



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Meeting of the Parliament (Hybrid)

**Thursday 28 January 2021**

**Session 5**



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Pàrlamaid na h-Alba

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# Scottish Parliament

Thursday 28 January 2021

*[The Presiding Officer opened the meeting at 12:30]*

## First Minister's Question Time

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

**The First Minister (Nicola Sturgeon):** I will give a brief update on today's statistics. Yesterday, 1,201 new cases were reported, which is 5.6 per cent of all the tests that were carried out. The total number of cases now stands at 176,533. There are currently 1,938 people in hospital, which is a decrease of 33 from yesterday, and 142 people are in intensive care, which is a decrease of 3 from yesterday.

However, I regret to report that, in the past 24 hours, a further 82 deaths were registered of patients who first tested positive in the previous 28 days. The total number of people who have died under that daily measurement is 5,970. Yet again, I send my condolences to everyone who has lost a loved one.

Due to a hold-up in the processing of data from yesterday, I do not yet have the figure for the total number of people who have received their first dose of vaccine. That figure will be published as soon as possible. From the information that I have, though, I can report that around 60 per cent of people over 80 and living in the community have had the first dose of vaccine. We are on track to complete first doses for over-80s by the target of the end of next week. However, we anticipate that the vast majority will have been done by the start of next week. The over-70s will start to be vaccinated next week, and all of them, along with those who are clinically extremely vulnerable, will have had their first dose by the middle of February.

As we make good progress with vaccination, we also see signs of progress in suppressing the virus. Later today we will publish the up-to-date estimate of the R number, which suggests that it is now below 1. That is not unexpected, given the recent decline in new cases, but it is very welcome and provides further evidence that the lockdown restrictions are working.

That said, case numbers remain very high, and our national health service remains under severe pressure. For example, the number of people in

hospital with Covid is still approximately 30 per cent higher than it was at the peak last spring, although we are starting to see, from the numbers that I have reported today, welcome stabilisation in those figures.

It is therefore vital that cases continue to fall, which is why we have already confirmed that lockdown restrictions will continue until at least the middle of February. As everyone is aware, we are also considering and implementing further measures to help to keep the virus under control, both now and in the longer term. Those measures include tougher travel restrictions—we will set out more proposals on that in the coming days—and further on-going improvements to our test and protect system.

However, for the moment, the single most important thing that all of us can do to protect each other and to keep the virus under control is follow the current rules. Put simply, that means that we must all stay at home as much as possible. We should leave home only for essential purposes such as caring responsibilities, essential shopping, work that genuinely cannot be done from home and essential exercise. All of us should exercise responsible judgment on what is really essential and what is not. We should not have people from other households in our houses, nor should we go into theirs, and on any occasion on which we require to be out of our homes, we should follow the FACTS advice. Face coverings should be worn when, for example, we are doing essential shopping; avoid places that are busy; clean hands and surfaces; use 2m distancing when talking to people from other households; and self-isolate and get tested if you have symptoms.

All that will help us to continue with the progress that we have made in the past couple of weeks. It will protect us, our loved ones and our communities and, of course, it will help to protect the NHS. My advice to everybody continues to be to stay at home, protect the NHS and save lives.

### Vaccination Roll-out

**1. Ruth Davidson (Edinburgh Central) (Con):** We all want the vaccination programme to work as quickly and efficiently as possible so that restrictions can be lifted, but there is genuine concern across Scotland about the pace of the roll-out. We know that more mass vaccination centres, which have already been set up elsewhere and are due to open in Scotland soon, will make a big difference. That is very welcome, and we all hope that it goes according to plan.

However, the First Minister has so far sought to blame the slow vaccination rate on prioritisation of care homes. We asked for care homes to be prioritised way back in November, and it is the right thing to do, but that is not an excuse for the

slower roll-out across the general population. General practitioners know it, and the First Minister knows it, too.

One Edinburgh GP wrote to us this week and said:

“I helped deliver thousands of vaccines over the years and I know that different systems are used for care homes and the general public”.

Another GP confirmed that

“These jabs are sat there, but they are not getting to us.”

The argument that the focus is on care homes rather than on the over-80s is a red herring. It is not a choice between the two; those are different cohorts who are being vaccinated by different staff. Is the First Minister telling those GPs on the front line that they are wrong?

**The First Minister (Nicola Sturgeon):** No—but I think that Ruth Davidson is, again, mischaracterising the position, to some extent. I make no apology for the fact that we prioritised care homes first—not just because that is what the Joint Committee on Vaccination and Immunisation recommended that we do, but because we know that those people are the most vulnerable. In this second wave of the virus, we again see concerns building about outbreaks and the numbers of people who are dying in care homes.

We have now almost completed vaccination in care homes—around 95 per cent have been done, and there will be efforts to get that percentage up. Given that in any cohort, particularly frail older people, it is unlikely that 100 per cent will be reached, we have effectively completed vaccination of older residents in care homes, which I think is important.

I was reading yesterday—I think in the *Health Service Journal*—about concerns regarding the target for care homes being missed in England. We are on track not just to meet the target but, I hope, to exceed our targets for the other cohorts that we are now vaccinating. Around 500,000 people in total have been vaccinated already. As I said, the level for the population over 80 is now around 60 per cent or perhaps slightly above 60 per cent—the total figure will be published as soon as possible. That is well on track for meeting the target at the end of next week, although, based on the current pace of progress, I anticipate that the vast majority of over-80s will have been vaccinated with the first dose by the beginning of next week.

I have been inundated—as have all members this week, I am sure—by people in the over-70s age group contacting me to say that they have received their appointments. Vaccination of over-70s will start next week. I know people in the 65-to-70 age group who have also received

appointments for vaccination next week. Together with people in the clinically extremely vulnerable group, the over-70s will be vaccinated by the middle of February.

We are building a vaccination programme that has pace, but a sustainable pace, such that we are using the supplies that we have in a way that ensures that we can meet and, if possible, exceed the targets, while focusing first on those whom the experts say are most vulnerable to getting seriously ill and dying from the virus. That is the approach that we will continue to take.

Let me take the opportunity to thank those, including GPs, who are working so hard to deliver the programme.

**Ruth Davidson:** The GPs are right, however. Vaccinating in care homes and vaccinating in the community are two different systems, and we are able to do both quickly and at the same time, so there is no excuse for falling behind. The Scottish National Party has fallen behind, however much the First Minister protests. We have shifted targets, we are behind the rest of the United Kingdom and, on Sunday, vaccinations hit the lowest number yet.

If the problem is not prioritisation of care homes, let us look at what it really is. GPs have been shouting about it for weeks: they need the vaccine to be delivered to their surgeries more quickly. The Scottish Government can call up deliveries overnight from the distribution centres, but it is only sending out weekly deliveries to GPs. The head of GPs at the British Medical Association in Scotland has asked whether family doctors can be allowed to order stocks directly in order to help to speed up the process. Will the First Minister let them?

**The First Minister:** We will continue to discuss with those on the front line how we can better streamline and increase the pace of the programme. Governments across the UK will sensibly do that.

On the health board ordering system, although the structure of our national health service is different in terms of the population size that is covered by the entities that order the vaccine, it is not particularly different from that of the clinical commissioning groups that are doing that in England. Andrew Buist, the head of GPs, who has, understandably, raised concerns in recent weeks about the speed of getting supplies to GPs, said at the end of last week that he thought that great progress had been made last week on vaccinators and supply. He also said that he thought that the Scottish approach was the right one, and that we were now all cracking on with getting it done. That is the view that is being reflected.

We will continue to liaise daily with those who are on the front line to see whether there are problems that we need to overcome to ensure that the programme continues at pace. To be clear, I say that we have pretty much finished vaccinations of older residents in care homes. That achievement is important, because we hope that it will, as we go through the rest of the second wave over the next few weeks, reduce the number of people in care homes who might otherwise have died from the virus.

Almost finishing the vaccination of older residents in care homes has not been achieved in England—I am not sure about the up-to-date position in Wales and Northern Ireland. It is not about the choice of one category over another anymore, because we have done that cohort. There will be efforts made to get from 95 per cent to as close to 100 per cent as possible. We are going through the over-80s. I think that we will exceed the target that we have set for them, with the vast majority of those vaccinations being done by the start rather than the end of the week.

One of my family members, who is in the over-70s group, has an appointment in the middle of next week. I know somebody else who is under 70 and has an appointment later next week. We are able to go through that process now because of the efforts of those who are planning the system, and of those on the front line who deliver it. Progress is good, and we will continue to work every day to ensure that it carries on that way.

**Ruth Davidson:** Without further action, supplies that get to GPs too slowly will continue to be an issue, but we have not heard an answer to the question whether they will be allowed to order themselves. One north-east GP has told us that they

“have the ability to vaccinate about 500 patients a day. Other GPs in the area share our frustration.”

In Fife, a practice told its patients that it expects

“to receive further supplies to administer the second doses to the over-80s, but at the moment none beyond that.”

Those delays have a real effect on patients.

An older lady in Ayr contacted me yesterday; she is delighted that both she and her son-in-law had been called to the mass vaccination centre at the Citadel leisure centre. Her concern, however, was that her equally elderly and clinically vulnerable husband had not been called for vaccination. She phoned her GP, who told her that people who have been receiving shielding letters would be vaccinated at the practice, but that the practice had no doses and did not know when it would get any, but would be in touch when it received supplies.

The woman completely understands why clinically vulnerable people are asked to go to their local doctor and not to a mass vaccination centre, but asks why younger healthier patients are getting jabs before doctors who help more vulnerable people are even being given supplies. I had no good answer to give her. Does the First Minister have one?

**The First Minister:** Clinically extremely vulnerable people are in the same category as the over-70s, as the Joint Committee on Vaccination and Immunisation recommended, and they have been given appointments for vaccination, starting next week.

I cannot—nor should I try to—guarantee that somebody over 70 in one part of the country who is not clinically vulnerable will not get the vaccine a day before somebody in another part of the country who is clinically vulnerable. That is what happens when there is a two-week window, as we have now, in which to do everybody in those groups, based on clinical vulnerability, as experts recommended.

If it is the case that we are not getting supplies quickly enough to do the over-80s, why are we confident that we will exceed the target and complete their vaccinations well within the target date of 5 February that we set? We are not doing the vaccination programme exclusively through GPs—rightly so, because if we did, GPs would be diverted too much from caring for people with other needs.

GPs are vaccinating patients when there is a good case for it, and others are being done through mass community vaccination centres. My parents will be done at a vaccination centre that is actually closer to their home than their GP practice is. This is the mixed approach that we are taking—and rightly so.

I come back to the key point. We have completed vaccination in care homes and we are ahead of other parts of the UK in that achievement. We are now 60 per cent through the over-80s and on track to exceed the target that we have set for that group. Vaccination of the next cohorts will start next week, and we are well on track also to meet those targets. Every day, we seek to overcome and address issues that people on the front line might be experiencing. The programme is going well, thanks to the efforts of the people across the country who work hard to ensure that it does.

**Ruth Davidson:** The problem for the First Minister is that those examples are not isolated incidents. She insists that everything is going well, but let us look at what GPs on the ground are telling us.

Earlier this week, a family doctor in Glasgow bluntly said:

“The bottleneck is not people, it is vaccine supply.”

Let us therefore look at the supply chain. Since Tuesday, the Scottish Government has had around 1 million vaccines available for use. It is up to NHS Scotland to get them to health boards. At this stage, to quote the Scottish National Party Government’s “COVID-19 Vaccine Deployment Plan 2021”,

“Next day delivery can be done”

to health boards. However, getting the vaccines from the health boards’ vaccine holding centres to GPs is “normally weekly”.

We are six weeks into the vaccine delivery plan and three weeks into community roll out. Throughout that time, GP after GP has expressed frustration about supply issues, all of which the First Minister continues to brush off. They just want that to be sorted out. When will she do that?

**The First Minister:** I do not “brush off” any of those concerns. I am answering with detail on what is happening.

Ruth Davidson might have more of a point to make if we were way off meeting the targets to get through all the population groups, but we are not. If anything, we are on track to exceed the targets for vaccine quantity and the numbers whom we are vaccinating in each category.

On supply, I will not go into the detail of what we covered last week—about the Scottish Government publishing the expected supply and the United Kingdom Government demanding that we take that information out of the public domain while being quite happy to brief about the figures through spin to the media. I have said to my officials that I think that we will, actually, regardless of what the UK Government says, just go back to publishing the supply figures from next week, so that we all have transparency around that.

On the figures that Ruth Davidson quoted, as I said to her last week, if her figures are extrapolated from the UK level, then yes—of course we have allocations of doses, but we draw those down and they go into health boards and on to GPs. Of the doses that have come into Scotland so far, way more than half are already in the arms of people, and the other doses will be going into the arms of people during the coming days.

We have to plan for how we use our allocation to allow us to vaccinate all the groups that we have prioritised in the timescales that we have set.

I come back to the key point. I know that, across the country, everyone, almost without exception, wants to get the vaccine as quickly as possible,

and I know that GPs and other vaccinators want to do that as quickly as possible. We are on track to meet the targets that we have set and we will make sure that that continues as we get vaccines to as many people in the adult population as we can, as quickly as we can.

