularly the elderly—would not even open their doors to allow anyone to come and fit the alarms. That might happen another year or two down the line, so an advertising campaign is paramount. We need to get the message across about why the legislation is so important.

The monetary aspect has been mentioned, as well as insurance. I know that the Government has provided funds towards implementation, but I have had meetings with local housing associations that are concerned about the proposals in relation to new-build housing that they have just begun to manage. In my constituency, it is very difficult to buy the land and start to build. Partick Housing Association has managed to do that in three areas, but it is concerned that it will not have enough time to fit the dual elements of smoke alarms and sprinklers. It has therefore asked for the implementation period to be extended for at least another year. The motion does not mention housing associations, but I hope that they would fit in alongside home owners.

I make a plea to the minister. I am aware of the amount of work that the working group has done, and it is doing a good job, but we need an extension of the implementation period. Implementation will cost a lot of money, which people may not have—Pauline McNeill mentioned those who are on furlough or who do not have a job. People are not necessarily able to put up that amount of money at this time.

I plead with the minister to confirm, in summing up, that the end date will be moved back by another year and that an advertising campaign will be brought to bear. I also ask him whether he knows how many people are able to fit the alarms, as there could be a job creation opportunity there, with an apprenticeship or whatever for electricians. People definitely need to know what is required. They need plenty of warning and advance notice

so that they are able to afford it. We also need to ensure that housing associations and local authorities can afford it.

17:31

**Alexander Stewart (Mid Scotland and Fife) (Con):** I am grateful for the opportunity to take part in the debate. I thank Sarah Boyack and congratulate her on bringing it to the chamber.

We, on the Conservative side of the chamber, fully support the measures that are being put in place. We completely understand the aims of the legislation, which are to protect home owners and tenants by increasing the level of fire safety in homes across Scotland and to ensure that everyone has the same level of protection, whether they are in their own home or in a rented home.

However, it has become increasingly evident that the Scottish Government has dropped the baton with regard to making people aware of the legislation. I acknowledge the fact that, earlier today, the minister accepted that it had caused anxiety and distress to many individuals. As other members have indicated in respect of their constituents, most of my constituents became aware of the requirements only when they received the warning leaflet from a private electrical contractor that dropped through their letterbox, which indicated that the deadline was February 2021.

From reading those leaflets, residents in homes all over Scotland found out that they had been given less than four months in which to install alarms at a cost of approximately £200. It also emerged that a failure to fall into line could have a massive impact in invalidating potential claims on insurance policies. The majority of people, especially the elderly, were extremely anxious, and their anxiety was understandably compounded by existing coronavirus worries. During the Covid-19 pandemic, additional questions around affordability and the tightening of restrictions on individuals entering other people's homes have come to the fore.

In addition, there was controversy surrounding the company that ran the leafleting campaign. It had used a Scottish Government logo, but it had not received ministerial approval to do so. The document that came through the letterbox gave individuals the impression that it was supported by the Scottish Government, but we now find that that was not the case. There are many questions that have to be asked.

We know that the implementation is a priority for local authorities, but it comes at a cost. Councils are on a knife edge with regard to the current funding situation, and the legislation asks them to

implement some of the measures, so it is vital that we consider an extension of the implementation period.

I understand that a fire safety inspection must take place. At present, the Scottish Fire and Rescue Service has temporarily stopped most of its home fire visits as a result of pandemic issues, although it is still supporting people in high-risk accommodation. That has a knock-on effect on its ability to ensure that the safety procedures are moving forward, and the suspension of those visits also creates a backlog. That issue has to be considered as well.

Age Scotland has highlighted and has called for action on a number of areas in the process. It has identified the significant package of financial support that may be required, and it has talked about making sure that there is clear advice about devices—we have heard that some members have tried to purchase devices but found it difficult and challenging. Age Scotland has also highlighted the possibility of rogue traders and scammers inflating prices for vulnerable people. All those areas must be taken into account. In addition, as has been said, there is potentially a major issue with insurance.

As Sarah Boyack said in committee, a year is simply not enough time in which to take this programme forward. Unfortunately, she did not win the division on the motion—which I, too, voted against—but the minister gave assurances about the entire process and said that he would keep the committee and Parliament updated on developments and advise them of the publicity campaign that was, and is, required. As I said, we must ensure that people understand what they need to do, what kind of device is required and that it will come at a cost.

We will monitor the situation and hold the Scottish Government to account to ensure that those actions take place.

**The Deputy Presiding Officer:** I call Kevin Stewart to respond to the debate. You have around seven minutes, minister.

17:36

**The Minister for Local Government, Housing and Planning (Kevin Stewart):** Thank you, Presiding Officer. You said that I have seven minutes—my last response to a members' business debate was 14 minutes long. That is what happens when you deliver a speech in the back bedroom, where there is no clock. I apologise for that—

**The Deputy Presiding Officer:** I will interrupt you, minister, to say that I think we all enjoyed it very much.

**Kevin Stewart:** Thank you.

I welcome the opportunity to respond to Sarah Boyack's motion and congratulate her on securing the debate, although, as Graham Simpson pointed out, it is maybe the wrong way round, given the debate that we had in committee this morning.

I do not want to go on about this morning's debate too much. I draw people's attention to the *Official Report* of the committee meeting and repeat that I apologise for the way in which some of this has been dealt with. That has been largely due to the pandemic, but there was also the leaflet, which Sandra White described as giving her constituents a great shock when it came through the door. I have to say that it came as a great shock to me as well. It is not the way in which the issue should have been handled at all.