### Covid-19 Testing

2. **Jackie Baillie (Dumbarton) (Lab):** I, too, send my condolences to those who have lost loved ones to Covid-19.

Since the beginning of the pandemic, the World Health Organization has told countries to “test, test, test”. Yesterday, once again, Professor Devi Sridhar, the First Minister’s adviser, could not have been clearer that the best way to stop the spread of the virus and to avoid rolling lockdowns is by testing, finding contacts and isolating them.

Scotland has a daily testing capacity of 65,000 tests. We could have done 2 million in the past month alone, but we have used only 32 per cent of that capacity. We have known for some time that the First Minister’s symptom-led approach to testing is not enough to control the virus.

South Korea, Germany and other countries have been using polymerase chain reaction tests for months to find asymptomatic carriers. Even in England now, nearly one in every 100 people is tested daily for Covid-19. What is the equivalent figure for Scotland?

**The First Minister (Nicola Sturgeon):** I do not have that figure to hand—I will get that figure.

I say to Jackie Baillie that, if her central proposition is that England has done so much better than Scotland, why are Scotland’s virus rates so much lower than England’s right now?

I do not think that this should be some kind of competition. We are all working really hard to control the virus and get rates as low as possible. Throughout the pandemic, Scotland has consistently had rates that are too high in my opinion, but that are lower than other nations in the UK, certainly those of England and, more recently, those of Wales. The numbers of people dying are far too high and none of us should be comfortable with that. However, we are working hard to suppress the virus and we are using testing appropriately in order to do that, expanding that as we go.

The numbers that are quoted—I have tried to explain this week after week—are for people with symptoms. The reason why that quantity of tests is not used every day is that the levels of the virus are, thankfully, lower than they would be if that volume was being used up to capacity.

We are using asymptomatic testing much more widely now, through care homes and of national



health service staff, and we are using community asymptomatic testing, all of which is helping us to decrease the rates of the virus, which is so crucial.

I will never stand here and say that there is not more that we can do, more things that we should learn or other advice that we should take. I do not stand here and speak for Professor Sridhar, but I speak to her often. It is true that she advises a range of things—she has been a voice of wisdom throughout the pandemic. Without wishing to speak for her, I think that she considers that many of the things that we are currently doing in Scotland are the right ones. We need to keep at them and improve as we go, which is exactly what we will do.

**Jackie Baillie:** Let me help the First Minister out with a figure, which is that, each day in England, one person in every 100 is tested. Other countries in Europe and the rest of the world have mass testing programmes in which many more people are tested daily. In Scotland, that figure is one in every 250 people. Even in the past week, our test and protect system averaged only 20,622 tests per day out of a capacity of 65,000 per day. Nearly three-quarters of those were actually repeat tests of people who had already been seen.

Let us look at another crucial part of our current system, which is contact tracing and self-isolation. In the week ending 17 January, the test and protect system failed to reach, within 72 hours of their tests, more than 850 people who had tested positive. At the start of the month, that figure was as many as 1,625 people. When people are asked to self-isolate, there is no follow-up and little support. They get a text—that is it. In some parts of the world in which proper support is on offer, as many as 95 per cent of people are managing to follow self-isolation rules. Will the First Minister tell us the equivalent figure for Scotland?

**The First Minister:** I am happy to give equivalent figures, which I can provide later on. However, I think it is really important that we engage with the issues here, of which there are two.

Jackie Baillie said that it is terrible that only 20,000 people were tested, as opposed to 50,000. The figure is for symptomatic testing. If that figure of 20,000 had been 50,000 or 60,000, it would have meant that our rates for the virus were three times what they actually are. It is a good thing that there are fewer people with symptoms and that means that fewer people are coming forward for testing. That means that we are succeeding in starting to suppress the virus, which is the really fundamental point that has to be understood.

If England's number of tests carried out per 100 people in the population being greater than Scotland's was the be-all and end-all, we would

expect England's virus rates to be lower than Scotland's. However, they are not—they are significantly higher.

I will never stop trying to listen and learn about how we can do those things better, but the idea that we are somehow just getting them all wrong is not actually borne out when we look at our relative position compared to those of other countries.

Jackie Baillie is just downright wrong on the question of self-isolation. When someone is contacted and told to self-isolate, if they agree to having their details passed on to the local council they will get a follow-up call to triage their situation and find out whether they have particular needs. We have given councils additional resources so that if someone needs practical help in addition to the financial help that is offered through the self-isolation support grant, up to and including accommodation, that is available. We will shortly set out further plans to extend the support that is available to people who are self-isolating, but it is simply not true to say that no support is available to them.

Those are the facts of the situation. We will continue to work hard to improve as we go.

**Jackie Baillie:** I am always grateful when the First Minister says that she is prepared to listen and learn. The exact point that I am making is that the existing testing capacity should also be used for asymptomatic people. I do not think that she is currently doing that.

In raising such matters I am bringing into the chamber the real experience of people who are self-isolating. They tell me that they are getting little support. She herself will know that a third of those who applied for the self-isolation grant did not get it.

I did not hear an answer to my question, so I am happy to help the First Minister out again. Only 18 per cent of people in Scotland are able to follow self-isolation rules, which is fewer than one in five. It is a pity that the Scottish Government's performance cannot be matched by the First Minister's spin. Eleven months into the pandemic, it has been slow to test, slow to trace and slow to support people who are self-isolating.

Although the vaccine gives us hope, experts tell us that Covid will be here for some time to come. In order to lift current restrictions and not end up in a third wave and another lockdown, we need a functioning test, trace and isolate system. That is not what we have in Scotland today. Last year, community testing pilots uncovered hundreds of asymptomatic cases in just a fortnight, but instead of the promised wide-scale roll-out, the Government is still only in the planning phase.

If we are going to get the virus under control, we need mass testing in all our communities. Can the First Minister tell me when that is going to happen, or will we be back here in a few weeks, quoting the same expert advice, asking the same questions, and with more lives lost?

**The First Minister:** Listening to Jackie Baillie, people would not think that in Scotland we actually have the lowest levels of Covid in the whole of the UK—but they are too high, so we will continue to do more. We did pilots of asymptomatic testing before Christmas and we are about to roll out a number of community asymptomatic initiatives. We are about to do asymptomatic testing in more industrial settings—I am checking with the health secretary; I am not sure, but there may be one in Jackie Baillie's constituency. There is a testing centre in Jackie Baillie's constituency, or maybe a mobile testing unit.

We use testing appropriately; we will continue to do that and we will continue to extend that. Frankly, it does a real disservice to the people who are working so hard on test and protect to say that is not functional. It is functional—it is functioning well—and those people have my gratitude for that.

### Vaccine Roll-out

3. **Willie Rennie (North East Fife) (LD):** The First Minister claimed that we were slower than England at first, because we did the hard-to-do care homes first. That argument does not wash. According to a new survey, England and Scotland are now in the same place on care home vaccination but the gap is still around 140,000 for everyone else. That is the number of people who would have had the vaccine by now if Scotland had kept pace with England.

Every day that a vaccine is left in a vial is another day that a person is left exposed to the threat of this deadly virus. With 100,000 lives lost, we cannot afford such slippages any more. It is not to do with care homes and the First Minister says that it is not to do with the ordering system, so why are we so far behind England?

**The First Minister (Nicola Sturgeon):** We are on track not just to meet the targets that we have set to vaccinate groups of the population, but we will probably exceed those targets. Sixty per cent of over-80s are already vaccinated; the vast majority, I anticipate, will be done by the start of next week; and all of that group by the end of next week. The over-70s, the clinically extremely vulnerable and some under-70s will start to be vaccinated next week. We set those targets and we are meeting those targets.

I am sorry that people do not agree that we should have prioritised care homes early; I think that we were right to do that. I do not know what

survey Willie Rennie is quoting—if England has now caught up with us in relation to care home vaccinations, that is good news. However, the fact is that we were ahead in terms of care homes and now we are getting through the other groups.

If we were missing the targets, I could understand the criticisms that are being made. We are putting in place a programme that involves working through the cohorts as clinically recommended, in an appropriate and sustainable way, and we will continue to do that.

**Willie Rennie:** At no stage did I say that we should not prioritise care homes first; let us get that straight. What we are saying is that the First Minister should not use the care homes argument to hide the fact that the Scottish Government has not kept pace with the rest of the United Kingdom.

Yesterday, Professor Linda Bauld criticised the lack of preparation for the second wave. She went on to urge the Government to get ready now to increase polymerase chain reaction testing to catch more people with the virus.

Last week, I reported that the Government had failed to use 1 million gold standard PCR tests since Christmas. This week, it is even worse. The number is now 1.2 million tests that have not been used. The Government is sometimes only using a quarter of the capacity. Is it not time to turn that around? I know that the First Minister does not want to listen to me, but will she at least listen to Professor Bauld and use those tests? Why is the First Minister ignoring the advice of such a professor?

**The First Minister:** I am not ignoring her. I have huge respect for Linda Bauld, and I listen to her very closely, as I do to Professor Sridhar, because they not only give good advice but do not mischaracterise the position that is actually the reality.

I do not believe that Willie Rennie really misunderstands the approach to testing, but I think that he continues to pretend that he misunderstands it in order to bandy about figures such as 1 million unused tests. We use the PCR testing capacity principally for symptomatic cases, so that people can be caught and diagnosed and then put into self-isolation, and so that their contacts can be contacted and told to isolate. The reason why the symptomatic cases are not meeting the capacity that we have is that the levels of virus are, thankfully, lower than that.

However, we are extending the use of PCR testing for asymptomatic use, just as we are using lateral flow devices, community projects, industrial projects and asymptomatic testing among care home staff, visitors to care homes and national health service staff. We are piloting approaches for asymptomatic testing using PCR testing and

lateral flow devices in schools to help us as we transition to having children back in school, which I hope will be soon. We are doing all those things, and doing so in a way that makes sense and that takes account of the very good advice that we get from people such as Professor Bauld and Professor Sridhar.

### Pandemic Response

**4. Patrick Harvie (Glasgow) (Green):** Whether or not we think that it is essential travel, the Prime Minister is visiting Scotland just days after the number of deaths from Covid in the United Kingdom reached the grim milestone of 100,000. We have one of the worst death rates in the world. Across both Governments and the whole political spectrum, we share a deep regret; we also share responsibility.

Boris Johnson claims that everything that could have been done was done, but the First Minister has acknowledged that mistakes have been made, including sticking too closely to the UK's position on international travel. Does that regret go further? Have there been other choices where the First Minister accepts that, as seems clear to me, the desire for a four-nations approach held us back, whether it was in locking down too late or opening up too early, or in the economic response or the test, trace and isolate systems?

**The First Minister (Nicola Sturgeon):** The milestone that was passed this week for the number of people dying in the UK is grim and should be something that lives with, haunts and is imprinted on the minds and hearts of everybody who has been a decision maker in the pandemic. I am clear that I and my Government have tried every single day to do everything that we possibly can. The death rate in Scotland is of course far too high, but it is slightly lower than the rate in other parts of the UK, or in the UK as a whole. We try to do everything every day, but nobody can look at those figures and conclude that, every day, we succeeded. That demands frankness from all of us.

I have already reflected on some of the things that I would do differently if I could turn back the clock. In part, that is about applying the benefit of hindsight, and other people can judge whether it is fair to call those things mistakes. However, in addition, mistakes will have been made.

One thing that I agonise about is whether we locked down early enough. Although we locked down at the same time as England, given the relative rates of infection, in effect we probably locked down slightly earlier than England did. But was that early enough? We of course had constraints in terms of the economic packages that required to be put in place.

I also agonise over border control. Should we have done more, even when the UK Government did not want to? We need to learn and apply that lesson in the weeks to come.

I will never stand here and pretend that we did everything that we possibly could and that we did not get anything wrong, because that is not the case. However, it is really important that we learn as we go and that we ensure that, where we got things wrong, we put that right in future, and I will try to do that.

Although I can reflect and offer thoughts on things that I wish we could have done differently, as I have just done, ultimately, it is not for me or people like me to mark our own homework. That is why, in the fullness of time, a full public inquiry into all those issues is necessary and appropriate.

**Patrick Harvie:** Another regret that the First Minister expressed this week was in a message that she gave yesterday about transphobia within her party, in which she promised a zero-tolerance approach to such prejudice in the future. Following that statement as a party leader, does she think that the same message and the same commitment are needed from her as First Minister for the actions and inactions of the Scottish Government? Does she regret that the promises that were made to trans and non-binary people to make their lives easier, to improve their healthcare and to uphold their rights were broken, and that transphobia in Scotland has grown far worse as a result of the Government's failure to act? What will now change?

**The First Minister:** I think that the issue is one on which all of us have a duty to speak out. I have a duty and a responsibility to tackle transphobia if it exists in my party and, as First Minister, I have a duty to make sure that the Scottish Government protects and enhances the rights of trans people. However, I do not think that anybody in the chamber, whether in relation to their organisations or to Scottish society as a whole, can sit back and rest on their laurels here.

We are talking about a really important issue. I am a lifelong feminist, and I understand the concerns that women have about abuse, misogyny and the erosion of women's rights. As women across the chamber and across society do, I face vile misogynistic attacks every day of my life but, as a woman, I know that the threat to my safety is from abusive men, not from trans women.

I recognise the concern that abusive men will exploit trans rights to harm women, and we must address that. We must have such debates openly and honestly, but we can never allow any debate to become a cover for transphobia. Transphobia is wrong—it is as wrong as racism and homophobia. Trans people have the same rights as any of us to

feel safe, secure and valued for who they are, and I, as First Minister, as leader of the Scottish National Party and as a citizen of this country, will stand against prejudice, discrimination and bigotry wherever I encounter it. That is not about political expediency or otherwise; it is a simple matter of conscience. I think that everybody should take that approach.

### Small Business Support

**5. Stuart McMillan (Greenock and Inverclyde) (SNP):** To ask the First Minister what consideration the Scottish Government is giving to providing funding to small businesses that are classed as essential and have no access to sector-specific support, but whose profits have been impacted by the Covid-19 pandemic and the advice to the public to stay at home. (S5F-04769)

**The First Minister (Nicola Sturgeon):** We recognise that many businesses that are classified as essential and have therefore been able to remain open under the current and the previous restrictions will still have struggled over the past year. The £30 million local authority discretionary fund was established precisely to help to plug the gaps in financial support for businesses that exist where there are challenges inherent in implementing a national policy, and I encourage those essential businesses that are experiencing hardship as a result of reduced trade to reach out to their local authority for support through that fund.

**Stuart McMillan:** I have been contacted by a local ironmonger whose small independent business cannot access funding from the strategic framework business fund as a result of being classed as essential and cannot access the council's discretionary fund as the fund has already closed—it closed within a couple of days because it was heavily oversubscribed. The business is struggling to survive in the face of a huge drop in footfall, as people are rightly staying at home and following the rules. In addition, the business cannot compete with the larger businesses in the area.

What additional support can be made available to my Greenock and Inverclyde constituent and the many more people across Scotland with businesses that are deemed essential but which are struggling to survive because of the pandemic?

**The First Minister:** Obviously, I will not comment on individual cases when I do not know all the details, but I appreciate that financial support has not yet made its way to every business that is experiencing on-going disruption.

The discretionary fund was designed to get financial support to businesses where there are

challenges in adopting a national approach. Some businesses will fall through gaps, for example because they are classed as essential, which means that they are not required to close, with trade severely impacted. We are working with local authorities to make sure that that money gets to businesses as quickly as possible. In addition, we are actively exploring opportunities to further widen access to the fund.

I am sure that the Cabinet Secretary for Finance—when she has got today's budget out of the way—would be happy to have further discussions about how we can ensure that the funding that we provide helps as many businesses as possible.

### Cladding (Flat Owners)

**6. Graham Simpson (Central Scotland) (Con):** To ask the First Minister how the Scottish Government is helping flat owners affected by dangerous cladding. (S5F-04757)

**The First Minister (Nicola Sturgeon):** I know how much anxiety has been caused to home owners who are affected by that issue through absolutely no fault of their own. We have been working with industry bodies, home owners and others to try to resolve the situation for home owners. We established a ministerial working group on mortgages and cladding—in fact, it met most recently just this morning.

Recent consultations on guidance that was produced by the Royal Institution of Chartered Surveyors and the Scottish Government have shown that agreement is developing on the buildings that are most at risk. That will help to clarify which buildings are affected and then allow us to take action and target support accordingly, focusing on the greatest need and, of course, securing best value for taxpayers.

**Graham Simpson:** Last year, the United Kingdom Government set up a £1 billion building safety fund, and the Scottish Government was given £100 million as a result of that last March. People may well ask what has happened to that, and the answer is nothing. Scottish building regulations and guidance still do not ban the use of combustible materials on the outside of high-rise or other high-risk buildings, in contrast with the situation in England and Wales. Thousands of people are stuck in potentially dangerous flats for which it is a struggle to get a mortgage.

As the First Minister said, the Government set up a ministerial working group on mortgage lending and cladding. The most recent minutes that I could find were from April last year, so it is good to hear that the group met this morning.

The First Minister is well aware of the issue. She has had constituents complaining about it. When

is she going to unveil her solution? When is that £100 million going to be spent?

**The First Minister:** On the question about the money, if Graham Simpson had listened to my earlier answer, he would know the process that we are going through. We need to establish where there is greatest need—the buildings that are most at risk—and then make sure that that support is targeted appropriately in a way that addresses need but which also ensures value for taxpayers. That is the process that is under way.

On the wider points, we are considering the responses to the consultation on the Scottish advice note on external wall cladding systems and we intend to publish the advice note later this year. The Minister for Local Government, Housing and Planning will keep Parliament updated, as he has done up to now.

I know through constituency experiences how anxious a situation this is for people who are affected, but that is why it is right that we do this properly to address the issue of those who are currently living in buildings that are affected by cladding, but also to make sure that, through building standards in the future, we do not repeat the situation.

### **Cervical Screening Tests Backlog**

**7. Sarah Boyack (Lothian) (Lab):** To ask the First Minister what measures the Scottish Government is putting in place to catch up with the reported six-month backlog of cervical screening tests, and whether priority will be given to people who have previously had an abnormal result. (S5F-04760)

**The First Minister (Nicola Sturgeon):** Cervical screening, which had been paused in the early stages of the pandemic, resumed on 30 June last year. During July and August, participants who receive more frequent screening because of a past result and who had not received their invitation or reminder due to the pause in screening were prioritised and were sent their invitations first. Invitations for routine screening began to be issued again in September, and appropriate infection control measures are in place so that people feel confident about attending.

The programme continues to face challenges, as many programmes do, as a direct result of the pandemic. However, diagnosing and treating cancer early remains a priority. The Government has provided just under £1 million to support capacity in sample taking, for example. That was agreed following extensive consultation with health boards and primary care.

**Sarah Boyack:** I thank the First Minister for that response. The reason why I wanted to raise the issue is that I have had constituents get in touch

with me recently who are worried because they have experienced delays in their access to cervical screening tests and, because it is already three years since their previous test, they are now deeply concerned. Does the First Minister agree that cancer tests such as cervical screening tests need to be a priority both now and when the NHS is remobilised? They are a strong preventative measure that will relieve pressure on our NHS in the long run, but also ensure that the identification of potentially life-threatening cancers is not delayed and, therefore, that my constituents are not put at risk or placed under further deep worry and strain.

**The First Minister:** I agree with all of that. Sarah Boyack is absolutely right to raise those concerns in the chamber. It is a concerning situation for anybody who is waiting for a cancer screening appointment, a diagnostic appointment or treatment. I think that we all understand that.

On the cervical screening programme in particular—although some of what I am about to say will apply to all the cancer screening programmes—people might recall that, when the very difficult decision was taken to pause the screening programmes last spring, the former chief medical officer set out that the decision was taken to pause the programme rather than continue it at a slower pace so that people would not miss appointments. If they were due an appointment, that would be rescheduled when the screening programmes started again. It is right that, since they have restarted, those most at risk have been prioritised, which I think is one of the issues that have been raised. Of course, work is on-going to get through the backlog as quickly as possible, given the on-going challenges around infection prevention and control.

It is vital that cancer symptoms and diagnostics continue to be prioritised, so that we can get people into treatment as early as possible. That remains a priority for the whole national health service, notwithstanding the pandemic conditions in which it is working.

**The Presiding Officer:** We have a very large number of requests for supplementaries. We will not be able to take them all, but we will see how many we can take.

### **Debenhams Takeover**

**Sandra White (Glasgow Kelvin) (SNP):** The First Minister will be aware of the takeover of Debenhams by Boohoo. The deal does not include the shops. Hundreds of employees will lose their jobs and the Glasgow store in my constituency is closing. What support will be offered to employees, and what action can be taken to support our high streets and businesses that have been impacted negatively by the pandemic and

the rise of online shopping, which has left once-lucrative retail spaces empty?

**The First Minister (Nicola Sturgeon):** I was concerned to hear of the situation with Debenhams, and I know how distressing the situation will be for those who work for it and their families. The business minister has already spoken with the administrator for Debenhams to offer every support possible, and we are providing support, as we always will, for any individuals who are affected by redundancy through the partnership action for continuing employment initiative.

More generally, we are providing grant support for retail businesses that are required to close, and one-off top-up grant support for businesses, depending on their rateable value, has recently been announced.

We are working closely with stakeholders to develop a retail strategy to help the sector deal with the situation that it is facing. Considerations for the strategy will include the impact that Covid has had on retail, the response to increased online trading and how the sector may have to adapt to meet those challenges as we start to recover from the acute phase of the crisis.

There is no doubt that retail is one of the most badly affected sectors and will require our on-going support for some time to come.

#### **Arran Ferry (Reliability)**

**Jamie Greene (West Scotland) (Con):** I was contacted last week by Arran Cancer Support Trust, which raised concerns that many of its patients have been missing vital cancer treatment from the mainland due to the unreliability of the Arran ferry. Of course, the replacement vessel is now three years late. The trust described the situation there as "critical".

This week, a number of 80-year-olds on the island had their Covid vaccination cancelled because doses failed to arrive on the island. The situation simply is not good enough. We need reliable transportation to our island communities, and they deserve the same standard of healthcare as anyone else in Scotland. Why are they not getting it?

**The First Minister (Nicola Sturgeon):** People living in island communities absolutely deserve the same standard of healthcare as anybody living in mainland Scotland. I am very happy to look into the particular issues relating to hospital appointments and Covid vaccinations that have been raised regarding recent disruption to the Arran ferry and get back to the member as quickly as I can.

#### **NHS Lothian (Covid-19 Vaccination Rate)**

**Daniel Johnson (Edinburgh Southern) (Lab):** According to weekly Public Health Scotland figures, NHS Lothian has the lowest vaccination rate of any health board in Scotland. Just 7.3 per cent of residents have received their first dose. Within the area, Edinburgh is the worst local authority for vaccinations, with just 4.9 per cent of residents vaccinated, which is almost half the Scottish average. According to the *Edinburgh Evening News*, it emerged last week that NHS Lothian has given vaccinations to volunteers at a food bank, despite care home residents and staff still waiting for inoculation. The health board claims that that is because Scottish Government guidance on prioritisation is unclear. Has the Scottish Government been in touch with NHS Lothian regarding its apparent slow rate of inoculation? Does the First Minister have an explanation as to why it is lagging behind the rest of the country? Is the health board right in claiming that the guidance on prioritisation is unclear?

**The First Minister (Nicola Sturgeon):** I thought that the Cabinet Secretary for Health and Sport was about to combust at the suggestion that she not been in touch with NHS Lothian or other national health service boards. I assure Daniel Johnson that there is daily contact with all health boards about the vaccination programme and other matters.

Any health board, council or organisation that thinks that the guidance on any aspect of our Covid response is unclear should let us know. We will look into it and, if that is the case, seek to rectify the issue. I am not aware of there being any lack of clarity in the guidance on vaccination priority, but if there is a perception that there is, we will address it.

The weekly Public Health Scotland figures, which I assume are the figures that are being quoted, are accurate as at a few days ago, so the position will have moved on. The Scottish Government is now publishing a daily breakdown and, in due course, Public Health Scotland will publish daily breakdowns as well. Therefore, I caution against putting too much store on figures that are for three or four days ago. Nevertheless, we want the vaccination programme to proceed at pace, not only across the country but in all parts of the country. If there is any suggestion that any health board is behind the pace, Daniel Johnson can be assured that the health secretary and Scottish Government officials are following the matter up very assiduously indeed.

#### **Covid-19 (Vaccination of Police Officers)**

**Richard Lyle (Uddingston and Bellshill) (SNP):** Will the Scottish Government address the

concerns of police officers regarding vaccination timescales for their profession?

**The First Minister (Nicola Sturgeon):** I absolutely understand the desire of police officers, teachers and other professional groups who have direct contact with members of the public to be vaccinated as quickly as possible. I absolutely sympathise with that. However, right now, we are following a clinical prioritisation list that has been recommended because following that clinical prioritisation is the best way to protect the most vulnerable and reduce the burden of the virus in terms of serious illness and death.

If, at any time, we said that a group outwith the clinical prioritisation was to be prioritised beyond where it is right now, we would, by definition, be deprioritising groups with greater clinical need. There are two important points, which I will set out as briefly as possible. First, there will be many police officers in the initial Joint Committee on Vaccination and Immunisation priority groups, such as people with underlying health conditions or those who are over 50. Therefore, many of the police officers will be included in the clinical priority groups.

Secondly, the quicker we do the first JCVI priority groups, which we are aiming to do by the start of May, the sooner we get on to the wider population. It is a whole adult population programme that will, as quickly as possible, include everybody.

### Queensferry Crossing Closure

**Alexander Stewart (Mid Scotland and Fife) (Con):** Connections for key workers and key deliveries are vital during the pandemic but, when chaos on the roads is caused by ice-related closure of the Queensferry crossing, it has an enormous knock-on effect. The £1.3 billion bridge was opened to great fanfare as both an engineering marvel and a new icon for Scotland. However, the closures could have been avoided, as the problems with falling ice were highlighted at the design stage. What urgent action will the Scottish Government take to find a proper solution to allow this flagship bridge to be used as intended?