I am grateful to members for their speeches. A lot of points have been raised, and I will probably not be able to cover them all, but I am more than willing to respond to members separately.

I wrote to all members on 20 October to highlight that, given the impacts of Covid-19, I intended to seek Parliament's approval to postpone the change by a year, to allow people additional time. This morning, the Local Government and Communities Committee discussed and approved the necessary regulations to do that.

I was pleased to hear almost all members mention Grenfell. A lot of the work that we have been doing on fire and building safety is in response to that tragedy and the fact that so many lost their lives. The situation in relation to building standards is better in Scotland than it is elsewhere. However, none of us can be complacent, and we should all work together on the issue to get it right. I am very grateful to David Stewart for co-operating with the Government in ensuring other fire safety standards around suppression systems, which will come into play very soon, in the next session of Parliament.

The new standard is clear: one alarm in the principal living room, one in each circulation space and a heat alarm in the kitchen. Alarms must be interlinked and can be either all mains powered or sealed life-long battery operated. Mr Simpson mentioned that there could be a situation in which a person may have to get rid of a system because of batteries running out. However, that would not be a reason to replace an interlinked battery system. It is not about batteries expiring or wearing out; it is about the lifespan of the sensor unit. If folk drop me a note, I am willing to provide them with more information on that.

Having an interlinked system means that a person will be alerted immediately, regardless of the room in which the alarm is triggered, thereby

increasing the chance of escape. The standard also requires carbon monoxide alarms, but they do not need to be interlinked with the fire alarms.

In Clare Adamson's intervention on Graham Simpson, she mentioned that there have been problems in the past with no interlinking and with folk taking out batteries. The regulations are a response to such issues, which, in themselves, have often led to tragedy, which none of us wants to see.

As we discussed at some length at the committee today, good information is important. Some of the information that has been provided thus far will need to be bumped up—there is no doubt about that. I assured the committee that we will continue to keep it informed about progress on marketing.

Officials have engaged with retailers and suppliers on these issues. Ms Boyack may wish to talk to me later about the company that she went to, as maybe we can do a bit of work with it to help it along the way. We want to ensure that we are helpful to retailers with regard to websites and point-of-sale marketing. I know that some retailers already have home packs or bundles, which simplify for home owners the purchase of alarms that meet the standard. One company is offering an interest-free instalment payment option to enable purchasers to spread the cost of alarms over four months. I do not want to mention the names of those companies, because I might be accused of advertising, but, if members want that information, I am more than happy to provide it.

**Maurice Corry (West Scotland) (Con):** I have a question about batteries, which Graham Simpson mentioned. We do not know how long long-life batteries last, as that tends to vary. Would it be possible for the technical specification to provide that the alarm batteries be rechargeable? In other words, there would be a mechanism to recharge the batteries, similar to how we recharge our mobile phones, rather than having to take the batteries out and replace them.

**Kevin Stewart:** I am sorry if I did not make myself clear about the replacement of units. It is not the batteries that are the problem; sensor wear-out is the problem. I will check to see whether it is possible to replace sensors at some point, but I do not have that information to hand. However, the battery is not the problem; the issue is the sensor, which is at the heart of how the system works.

**Maurice Corry:** Will the minister take an intervention on that point?

**The Deputy Presiding Officer:** I can allow the time.

**Maurice Corry:** Aside from the sensor, it is important to have a battery recharging facility as well.

**Kevin Stewart:** I have heard what Mr Corry has said, and we can look at that issue, but the point is that the issue is the sensor, not the battery. I have to be clear on that.

As I highlighted to the Local Government and Communities Committee this morning, we have also made sure that people can get advice on the type of alarms—although not specific brand recommendations—that will meet the standard from our website and through information provided by the Scottish Fire and Rescue Service. If folk have any suggestions about how to improve that advice and information, I am happy to listen to what they have to say, and I will act accordingly.

I recognise the SFRS's crucial role in messaging around fire safety, and we will continue to work with the service to ensure that we are maximising opportunities to raise awareness, get good information out there and signpost to sources of help and advice. As was pointed out by Mr Gibson, Ms Harper and others, the Government has provided funding to the SFRS in that regard, and we are in discussion about how much further we can go. The SFRS deals with the most vulnerable people, so it is important that we get it all the right help.

Ms McNeill mentioned that some folk may not be able to pay for a system—specifically, people who are in fuel poverty. As part of our fuel poverty schemes, as well as upgrading heating systems, our contractor can supply fire and smoke alarms.

We will ensure that the correct marketing campaign is in place. I am always open to suggestions on that. The delay that we have agreed today will give people a further 12 months to install the required alarms, but I hope that most people will recognise the safety benefits and take action much sooner. I have instructed my officials to explore all avenues to ensure that installation is as easy as possible.

It is regrettable that the Scottish Government was not able to take forward its planned awareness-raising activity this year. Although we progressed some activity and there were plans to ramp up publicity and communications in the run-up to the original deadline, Covid-19 and the associated public health information restricted the opportunities for the Government to give out specific fire safety advice. I absolutely agree that there will be a need for a significant awareness-raising campaign, and I assure members that that is a clear priority for us. This morning, I pledged that I would continue to keep the committee up to speed with all that is going on, and I will do so.

My final point is an appeal to all members to use their good offices to continue to keep folk in their constituencies apprised of developments and to pass on what we have agreed in Parliament today.

*Meeting closed at 17:46.*



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