**The First Minister (Nicola Sturgeon):** This flagship bridge is used as intended, and it is a huge success. Bridges of similar design in other parts of the world offer suffer occasionally from extreme icy conditions. I am not sure whether Alexander Stewart is suggesting that we stop ice accumulating on a structure in sub-zero temperatures, or just let traffic go across the bridge regardless of the risk of ice falling off it. Thankfully, such occasions are rare, but the bridge is a great success and we will continue to work with its operators to make sure that travel flows

across it without disruption on as many days of the year as possible.

### Small Business Support (Glasgow)

**Pauline McNeill (Glasgow) (Lab):** My question is similar to Stuart McMillan's. For reasons that the First Minister is aware of, newsagents, convenience stores and food takeaways that are based in Glasgow city centre get no financial support at all, but tier 4 restrictions have reduced the footfall in the city centre. Glasgow city centre small business alliance has written to the First Minister to say that its members have no option but to close, because they are not bringing in enough sales and that, if there is no help, many of them will go to the wall. Will the First Minister keep me and other Glasgow members informed as to how the Government will proceed on that point? I am sure that she appreciates that Glasgow city centre already has huge challenges and will likely require a specific recovery plan, given its strategic role as a driver of the Scottish economy.

**The First Minister (Nicola Sturgeon):** There are on-going discussions with the Scottish Cities Alliance about some of those issues, which will be important for the medium to longer term. More immediately, the Cabinet Secretary for Finance will cover issues of business support in her budget statement this afternoon, so I will not tread on that territory right now.

However, in the immediate sense, Glasgow City Council already has a share of the £30 million discretionary funding which, as I said to Stuart MacMillan, was designed to ensure that businesses that fall through the gaps of the other sector-specific or other schemes can have access to funding. I think that some of the businesses that Pauline McNeill talks about fall into that category. We will continue to work with councils and others to make sure that we are doing as much as possible to fill those gaps. That discretionary funding is already available to councils, which should be seeking to get it to businesses as quickly as possible.

### Job Retention Scheme

**John Mason (Glasgow Shettleston) (SNP):** The job retention scheme has been extremely valuable and has been welcomed in Scotland and across the United Kingdom. However, we do not yet know whether it will continue beyond April. This afternoon, we will hear the Scottish budget. If the job retention scheme does not continue, will that have a negative impact on the Scottish budget and the Scottish economy?

**The First Minister (Nicola Sturgeon):** If the job retention scheme is withdrawn prematurely, while we still have any degree of Covid restrictions that put constraints on the way businesses operate,

that will be bad for Scottish workers and workers across the UK. If that happens, there will be a knock-on effect on the economy and the Scottish budget.

My appeal to the Chancellor of the Exchequer would be that he extend the job retention scheme for as long as it is necessary. Many other countries in other parts of Europe have already made similar decisions. It would be wrong and deeply damaging for the scheme to be withdrawn before we are out of the acute phase of the crisis. We saw unemployment figures this week. The job retention scheme is preventing unemployment from being much higher than it is, which gives us a sense of what might happen if the scheme is withdrawn. I hope that that does not happen.

Perhaps, when we are talking about learning from mistakes—and I will seek to learn from any mistakes that this Government has made—it will be acknowledged that the uncertainty that was caused by the chancellor saying that the furlough scheme was going to be stopped and then at the very last minute extending it cost jobs. Clarity now that the scheme will be extended for as long as necessary would be welcomed by businesses across the country.

#### **Covid-19 (Vaccination Programme)**

**John Scott (Ayr) (Con):** I declare an interest as a shielded person. Further to Ruth Davidson's questions, can the First Minister explain to the Parliament why general practitioners in my constituency, who vaccinated their over-80s and nursing home patients some weeks ago, cannot now get vaccines to vaccinate their shielded cohorts? When will they get those vaccines?

**The First Minister (Nicola Sturgeon):** GPs and the vaccination centres that will be vaccinating the over-70s and people who are clinically vulnerable in the shielding category will have the supplies to vaccinate everybody in those categories by the middle of February. That is the target that we have set and the target that we are on track to meet.

The overall vaccination programme is being done through a mixed approach. Some vaccinations are done through GP practices and some through vaccination centres, for reasons that I think I set out earlier.

Everybody in those categories will be vaccinated with the first dose by the middle of February. That is the target that we set and the target that we are on track to meet.

#### **Abbeyfield House Care Home**

**Bob Doris (Glasgow Maryhill and Springburn) (SNP):** I have been informed that Abbeyfield House care home in Springburn is consulting on potential closure, and it is possible

that it will close by the end of May 2021. I understand that there are 14 residents. Families have contacted me raising understandable concerns. I am in contact with the owners of the care home, social work authorities and the Care Inspectorate. Does the First Minister agree with me that moving vulnerable residents to a new care home has inherent risks at any time, let alone during a pandemic? How can the Scottish Government work with all involved to do all that it can to prevent that from happening?

**The First Minister (Nicola Sturgeon):** The interests of the residents must always be the paramount consideration, and their care must be delivered as safely as possible. I agree with Bob Doris that moving residents to a new care home should always be a last resort but, when it is necessary, that must include a safe and supported transition for residents to alternative care environments. I am happy to ask the Cabinet Secretary for Health and Sport to engage with the health and care partnership in Glasgow on the current position of this care home to ensure that the needs of residents are being met and, should it be necessary, to seek assurances that any transition is managed safely. I am sure that the health secretary will be happy to liaise with Bob Doris on that.

#### **Edinburgh Airport (Covid-19)**

**Alex Cole-Hamilton (Edinburgh Western) (LD):** The First Minister's announcement of new border arrangements and her advice against booking international travel came as a surprise to the management of Edinburgh airport, who learned about it only while watching the lunchtime briefing on television. That has effectively closed down the aviation sector, and the airport has signalled that it could well lead to further unplanned redundancies in my constituency. The airport does not oppose the restrictions but is concerned that they are being brought in without the support packages that have been offered to the sector in other countries that have gone before us. What additional support will be offered to our airports in light of this? Will she commit to working closely with them to determine a route out of these measures once conditions allow?

**The First Minister (Nicola Sturgeon):** My comment is not directed at Edinburgh airport which, like all airports and the aviation sector generally, is having a torrid time. I said yesterday that we are specifically seeking to work with the United Kingdom Government so that, collectively, we can ensure that there is additional support for airports and the aviation sector.

I cannot honestly believe that anybody was surprised yesterday when I said that we should not be planning overseas travel for the foreseeable



future. I have been seeing that repeatedly for some time. The clue is in the fact that we are living in a global pandemic and, as we suppress the virus here and continue to roll out the vaccination programme, it becomes more important that we minimise the risk of reimporting the virus, or possibly importing new, faster spreading and more dangerous strains of the virus into the country.

I remember saying last year that we thought that we had virtually eliminated the virus in Scotland during the summer, but then it was reimported. Willie Rennie criticised me for claiming that at the time, but genomic sequencing has since proved it to be true. We must learn that lesson. If we want to get back to any semblance of domestic normality during the next few months, we must make sure that we are not taking the risk of bringing the virus back into the country. I do not believe that me saying that yesterday came as a surprise to anybody who has been listening to any of this in the past weeks.

**The Presiding Officer:** We are resuming at 2 o'clock to discuss the budget, so I will draw First Minister's questions to a close.

13:32

*Meeting suspended.*

14:00

*On resuming—*

## **Budget 2021-22**

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

The next item of business is a statement by Kate Forbes on the Scottish budget for 2021-22. The cabinet secretary will take questions at the end of her statement, so there should be no interventions or interruptions.

**The Cabinet Secretary for Finance (Kate Forbes):** Today's budget comes almost a year after the first case of Covid-19 was notified in Scotland. The pandemic has shaken our society and economy to the core. Every life has been impacted, and every life lost has been a tragedy. Livelihoods have been upended, and front-line services have responded in remarkable ways.

Of course, our collective fight to overcome the virus continues. The exceptional circumstances require an exceptional response. The budget provides for continuity in our urgent work to control the virus and to protect our economy and national health service while the vaccine is delivered as quickly and safely as possible.

It is not just the pandemic that has taken its toll on Scotland's economy. The wrecking ball of a dismal Brexit deal is compounding matters.

Today's budget will bring much needed support and stability to ensure that our economy recovers and that we protect those who have been hit the hardest. Our approach continues to target support in the immediate term, as well as tracking a course over the coming year to build a fairer, stronger and greener economy. Fundamentally, it focuses on three key priorities: creating jobs and investing in a sustainable recovery; responding to the health pandemic; and tackling inequalities.

This is a time of great fiscal uncertainty. In the absence of a United Kingdom budget, much of the information that we need in order to plan with certainty is missing. We must persevere with a budget that is based on a partial settlement while we are left waiting until the UK budget to see the full hand that is being dealt to us.

I have repeatedly welcomed the additional—largely borrowed—Covid funding that the UK Government has provided, and I do so again. However, I have a duty as Cabinet Secretary for Finance to make the case forcefully when I believe that more is required. There is £21 billion sitting in the UK Covid reserve. Our share of that funding would help to meet the on-going needs of our

businesses and our NHS and other public services.

In the interests of providing certainty, and based on the balance of consequentialists that have been received to date, I have made a prudent funding assumption and allocated £500 million against what we expect to flow to us from the Covid reserve next year. That will make the budget process more transparent and aid parliamentary scrutiny of our funding decisions. This week, I have written to the Chancellor of the Exchequer to set out the Scottish Government's priorities for the UK budget and to seek clarity and flexibility on several matters of importance to Scotland.

Given the particular interaction between this year's and next year's budgets, I will touch on the 2020-21 position as we approach the end of the financial year. Last month, I set out how Covid funding was being allocated in full. Following my assessment of the latest position, and confirmation of an additional £400 million of consequential funding, I have already confirmed the following further funding for 2020-21: £300 million for business support, including payments from the strategic framework business fund to the end of this financial year; one-off top-ups to grant support for hospitality, retail and leisure businesses; comparable support for island businesses; and increased funding for the taxi and wedding sector funds. There is also £85 million for education recovery and £30 million to address university student hardship.

On Monday, councils paid out millions of pounds in framework funding and sector top-ups—significantly more than the figures that were published earlier this month. Since boxing day, payments have been made to tens of thousands of businesses. That builds on the 383,000 business awards, valued at more than £2.3 billion, that have been made since the beginning of the pandemic. Alongside that, we are filling the gaps in support through sector-specific funding, with funding now available for taxi drivers, brewers, travel agents, indoor football clubs, events businesses and a variety of businesses in the wedding sector, from florists to photographers.

I know that businesses will continue to need support for as long as they need to close, and they want certainty about the future. I can confirm today that the strategic framework business fund will continue to support businesses beyond the end of this financial year, should funding from the UK Government be forthcoming.

I can confirm two further measures: a doubling of the discretionary fund for local authorities to £60 million—to distribute as they wish—and a commitment to pay February grants at level 4, irrespective of what levels are confirmed during the next month.

Local government has been at the forefront in distributing grants, supporting communities and responding to the pandemic. Last year, the Scottish Government and the Convention of Scottish Local Authorities agreed the details of a scheme, which was then estimated at £90 million, to compensate councils for loss of income from sales, fees and charges due to the pandemic. Today, I am increasing that allocation to £200 million. When added to the £49 million previously announced, the total support for councils' losses this year is now up to an additional £249 million. I am writing to the Finance and Constitution Committee today with the full 2020/21 allocation details, which confirm that every single penny has been allocated.

Yesterday's gross domestic product figures show that, as a result of the restrictions that we have had to put in place to control the virus, our economy is now 7.1 per cent smaller than it was pre-Covid, while over the same period the United Kingdom economy has shrunk by 8.5 per cent. We have largely tracked the rest of the UK economy over the course of the pandemic, with a negligible difference in labour market and GDP statistics, but yesterday's figures suggest a widening gap in the impact on the Scottish and UK economies.

The Scottish Fiscal Commission's forecast, which was published today, shows a difficult outlook. The current lockdown measures to suppress the new Covid variant will likely reverse some of the fragile economic recovery that was seen during the summer, with GDP forecast to fall by 5.2 per cent in the first quarter of 2021. The vaccine roll-out and the anticipated easing of measures mean that the economy is expected to return to growth across 2021-22 as a whole. However, the commission still expects longer-term damage and does not expect GDP to return to pre-pandemic levels until 2024.

The SFC also forecast unemployment to increase to 7.6 per cent in quarter 2 of this year. In line with current, announced UK Government policy, that forecast is based on the assumption that the job retention scheme ends at the end of April without a replacement. I do not underestimate either the cost or the benefit of the job retention scheme, but that is a stark reminder that if the scheme ends prematurely, the impact on jobs and livelihoods will be severe. The chancellor must extend the job retention scheme, and he must do so before the UK budget in March in order to give businesses sufficient time to plan ahead, because good jobs and viable businesses depend on it.

Members will note that the projections that the Scottish Fiscal Commission published today take into account the current period of lockdown. The most recent UK projection is from November and

does not reflect the current lockdowns across the UK. That timing difference will inevitably cause some challenges for our budget through the fiscal framework. However, as Richard Hughes from the Office for Budget Responsibility said to the Finance and Constitution Committee yesterday, UK GDP fell by less than expected in November, which suggests that we have become better adapted to dealing with lockdown conditions.

However, the latest restrictions will inevitably have an impact on the economy. The updated SFC projection for Scotland sees growth fall in the first quarter of this year, whereas the OBR forecast growth in its November publication. That difference does not reflect a difference in our underlying economic performance; rather, it reflects differences in timing. It will likely disappear when new OBR projections are published in March. However, that means that the technical conditions under the fiscal framework for the release of additional reserve and borrowing flexibilities following an economic shock have been met. The UK Government has confirmed that those flexibilities are now available to me, and I will use them to support our recovery from Covid-19.

Those extra flexibilities are welcome, although they are constrained and temporary. They do not change the fact that the Scottish Government cannot borrow at its own hand to fund spending in response to Covid-19 or support the economy in the way that countries around the world have done.

This is a time for certainty and stability, and for helping businesses and households as far as we can. With limited resources, we must target those who need our help most. I am delivering the stability and certainty that taxpayers need, with targeted support for individuals and businesses that are most impacted. This package of tax measures that will support our recovery and renewal.

Significant changes to Scottish income tax were implemented in 2018-19 to deliver a fairer and more progressive five-band system. That structure will remain unchanged, with the starter, basic and higher rates bands all increasing by inflation. The top-rate threshold will remain frozen at £150,000. That will see all Scottish taxpayers pay slightly less income tax next year than they will this year, based on their current income. In addition, a majority will continue to pay less income tax than they would if they lived in other parts of the UK. Alongside record investment in public services, that is a key part of making Scotland an attractive place to live and work.

On land and buildings transaction tax, the temporary change to the residential nil rate band that was introduced in July supported the housing

market at a difficult time and contributed to a robust recovery throughout the year to date. The housing market re-opened in June and has continued to operate uninterrupted since then. That change was always meant to be temporary. The ceiling of the nil rate band will return to £145,00 from 1 April, as intended, with no other changes to rates or bands.

However, first-time buyer relief will remain in place, saving first-time buyers up to £600 and meaning that an estimated eight out of 10 first-time buyers will pay no tax at all. The additional dwelling supplement rate will remain at 4 per cent. However, recognising the long-standing calls for change, we intend to consult on reforms to the ADS early in the next session of Parliament.

Non-residential LBTT rates and bands remain unchanged. Finally, the standard rate of Scottish landfill tax will rise to £96.70 per tonne and the lower rate will rise to £3.10 per tonne.

At a time when the people of Scotland are dealing with significant economic and social impacts of the pandemic, those tax policies deliver certainty and stability. Based on the most up-to-date forecasts from the SFC and the OBR, the net contribution from devolved taxes in 2021-22 to the Scottish budget will be £539 million. In addition, we have used our limited borrowing and reserve powers to their maximum effect. In total, that means that the Scottish budget will be more than £1.7 billion bigger than it would otherwise have been.

We have always been rightly proud of the world-class care provided by our national health service, but during the pandemic, in the toughest circumstances imaginable, our inspirational NHS workers have worked tirelessly. When the history of the pandemic is written, our NHS and social care staff will be recognised as the undisputed heroes they are. I am sure that I speak for everyone in the chamber—indeed, everyone in the country—when I offer them our heartfelt thanks.

To support their efforts in 2021-22, we will invest more than £16 billion in the health and sport portfolio, which is an increase of more than £800 million to the core budget. There will be an additional £869 million to support our response to Covid-19, including our vaccination and test and protect programmes; it includes investment in primary care of £1.9 billion; and it will bring our total investment in social care and integration to more than £883 million in 2021-22.

I want to draw attention to two critical elements of the health budget. First, we will provide funding of £145.3 million in 2021-22 for alcohol and drugs, which is an increase of £50 million on this year, specifically for our national mission to reduce drug deaths as part of a five-year £250 million

commitment. Secondly, we know that the pandemic has taken a huge toll on mental health, so next year's investment in mental health will exceed £1.1 billion. That will underpin our continued approach to improving mental health services and support for children, young people and adults, including child and adolescent mental health services.

The social harms of Covid-19 have exacerbated poverty and inequality, highlighting the importance of driving progress towards our statutory targets to reduce, and ultimately eradicate, child poverty by 2030. We are delivering a direct programme of action to meet those targets across the period from 2018 to 2022, backed by the £50 million tackling child poverty fund, which this budget confirms we will deliver in full.

The ambitious use of our new welfare powers to tackle child poverty includes significant investment in our game-changing Scottish child payment of an expected £68 million in 2021-22, with payments starting next month. That is part of a total of almost £3.6 billion for social security.

Our public sector pay policy will continue its progressive and restorative approach, which is focused on addressing low pay. The UK Government's ill-judged pay freeze has a material impact on our block grant, within which we must balance the reward and affordability of public sector pay. We will continue to adopt the real living wage, applying the increased rate of £9.50 per hour and guaranteeing a minimum 3 per cent increase for people on salaries of up to £25,000 via a £750 cash underpin. People on higher salaries will receive a 1 per cent rise, capped at £800 for those on more than £80,000.

Negotiations are under way in our NHS on the future of agenda for change, and I will work with the Cabinet Secretary for Health and Sport to deliver for our NHS workforce.

The most enduring way to tackle inequality and break the intergenerational poverty cycle is, of course, through education. In 2021-22, we will provide £2.7 billion across the education and skills budget to deliver on that ambition, alongside the significant funding for education that will be delivered through the local government settlement. That includes almost £1.9 billion for the Scottish Funding Council, to fund our university and college sector, with £700 million for colleges and more than £1.1 billion for universities. It is vital that we continue to invest strongly in our world-class institutions and that we provide students with the best opportunities.

On justice, the budget provides significant extra funding to help to deal with the backlog in criminal justice case loads that the pandemic has caused. We will provide a total funding settlement of £1.3

billion for the Scottish Police Authority, including an uplift of £60 million in the resource budget—surpassing our commitment to deliver a £100 million boost by 2021 and eliminating the deficit in the police budget.

Keeping public transport options open remains vital to our recovery and will be backed by investment next year of more than £1.6 billion across bus and rail services. That will help to ensure a viable alternative to private transport for more people, further reducing our reliance on cars, providing a cleaner form of mass transport and promoting the wide benefits of our ambition for 20-minute neighbourhoods. We will also deliver a national concessionary travel scheme of free bus travel for under-19s in the coming year.

We will continue to support transformational change to our streetscapes, with a five-year commitment to maintain the active travel budget at a record high of £100.5 million per year.

I said earlier that local government had been at the forefront of our response to Covid. I remain extremely grateful to local government colleagues, many of whom have worked night and day to manage grant funding and welfare support and to maintain statutory services throughout lockdown. We will make available to local government a total funding package amounting to £11.6 billion for 2021-22, including a £245.6 million increase in core revenue funding and an additional £259 million of non-recurring Covid funding. That is total additional revenue funding of more than £0.5 billion.

Within that, the settlement includes additional funding of £59 million to complete the expansion of early learning and childcare to 1,140 hours; £72.6 million for investment in health and social care; and £7.7 million to support the interisland ferries in Shetland, Orkney and Argyll and Bute, meeting their revenue ask in full as well as extending the timetable and road equivalent tariff on Orkney's interisland ferries.

This settlement allows councils to join us in financially supporting households, who will undoubtedly be struggling as a result of the social and economic impacts of the pandemic. Just as we have chosen not to increase tax rates, ensuring that people pay no more than last year, I have taken the significant step of offering funding to councils that choose to freeze council tax, thereby providing financial reassurance to families who are struggling. That additional funding is equivalent to £90 million for councils or a 3 per cent rise, with inflation at 0.5 per cent, which more than fully compensates local authorities that choose to freeze council tax.

That takes the increase for core revenue services to £335.6 million and, when added to the

non-recurring Covid funding of £259 million, provides a total increase for local government of £594.6 million in 2021-22. I have also confirmed a further increase of £110 million over previously announced plans for the lost income scheme for local government.

While the pandemic's profound effect on our economy requires constant support, it also requires us to plan and deliver a strong, fair and green recovery in the long term. The future of our public services depends on the resilience and strength of our economy so, if this budget must achieve anything, it must set the groundwork for economic recovery.

Today I set out a plan to deliver that—a plan that provides for on-going business support, tackles unemployment, helps businesses to emerge stronger and invests in long-term growth. Leadership matters, and our enterprise agencies must have the resources that they require to play a leading role in the recovery. The collective resource budget for the three enterprise agencies in the Highlands, the south of Scotland and across Scotland will increase by more than 12 per cent.

The budget builds on the significant package of labour market interventions, with a total investment of £1.1 billion in employability and skills support. That includes an initial additional investment of £125 million for the young person's guarantee, the national transition training fund and broader skill and employability support. The young person's guarantee will help to achieve our ambition that, within two years, every young person will have the opportunity to study, to take up an apprenticeship, job or work experience or to participate in formal volunteering.

Today's budget allocates £230.9 million to Skills Development Scotland to work with partners across that vital agenda, and it marks the launch of the first phase of our five-year £100 million green jobs fund and a commitment to establish a green jobs workforce academy.

Across Scotland, we will invest more than £230 million to ensure that our diverse and evolving cultural heritage is valued, nurtured and celebrated, protecting thousands of jobs in the culture and heritage sectors.

We must invest for growth. The infrastructure investment plan, which will be published in full next week, will outline a pipeline of projects to drive Scotland's resilience, driving inclusive, net zero and sustainable growth. The plan will be key to the success of the national mission for jobs, offering a robust pipeline of work that will help stimulate the green recovery, providing good jobs, stimulating supply chains and building market confidence.

The capital spending review will set out budgets for five years, confirming that we will deliver our national infrastructure mission in full, increasing annual investment in infrastructure by £1.5 billion by 2025, supporting 45,000 full-time equivalent jobs across the period. Those efforts are enhanced by the work of the Scottish National Investment Bank, which we will capitalise with £2 billion, with more than £200 million for investment in 2021-22.

Next year, we will provide funding of £210 million for cities investment and strategy. That will continue our work with regional partners to progress all deals that are not yet in delivery, with the aim of concluding full deals for all regions, urban and rural, by the end of 2022.

Covid has further underlined the value of a safe, secure and affordable home, and our homes are also now somewhere that many of us work from. We are providing more than £800 million for housing in the budget. Building on our achievement of having delivered almost 97,000 affordable homes since 2007, I am allocating funding of more than £711 million to the affordable housing supply programme.

Capital investment will inject confidence in our economy, and it will help to meet our statutory commitment to be a net zero society by 2045. Our carbon taxonomy shows that nearly 37 per cent—more than £1.9 billion—of our capital investment is low carbon. As we look to Glasgow hosting the 26th conference of the parties—the COP26 summit—in November, we want to inspire global action and demonstrate that Scotland is a world leader in green and renewable technologies.

The programme for government and our recent climate change plan update together outlined a £2 billion low-carbon fund over the next parliamentary session, central to which is investment of almost £1.6 billion in heat and energy efficiency in our homes and buildings. Through the fund, we will also begin a five-year £50 million programme of investment to regenerate Scotland's vacant and derelict land, which will help put abandoned land to use across our communities. That will include creating community gardens to nurture wellbeing, provide a local food supply and improve biodiversity, and creating space for community renewables projects, low-carbon affordable housing, urban farms, and woodland and green spaces.

I strongly believe in investing in economic recovery in every part of the country, including rural areas. Recognising the acute impact of the pandemic on our rural communities, we will double the rural tourism infrastructure fund, helping tourist attractions and communities to make improvements to cope with increased visitors.

Our £801 million investment in agricultural support will offer much-needed stability to our farmers, crofters and land managers, and help ensure that our agriculture sector plays a leading role in our transition to net zero. Over the next five years, an additional £150 million has been allocated for woodland and forestry through the low-carbon fund, supporting a 50 per cent increase in tree planting and woodland creation, from 12,000 hectares this year to 18,000 hectares by the middle of the decade. Our peatland restoration spend will increase by 10 per cent as part of a 10-year £250 million commitment.

Digital connectivity was important pre-pandemic, but now, as a result of the changes in how we work, shop and socialise due to Covid-19, it is absolutely fundamental to our future prosperity. The review that I commissioned from Mark Logan has provided an industry-led blueprint to establish Scotland as a world-class hub for tech start-ups, and it has rightly drawn wide acclaim.

To help deliver that ambitious agenda, we are providing an additional £7 million next year. To bring more people into the digital world, we will invest almost £100 million in digital connectivity. That includes funding for our reaching 100 per cent programme and for improved mobile coverage through the delivery of 4G and 5G infrastructure, ensuring that no part of Scotland is excluded.

The last piece of the plan to support businesses and drive economic recovery is our policy on non-domestic rates. I know how crucial this year's targeted 100 per cent relief from non-domestic rates has been to retail, hospitality and leisure businesses. The extension of that relief to avoid a cliff edge in support was the number 1 ask of businesses. The absence of clarity on UK Government NDR policy has undermined our ability to continue that relief. I have been clear that the only way that I can replicate that relief in full is if there is additional funding from the UK Government.

The UK spending review provided £11.5 million as a result of NDR policy decisions. Contrasted with the more than £900 million that it would cost to extend the relief, those consequentials are entirely insufficient. However, I cannot and will not leave Scottish businesses trying to plan without certainty. I therefore commit to extend the 100 per cent relief for retail, hospitality and leisure businesses for a further three months into 2021-22, funded from the money reimbursed by supermarkets and other retailers.

I continue to urge the UK Government to bring forward an extension to its equivalent relief and, should it do so, I will use the funding generated to match its extension. Together with other reliefs, including the expanded fresh start scheme to

incentivise the use of empty buildings and the small business bonus scheme, we are offering a total relief package worth almost £1 billion in this budget—and there is still more that I want to do to help our businesses.

The UK and Welsh Governments have frozen their non-domestic rates poundage. I do not intend to do the same; instead, in an unprecedented step in a non-revaluation year, I will reduce it to 49p. That will be the lowest poundage available anywhere in the UK, saving ratepayers more than £120 million compared with previously published plans. Let nobody doubt that this is a Government that listens and acts when it is most needed.

We have been through so much as a country. Our recovery may be long, and it will be hard—and we cannot guarantee that there will not be more tough times ahead. Throughout these dark times, however, we have never given up hope for a better future and for a healthier, greener and fairer society. Now, with large-scale vaccination that focuses firstly on the most vulnerable, there is some light at the end of the tunnel. This budget seeks to build on that hope and, by focusing on how we continue to protect, recover, rebuild and renew our country, to make that light at the end of the tunnel shine that bit brighter.

**The Deputy Presiding Officer:** The cabinet secretary will take questions on the issues that were raised in her statement. Those members who wish to ask a question should press their request-to-speak buttons.

**Murdo Fraser (Mid Scotland and Fife) (Con):** I thank the cabinet secretary for advance sight of her statement, and I take the opportunity, on behalf of Conservative members, to congratulate her on the recent happy news of her engagement. It is good to see her recognising the benefits of being in a union.

Our view is clear that we need a budget that focuses 100 per cent on management of the pandemic and our economic recovery, thereafter. We will measure all the announcements in the budget today against the essential test of whether they will assist efforts in that respect and, in particular, whether they will help to protect jobs and safeguard our economy over the coming year. We will reject any plans to waste precious resources—money or time—on a campaign for another divisive independence referendum, because we need a budget that is about building up, not breaking up.

The background to the budget is that the Scottish Government has had unprecedented support from the UK Treasury over the past year. We have a guaranteed minimum additional spend of £8.6 billion in the current financial year to support the NHS and individuals and businesses

across Scotland, which is in addition to the billions in direct support that have been provided through the furlough scheme and other Treasury initiatives.

With all that money, it is essential that the Scottish Government gets the cash out the door to needy businesses and individuals across Scotland who have cried out for it. That support carries forward to next year, with an additional £1.3 billion to help to manage the pandemic, and a £1.1 billion increase in the general budget.

Even without additional Covid resources, the budget for the coming year will be the highest in the history of devolution, and will give the Scottish Government more money to spend than at any previous point in history. All that help is possible because of the broad shoulders of the UK Government, which supports the people, businesses and public services of Scotland in these challenging times.

Unlike Governments in so many other places in the world, the Scottish Government's income is protected through the fiscal framework, which means that as long as tax revenues in Scotland perform in line with those elsewhere in the UK, no cuts will be required in the budget.

When it comes to the detail of the budget for the coming year, we have been clear that there should be no new income tax rises. The consumer spending that will follow the easing of restrictions will be a major driver in future economic growth, so any income tax increases would hold back that recovery. In that respect, today's announcements on income tax are welcome, although we are only at the first stage of the budget process.

We need provision of Covid support for businesses into next year, assurances that relevant business grants will continue for as long as restrictions remain in force and a guarantee that the existing 100 per cent rates relief for leisure, hospitality and retail businesses will continue not just for three months, but for 12. The Scottish Government has already been given the funds to make that happen, and it should be an absolute priority for its budget.

We know that the pandemic has put further strain on our councils as many individuals, families and businesses have become dependent on their services. We have set out our view that we need fair funding for our councils, such that they receive a set proportion of the Scottish Government's budget. For years, the Scottish National Party has underfunded local government to finance its own priorities, so we need the percentage increase in local government finance for next year to at least match the Scottish Government's own budget increase, in order to start the process of moving towards fairer funding. From today's

announcement, that increase appears to fall short of that ask.

Finally, this is not the time to waste Government resources on preparation of another independence referendum bill.

**The Deputy Presiding Officer:** Could you please come to a close?

**Murdo Fraser:** All the Government's resources need to be devoted to tackling the pandemic and its economic consequences—not wasted on constitutional divisions. The budget process is a chance for the Scottish Government to put aside its party political priorities and act in the national interest. That will be the test of whether the budget delivers for Scotland.

**Kate Forbes:** I thank Murdo Fraser for his kind wishes at the beginning of his statement.

Murdo Fraser mentioned wasting time. I am standing here delivering a budget that will invest £1.1 billion in skills, £6 billion in capital infrastructure and £3.5 billion for social security and welfare payments. Meanwhile, of course, his leader is breaking the spirit of the rules on essential travel—to do what? Apparently, it is to make the case for the union, as he is running scared because after poll after poll shows support for independence.

On the substance, I said in my statement that I am grateful for the additional funding. Financially, of course, the UK Government has engineered our dependence and reliance on it by denying us reasonable borrowing powers. It is insulting people's intelligence to suggest that Scotland could not borrow—as every other country round the world can—to intervene.

However, if the Tories want to claim full responsibility for the economic interventions, they must also take responsibility for the dithering on and delays to the extension of furlough, for the huge delay right now to extending non-domestic rates relief and for the potential for increased unemployment in April if furlough is not extended.

Murdo Fraser's last point was about the additional funding. Some £1.3 billion has been confirmed in the UK spending review. That is to cover health, transport and jobs. We know that the extension to non-domestic rates relief for a full year would cost £900 million. The UK Government is sitting on £21 billion of announced but undistributed Covid funding. Therefore, if the Tories want to extend that relief for a full year, they should ask their party leaders in Westminster to release that £21 billion. As soon as I have confirmation that it has been released, I will most certainly extend non-domestic rates relief.

**Jackie Baillie (Dumbarton) (Lab):** I, too, congratulate on behalf of the Scottish Labour

Party the cabinet secretary on her engagement. That is, indeed, a bright spot in an otherwise gloomy outlook.

We need a budget for economic recovery and a budget for jobs. We are heading for a huge economic crisis and a cost of living crisis such as has not been seen since wartime. I welcome the renewed focus on the economy, the extension of business rates relief and the reduction in rates poundage. I look forward to having further discussions on the budget, because I note that the Scottish National Investment Bank's money has decreased. At a time when we should be focusing on economic recovery, that is disappointing. I also look forward to having further discussion on support for local government, which falls short of what is required.

On pay, there is no doubt that health and social care workers are putting themselves and their health at risk during the pandemic. The cabinet secretary described them as "heroes": I could not agree more.

In her statement, the cabinet secretary talked about NHS staff, but I did not hear mention of social care staff. The people who work in social care are predominately female and are low-paid, earning £8 to £9 an hour. They have cared for our older and vulnerable people during this most difficult of times. Surely they deserve more than the living wage, surely they finally deserve to be properly valued and recognised by society, and surely they deserve £15 an hour, as has been called for by GMB Scotland. Will the cabinet secretary give social care workers that pay rise, which they deserve? If not now, when?

**Kate Forbes:** I thank Jackie Baillie for her good wishes.

She said quite a number of times that she welcomes elements of my statement. She also said that she looks forward to further discussion. Of course, this year, like every other year over the past four years, I look forward to working across party lines to secure agreement to the budget and to provide the stability that the public expect from us.

Jackie Baillie mentioned public sector pay. I was clear after the UK Government's decision to freeze public sector pay that it had misjudged the public mood, and that it had misjudged the impact on, and the contributions that have been made by, our public sector workers. Therefore, I announced today a 3 per cent uplift for the lowest paid people, on salaries up to £25,000, and have confirmed that we will put in place the living wage.

Of course, the public sector pay policy that I have outlined does not cover all public sector workers, but acts as a reference point for the wider public sector workforce, including in respect of

NHS agenda for change. I made it quite clear in my comments that I look forward to working with the Cabinet Secretary for Health and Sport on the agenda for change and the workforce deals, during the coming year.

Many social care workers operate in local government. Although we do not have a direct relationship with local government workers, our fair pay policy recognises their contribution, in addition to the material impact on our budget of the UK Government's choice to freeze public sector pay.

**The Deputy Presiding Officer:** We move to open questions. I have a lot of them, so I ask members to bear that in mind. We will try to get them all in.

**Willie Rennie (North East Fife) (LD):** Even though the budget is bigger than ever before, by quite some margin, the Parliament has a duty to spend every single penny wisely and to put our recovery from the pandemic first. I do not believe that the £1.1 billion of funding for mental health services will be enough. We previously asked for £1.2 billion—and that was before the pandemic hit, bringing with it the massive impact that it has had on such services. The budget is largely silent on getting our education system back up the international rankings and on the value of teachers. Our business support schemes have too many holes, and it is taking too long to get funds to businesses.

Will the finance secretary look again at those priorities in the discussions that we have planned?

**Kate Forbes:** I am delighted to hear that we have discussions planned. [Laughter.] That is fantastic. I look forward to engaging with the Liberal Democrats to secure support for the budget. I will be very open to suggestions and ideas and will take a transparent approach to such budget engagements.

I had thought that Willie Rennie might welcome the increased funding for the Orkney and Shetland islands ferries, which shows what can be done when we work across the parties. The Liberal Democrats could have been quite powerful from the beginning on delivering for their constituencies had they taken a similarly constructive approach in previous years.

Whether our discussions might be on mental health services, education or business support, I will be happy to work with Willie Rennie.

**Patrick Harvie (Glasgow) (Green):** Once again, we are hearing commitments on a green agenda while the motorways and trunk roads budget goes up, as it has done relentlessly. There is no sign of the promised increase in the energy efficiency budget. The main new measure on



public transport is one that the Greens secured a year ago, which the Scottish Government has not yet implemented.

The cabinet secretary seems proud that 37 per cent of our capital spending is low carbon, but as long ago as the 2016-17 budget the Government was criticised on the ground that the figure then was “only” 52 per cent. She is clearly keen to claim that her budget lays the groundwork for a green recovery. However, if that is to be meaningful, we need to do less of what is harmful and not just more of what is not. Can she point to any substantial example of high-carbon infrastructure that will now not go ahead in order to free up resources for greener priorities?

**Kate Forbes:** I point out that Patrick Harvie previously welcomed the Infrastructure Commission for Scotland’s decision to prioritise maintenance rather than replacement costs on high-carbon infrastructure, which accounts for some of the figures that we see before us.

I fully and whole-heartedly believe that the budget will deliver a green economy. If we look at the figures, we can see £2 billion of additional funding to decarbonise the ways in which we live, travel and heat; £100 million for the green jobs fund; and £100 million for active travel and increasing low-carbon transport. That approach lays the groundwork but, as I have done with the other party leaders, I say to Patrick Harvie that I am happy to work with him to consider what more we can do and how we can ensure that, in setting the framework for a green recovery, we are using our money as wisely and carefully as possible.

**Bruce Crawford (Stirling) (SNP):** I am pleased that the Scottish Government has committed to supporting 100 per cent business rates relief for at least the first three months of the new financial year. However, if such relief is to be available again in 2021-22 for the full year, there remains a significant financial gap to fill. I recognise the challenge that the cabinet secretary faces in balancing the books with a cash-limited budget. Does she agree that it is imperative that the UK Treasury commit to funding 100 per cent business rates relief at the earliest possible date, to give business the stability and certainty that it badly requires?

**Kate Forbes:** I know that businesses need as much advance notice as possible to make decisions for the next financial year and that is why, although I have been clear that we cannot afford an extension without the UK Government doing something similar for a year, I have used every penny at my disposal to at least provide an initial three-month extension, with the reassurance that, if there is a further extension by the UK Government, I will follow suit. However, businesses cannot wait until 3 March to know

about that extension and to have that certainty, as that would leave them only a matter of weeks before the end of their financial year. Therefore, although with this decision we go as far as we can, I strongly urge the chancellor to give that certainty to businesses now and not to delay or dither as he has done so often on extending furlough.

**Maurice Golden (West Scotland) (Con):** Support for businesses is welcome, but one of the problems is that funds are not reaching businesses fast enough. It is often months between the SNP announcing a scheme and payments hitting bank accounts, which is a recipe for job losses and business closures. Therefore, will the finance secretary give an assurance to honour the original pledge that the SNP Government made to deliver payments within 10 working days?

**Kate Forbes:** I agree with Maurice Golden on the importance of money reaching businesses, which is why I am so pleased that local government has been paying out tens of millions of pounds this week alone for the strategic framework business fund grants of up to £3,000 every four weeks. The top-ups are being paid this month as well, with up to £25,000 for our bigger hospitality businesses, which are pubs or restaurants with a rateable value of over £51,000. A business in Scotland will receive £16,000 more than its English equivalent.

It is important to get the money out the door quickly and it is important that we work collaboratively with local government. That is why we have provided additional funding of £12 million to local government to help to distribute grants as quickly as possible. However, let us not take our eye off the ball—grants are being paid right now.

**Emma Harper (South Scotland) (SNP):** It is clear that the immediate impacts of Brexit have fallen disproportionately on Scotland’s rural economies, such as that of Dumfries and Galloway in my South Scotland region. How will the budget ensure that no part of Scotland is forgotten or left behind?

**Kate Forbes:** We recognise the acute impact that has been felt by our rural communities, whether they are in Emma Harper’s constituency or in the Highlands and Islands.

I mentioned the doubling of the rural tourism infrastructure fund, which is something that I am particularly proud of, having seen the benefit that it has delivered in rural communities. However, across the rural economy, we have increased funding for forestry, for the enterprise agencies, for tourism and for food and drink, and we have ensured that there is additional Covid funding to support businesses in those areas, responding in

particular to some of the tourism task force's recommendations.

One challenge is that the replacement for European Union funding from the UK Government has fallen short. We continue to press the UK Government for more clarity on future funding for our farming and our fishing communities.

**Alex Rowley (Mid Scotland and Fife) (Lab):** I do not doubt the enormity of the challenge that the Government faces at this stage, so I congratulate Kate Forbes on the budget. I hope that she will take seriously the offer from Jackie Baillie. There is no doubt that the most undervalued workforce in Scotland is the social care sector and I hope that the cabinet secretary will discuss with the Labour Party our proposal for £15 per hour for all social care workers.

Specifically on youth unemployment, the cabinet secretary talked about £230.9 million going to Skills Development Scotland to work with partners in that area. There are currently 36,000 young people who are unemployed. Is there a guarantee for those 36,000 people that they will get some kind of meaningful employment?

**Kate Forbes:** I thank Alex Rowley for that and I make that commitment to work across party lines.

Providing support specifically to young people is at the heart of our skills agenda. I talked about the young persons guarantee; there is also the national transition training fund. Our approach is to guarantee that over the next two years, every young person under the age of 24—leaving none behind—has a job, an apprenticeship or an education and training opportunity. I would be happy to go through the details with Alex Rowley or for my colleague Fiona Hyslop, who I see is here in the chamber, to go through the details with him on how we are ensuring that no young people are left behind.

**George Adam (Paisley) (SNP):** Many businesses in my constituency of Paisley have had a difficult year, although they appreciate the funding and support that they have received to date. In the context of significant on-going spending on business support, much of which is demand led, managing the expenditure within the consequentials that are provided by the UK Government just does not seem sustainable. Does the cabinet secretary believe that the current fiscal levers that are available to the Scottish Government are sufficient to ensure that the Scottish Government can meet demand in future?

**Kate Forbes:** That point about the fiscal framework has actually now been recognised across the chamber. The cross-party Finance and Constitution Committee and independent stakeholders have recognised that the fiscal framework was already proving to be insufficient

before Covid, and that the UK Government's denial of any temporary fiscal flexibility to manage the volatility during the pandemic has compounded our financial challenge.

There is an opportunity to review the fiscal framework. Today, I announced that we will have some additional flexibilities next year. Those are welcome, but they are temporary and do not go far enough. For the sake of businesses and public services, it is important that we can manage the spending that we have available and do so in a flexible way.

**Donald Cameron (Highlands and Islands) (Con):** The cabinet secretary will be aware that UK Government support for the national health service during the pandemic has gone beyond the five-year forward view, with spending on the NHS in England due to increase by £6.3 billion next year. Can she confirm that the Scottish Government will pass on to the NHS in Scotland every penny of the Barnett consequentials arising from that funding?

**Kate Forbes:** The short answer to that important question is yes. The Scottish budget takes total health portfolio funding to in excess of £16 billion, which is an increase of more than £800 million. Over and above that, there is £869 million of funding to address pressures that are specifically related to Covid-19, for things such as vaccinations and test and protect.

**Annabelle Ewing (Cowdenbeath) (SNP):** The cabinet secretary will be aware of how important council leisure centres are for local communities, and that is the case in my constituency of Cowdenbeath. Will the cabinet secretary outline how the Scottish Government's budget will support Fife Council and other local authorities to make up any funding gaps to ensure that those key community resources can continue to play their vital role in the months ahead?

**Kate Forbes:** That is an important question, because we know that, for local government, not only has there been an increase in demand, which has put pressure on services, but sources of income have been depleted as a result of lockdown measures. That is why it was essential that I announced today an increase in the lost income scheme from £90 million to £200 million. That was for the very purpose that Annabelle Ewing has outlined, and it adds to the previously committed £49 million of consequentials to support lost income for councils' arm's-length external organisations, for example. The overall local government settlement reflects the need to support day-to-day services as well as the additional Covid costs.

**Sarah Boyack (Lothian) (Lab):** The Accounts Commission has identified a £767 million council

funding gap as a result of the pandemic, and today's budget announcement commits the Government to allocating £369 million of additional funding. Does the cabinet secretary accept that there is therefore still a gap of £400 million? Will she use this year's Scottish Government underspend to ensure that councils do not start the year with even worse cuts to services than was the case last year?

I think that the cabinet secretary just announced a 3 per cent increase in pay for public sector workers. How will local authorities be able to afford that uplift, given the impact of Covid, the huge pressures on core funding last year and the years of cuts to the non-core services that will be vital for rebuilding our local economies?

**Kate Forbes:** Let me put one thing straight: there is no underspend this year. I have just allocated every penny of funding that we are looking to deploy just now.

The funding package for local government that I have just outlined includes additional funding for local government's core revenue and core services, as well as additional funding to replace lost income and for Covid-related pressures.

However, again, when it comes to looking at the local government line or any other line, if the Labour Party wants to provide sensible, wise and intelligent proposals on what we can do to continue to support our public services, bearing in mind the need to manage the cost of any such proposals within the funding envelope that we have, I will be happy to have such conversations with Sarah Boyack.

**Kenneth Gibson (Cunninghame North) (SNP):** This morning, the Broadcasting, Entertainment, Communications and Theatre Union presented figures to the Culture, Tourism, Europe and External Affairs Committee that showed that, after the financial crash, the arts sector led the country out of recession in terms of growth. Will the cabinet secretary look at providing additional support for the sector to help it to survive, which would aid our economic recovery and boost wellbeing as we emerge from the pandemic?

**Kate Forbes:** Yes. Along with many other sectors, the arts sector has been hard hit. We have already put in place some immediate survival funding for parts of the sector, and we will look to continue to respond to its needs to ensure that we have a thriving sector that plays a key role in our recovery from Covid.

**Liz Smith (Mid Scotland and Fife) (Con):** When the cabinet secretary attended the Environment, Climate Change and Land Reform Committee on 6 October, she put on the record unequivocally that the creation of green jobs was a

major Scottish priority. She said that the same was true a year ago. Obviously, she has outlined some major green policy spends this afternoon.

However, the facts tell us that the Scottish Government is way behind in delivering the 28,000 green jobs that Alex Salmond promised would be delivered by 2020. When will the budget deliver those very much needed jobs?

**Kate Forbes:** There are two things that we must look at here: first, unemployment is set to rise after the furlough scheme ends; and, secondly, we have an opportunity to invest in green recovery and ensure that we meet our climate change targets.

As well as providing the £100 million that I mentioned to support green jobs and support for the green jobs workforce academy to help with retraining and reskilling, the budget will ensure—whether by investing in biodiversity, or research and development, or supporting our public bodies that are at the forefront of that work—not only that we create those new green jobs, but that we have the necessary pipeline of talent by training young people in particular to have the skills that we need to meet our climate change ambitions.

**Rona Mackay (Strathkelvin and Bearsden) (SNP):** Can the cabinet secretary advise how the budget will help to close the attainment gap?

**Kate Forbes:** The mission to close the attainment gap remains central to our plans; the pandemic has perhaps only exacerbated the need to provide support to the most vulnerable people in our communities.

On 13 January 2021, the Scottish Government published an equity audit, which deepens our understanding of the impact of Covid-19 on children from disadvantaged backgrounds and sets clear areas of focus for accelerating recovery. Those findings provide clear indicators for supporting children and young people in the next phase of remote learning, in particular, and planning the return to school.

We are continuing to invest in the Scottish attainment challenge in 2021-22. That includes more than £127 million in pupil equity funding to help to close the attainment gap.

**James Kelly (Glasgow) (Lab):** Citizens Advice Scotland has recently highlighted rising levels of council tax debt. In recent cases that it has dealt with, there has been a debt level of £3,000 per case. That causes great anxiety and stress for people who are struggling to pay those bills.

What action will the Government take in the budget to address the specific issue of people who are struggling with rising levels of debt and who are unable to pay council tax bills?

**Kate Forbes:** The issue is one that we have been mindful of since the very beginning of the pandemic; in fact, one of the first funding decisions last March was the decision to provide additional funding to ensure that the council tax reduction scheme was extended. That commitment to continue to support communities carries us through into the next financial year.

We will continue to ensure that council tax reduction means that council tax is more progressive than it would otherwise be. In addition, today, I have outlined that we will compensate councils that choose to freeze council tax in an effort to help the very households that James Kelly has identified.

**Mark McDonald (Aberdeen Donside) (Ind):** The reduction in poundage that the cabinet secretary has announced is welcome, but she will be aware that there are calls in the north-east for her to do more to offset the impact on businesses in Aberdeen of the 2017 revaluation. Only 23 per cent of businesses in Aberdeen are eligible for the small business bonus, which is the lowest proportion in Scotland. The cabinet secretary knows that I have asked her previously about flexibility around the nationally applied rateable value cut-offs for business support.

Will she meet me to discuss those issues and look at the possibility of a deal for the north-east of Scotland that will help to deliver for businesses in Scotland's economic engine, which are hard pressed at the moment?

**Kate Forbes:** The short answer is that I will be happy to meet Mark McDonald. One of the decisions that has been taken is to extend the transitional relief that was provided to Aberdeen businesses because the revaluation has been delayed further. We hope that some of the reliefs that we have expanded will be helpful to Aberdeen businesses—in particular, the extension of the business growth accelerator and the fresh start scheme to encourage occupation of previously empty properties.

**Willie Coffey (Kilmarnock and Irvine Valley) (SNP):** The requirement for our businesses to close in order to limit the spread of Covid has had a substantial impact on our town centres, not least in my constituency of Kilmarnock and Irvine Valley. Can the cabinet secretary provide any further details of the funding that has been allocated to help our town centres and business improvement districts to get back on their feet? Will she consider what more can be done to help our town centres in the longer term?

**Kate Forbes:** Our town centres have been hard hit. There were already structural challenges before the pandemic, and they have only been exacerbated. The budget provides £55 million in

support of community regeneration, town centres and 20-minute neighbourhoods, in addition to our on-going support for Clyde Gateway as the initial investment that is backing delivery of our place-based investment programme. That builds on the £22 million economic stimulus and other funding that was provided for town centres, smaller settlements and business improvement district support last year.

**Jamie Greene (West Scotland) (Con):** Our vital higher education sector made the clear and specific ask of the Government for £200 million to fully fund the Government's policies. It has been given £18 million in the budget.

I also note that the Parliament voted by majority for at least 2,000 more teachers in our schools and roll-out of free school meals for all primary children, starting in the next financial year. I ask the finance secretary why none of those asks, including those that the Parliament voted for, have been honoured in today's budget.

**Kate Forbes:** That might have been a good question if what Jamie Greene had said was true, but it is not. There is £45 million in the budget for increasing the number of teachers. Apart from that, I note, on the first part of his question, that we have provided over £1.1 billion to universities to support their continued financial sustainability, and we have increased funding to our colleges to £0.7 billion to ensure that they can continue to produce a highly skilled population. Both are key to our economic recovery.

**Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP):** I thank the cabinet secretary for her statement. I welcome the £259 million of additional non-recurring Covid funding for local authorities. I have two local authorities in my constituency—Midlothian Council and Scottish Borders Council. Will their allocations, when they get them, be ring fenced or will there be flexibility for councils to reflect their differences?

**Kate Forbes:** There will be flexibility. We have announced three parts to the local government settlement—the increased lost-income scheme, funding for the core settlement and additional funding for Covid-related pressures. That funding is flexible; local authorities can deploy it as they see fit, given their funding pressures.

**Iain Gray (East Lothian) (Lab):** I heard what the cabinet secretary said about the importance of our universities and colleges and how critical they are to economic recovery and recovery from the pandemic. However, the fact of the matter is that today's budget leaves them hundreds of millions of pounds short of what they tell us they need just to be sustainable. Does the cabinet secretary understand that the budget is not investing in our

world-class institutions, but is, rather, cutting the feet from under them?

**Kate Forbes:** We recognise the point that Iain Gray has made about sustainability challenges, and that is why we announced £75 million last year to help with it. The settlement includes resources to support our universities, including the increase in higher education capital funding to further support research and knowledge exchange between universities. We have also boosted college resource allocations to ensure sustainability of that sector. That also includes funding for student support.

There is no doubt that our higher and further education sectors, like many other parts of the public sector, are under pressure. The budget goes as far as we can to provide support.

**John Mason (Glasgow Shettleston) (SNP):** It is clear that finances will be tight in the coming years. I accept that the cabinet secretary does not want at the moment to change taxation because some people are struggling financially. However, other people and some organisations are doing quite well financially. Can the cabinet secretary expand on her thinking about taxation, going forward?

**Kate Forbes:** My view is that we should be delaying any fiscal consolidation or tax rises until economic recovery is well under way. That was outlined in "COVID-19: UK Fiscal Path", which we published in June and updated in November. People and businesses need certainty and stability. The income tax policy proposals that I have put forward today will deliver that, as will the proposals on non-domestic rates and council tax.

It is a fair and progressive tax system to begin with. We are trying to provide sustainability for the long term, so that when we deliver economic recovery we can revisit our tax policies to ensure that they are aligned with economic growth at the time.

**Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** The Scottish Government has dithered and delayed in getting guidance and funds to local authorities, which has prevented businesses from receiving financial support. When will the extra cash that is allocated in the budget for discretionary funding be in the hands of councils, with the relevant guidance and criteria, so that cash-strapped businesses can pay their bills?

**Kate Forbes:** The doubling of the discretionary fund relates to funding that local government has already. Local government has the guidance; in fact, there are only two important elements of guidance for the discretionary fund, because it is entirely up to local authorities how they distribute it. The two elements of guidance are that the

funding goes to businesses and that it goes to businesses that have been hardest hit and have not had funding to date.

We have outlined the pipeline of business support schemes. Now it is up to local authorities to use it and to align it with local needs.

**Stuart McMillan (Greenock and Inverclyde) (SNP):** Can the finance secretary provide an assurance that the budget will help families who are living in poverty, particularly in constituencies such as mine?

**Kate Forbes:** Tackling poverty is a key priority for the Government and it underpins our wider ambitions for a fairer and more prosperous Scotland. As was outlined in the most recent child poverty progress report, investment targeted at supporting households on low incomes reached almost £2 billion in 2019-20, with £672 million being targeted specifically to support children in low-income households. The budget for this year goes even further and includes £68 million for the game-changing Scottish child payment, which will benefit families in Stuart McMillan's constituency.

**Pauline McNeill (Glasgow) (Lab):** The voluntary sector is embedded in our communities and provides a lifeline for families by providing food and doing so on shoestring budgets from so many funding streams. The cabinet secretary did not mention the voluntary and third sector, but I can see from the figures that the increase in funding for it is less than £2 million. The Scottish Council for Voluntary Organisations recently stated that 20 per cent of charities report critical threats to financial viability in the next 12 months.

Can the cabinet secretary outline how she sees the importance of the voluntary and third sector in the pandemic? Does she recognise the work that it has done so far, and can she clarify whether she will commit to funding the sector further, given the important role that it has played in the past nine or 10 months?

**Kate Forbes:** I reassure Pauline McNeill that I fully recognise the work of the voluntary and third sector in responding to the pandemic. Of course, that is why some of the first funds that we invested were to provide support to it. Significant funds have been invested from the communities package in spring, and from the winter package.

Pauline McNeill will have seen that the social renewal advisory board has published recommendations, which underline the importance of the third sector. We will continue to provide investment for it.

When it comes to the beginning of the next financial year and the potential for additional Covid funding, we will be sure to provide additional

funding where it is needed most, including the third sector.

**Fulton MacGregor (Coatbridge and Chryston) (SNP):** Nightclubs and soft plays are quite unique in that they have remained shut throughout the pandemic. If we are being realistic, we will know that they are the type of businesses that are likely to remain shut for a considerable time to come. I know from nightclub and soft play owners in my Coatbridge and Chryston constituency that the specific grants that were paid in November last year were very welcome. Has the draft budget factored in the possibility of a similar type of payment at some point in the future, should it transpire as is expected that those types of businesses will, because of their very nature, remain closed for an extended period of time on essential public health grounds?

**Kate Forbes:** As I said in my statement, the strategic framework business fund will continue to pay funding to businesses that are required to close or to modify their operations by law. I know that nightclub and soft play owners benefited from the grants that were paid in November. We keep all the grants under review, recognising that there is a limited pot of funding and that we need to ensure that it goes to the hardest-hit businesses. That is why we have sectoral funds to try to fill the gaps. We will keep that under review.

**Graham Simpson (Central Scotland) (Con):** It has been good to see more people walking and cycling during the pandemic but, if we are to maintain that progress, we need to invest more. Why has the cabinet secretary cut the budget for sustainable and active travel?

**Kate Forbes:** On the contrary, we will invest £118 million through the future transport fund in low-carbon and other transformational initiatives, and we will continue to invest £100.5 million in active travel to enable the delivery of high-quality walking, wheeling and cycling initiatives, access to bikes, and support for people who choose to be active and to use sustainable travel. That funding will continue to ensure that people have access to low-carbon transport options.

**Bob Doris (Glasgow Maryhill and Springburn) (SNP):** I was pleased to hear the cabinet secretary outline support to tackle poverty. However, as we rebuild the economy, we must also tackle inequalities and provide equal opportunities for all. Will the cabinet secretary expand on how the measures that are set out in the budget can achieve that ambition?

**Kate Forbes:** Tackling inequalities and poverty is at the very core of the budget. It includes, for example, a significant increase in delivering our game-changing Scottish child payment, which will

provide support to thousands of families who need it.

Over the past two years, we have seen substantial investment in tackling inequalities. That need has only been exacerbated during the pandemic. We will ensure that funding—whether it is for the Scottish child payment, funding to tackle the digital divide, or funding for the commitment to tackle child poverty—is delivered in the coming financial year.

**Miles Briggs (Lothian) (Con):** Many people who are watching will be incredibly worried about their jobs. Why has the Government not taken forward the Conservatives' ask of establishing job security councils so that, as we look towards coming out of the pandemic, people who are unemployed can be rapidly matched with new opportunities? Given that each and every one of us will have diverse local economies across our regions and constituencies, will the cabinet secretary look at that issue again before she comes back to Parliament?

**Kate Forbes:** With respect, although I am very open to any proposals—I reiterate my suggestion that we work on cross-party lines to get the budget through—I do not think that the business community needs security councils or any other kind of council right now. What the business community needs is targeted investment in employability and skills. We see that with the young persons guarantee, the investment directly in businesses, the survival grants and the investment through the Scottish National Investment Bank, whose capitalisation will increase in the coming year. However, I am, of course, more than happy to take good proposals into account and to work across party lines.

**Colin Beattie (Midlothian North and Musselburgh) (SNP):** What resources are being committed to help exports to get back on track following the double hit of the Covid-19 pandemic and Brexit, both of which have badly damaged Scottish businesses?

**Kate Forbes:** The budget includes funding for our strategy to increase exports. We have a clear and robust strategy, "A Trading Nation", which is more important than ever before. That strategy wants Scotland's exports to grow to 25 per cent of GDP by 2029. This year, we are investing over £7 million to help deliver that ambition, as well as an additional £5 million to deliver year 2 of the food and drink sector recovery plan. Although the implications of the UK Government's hard Brexit make our job more difficult, they also make that work even more important. There is funding for it and a clear strategy.

**Neil Findlay (Lothian) (Lab):** The cabinet secretary said that there would be additional

money for mental health. I have a parliamentary answer that tells me that, in the whole of Scotland, there are only 46 child and adolescent mental health beds. That is an astonishingly low number. What can families take from the cabinet secretary's statement to assure them that we have proper care and treatment for young people who are experiencing a mental health problem? We know that, after Covid, there will be an even greater crisis.

**Kate Forbes:** That is an important question for those very reasons. I can outline, as I have already done, the increase in overall spending on mental health to more than £1.1 billion, but money is only half the challenge. The other part of the challenge is ensuring that there is reform so that the services and facilities are provided where people need them. I will continue to work with the Minister for Mental Health to have funding in place to match the policy ambitions to ensure that there is access to mental health care, particularly as we come out of the pandemic, which has taken a huge toll on people's mental health.

**John Scott (Ayr) (Con):** I declare an interest as a farmer. Given that much transitional funding is required to move Scotland's rural areas towards net zero, is the cabinet secretary confident that sufficient funds are being made available in the budget to achieve early carbon-reduction targets, as recently agreed by Parliament?

**Kate Forbes:** There is continued investment in, for example, the agricultural transformation programme, which provides £40 million to take action to help deliver our target of net zero greenhouse gas emissions by 2045 and improve environmental sustainability. Yes, there is funding in the budget: there is £630 million in on-going agricultural support, but there is also funding to help farmers with that transition.

**Liam Kerr (North East Scotland) (Con):** Is the money from the recover, renew, transform programme budget separate from the funding arrangements for the various justice organisations that it mentions, or is that money included in the justice organisations' budgets, as outlined in the budget figures that are published today?

**Kate Forbes:** The budget figures that are announced today include the overall funding that is available to either portfolios or specific budget lines. They set the overall spending envelope within which public sector bodies operate. If additional funding becomes available, for example after the UK Government's budget is announced, we will look to deploy that funding as easily and as quickly as possible to meet the needs where they are.

**The Deputy Presiding Officer:** That concludes questions on the cabinet secretary's statement.

We will shortly move on to the next item of business.

15:18

*Meeting suspended.*

15:27

*On resuming—***Point of Order**

**Neil Findlay (Lothian) (Lab):** On a point of order, Presiding Officer. I can fully understand why you suspended Parliament just now, but it sets a precedent. Everyone knows that debates, question times and all the rest follow on. We will be discussing a very important piece of legislation that will, I think, be agreed consensually by the Parliament, and I would never seek to halt that. However, I have to question whether the same tolerance would be applied if, for example, an Opposition member or whoever did not turn up for a question, their member's bill, a motion or a members' business debate. My question is whether a consistent approach will be taken by whoever is in the chair—I am not having a go at you personally, Presiding Officer; I understand why it was done—should members be elsewhere for whatever reason.

**The Deputy Presiding Officer (Linda Fabiani):** Thank you for your point of order, Mr Findlay. The reason why I felt that I had to suspend the meeting was that business could not carry on as it should have, because there was no one here who could move the motion that we will be debating. However, it was not acceptable and it should not have happened. Business should indeed have followed on from the cabinet secretary's statement on the budget.

**Neil Findlay:** To follow up on my point of order, and just so that I am clear in my own mind, in normal circumstances would the business have fallen and the meeting have moved on to the next item of business? I do not know—I am asking for information.

**The Deputy Presiding Officer:** A decision can be taken by the Presiding Officer, Mr Findlay. The motion was lodged by Humza Yousaf and supported by Ash Denham, neither of whom were present—either in the chamber or on the BlueJeans platform—and therefore the motion could not be moved. I took a decision not to abandon the business, as you say, but to suspend the meeting so that we could carry on with that very important business.

**Domestic Abuse (Protection)  
(Scotland) Bill: Stage 1**

**The Deputy Presiding Officer (Linda Fabiani):** We shall now carry on with that very important business, which is a debate on motion S5M-23983, in the name of Humza Yousaf, on the Domestic Abuse (Protection) (Scotland) Bill at stage 1.

15:30

**The Cabinet Secretary for Justice (Humza Yousaf):** I begin by apologising to you, Presiding Officer, and to the entire chamber. I was getting ready to log on before the end of Ms Forbes's statement, and I can only cite a technical malfunction. I had been on the phone to our information technology team earlier in the day to resolve the issue, and I thought that it had been resolved, but clearly it had not, so forgive me. I apologise to you, Presiding Officer, and to all members who are in the chamber or present remotely.

I am pleased to open the stage 1 debate on the Domestic Abuse (Protection) (Scotland) Bill. The bill is an important additional piece of the Scottish Government's overall approach to improving the way in which Scotland deals with the scourge of domestic abuse. Much progress has been made in recent years through, for example, the new offence of domestic abuse and increased support for those who experience domestic abuse, all delivered through the prism of the equally safe strategy. However, there is always more to do, and the bill is part of those necessary further steps.

I intend to respond to a number of issues that were raised during the scrutiny process. First, I thank members of the Justice Committee, the clerking team and all those who gave evidence on the bill. That evidence helped to shape the comprehensive and helpful stage 1 report that was produced swiftly following completion of the oral evidence sessions.

Before I address the specific points that were raised in the report, it is important that I set out briefly what the bill actually does. Part 1 of the bill creates a new scheme of domestic abuse protection notices and domestic abuse protection orders. The notices and orders will be used to protect people who are at risk from abusive behaviour by a partner or an ex-partner where there is an immediate risk of abuse.

The bill empowers senior police officers to be able to make a very short-term domestic abuse protection notice, which can remove a suspected perpetrator of domestic abuse from the home of



the person who is at risk. It can also prohibit the suspected perpetrator from approaching or contacting the person at risk, and it can apply a limited number of other very specific conditions. The notices can be made prior to consideration by a court, and they are intended to allow for protection to be put in place immediately, where police consider that necessary.

The bill also contains the power for a court to make a domestic abuse protection order, which can have effect for up to two months initially and is capable of being extended for up to three months in total. The system of orders is designed to allow for judicial oversight very quickly following the imposition of a domestic abuse protection notice. The police are required to apply to the court for an order within one court day of making a notice, and the court is required to hold a hearing in relation to the application by the following court day. That is an important procedural safeguard to protect the rights of any person who is subject to a police notice. The police can also apply for an order without first making a notice in a case in which they consider that an order is required to protect a person who is at risk of harm but the level of urgency is not such that a notice requires to be made.

The measures are intended to complement existing criminal and civil processes by providing a new means of protecting a person who is at immediate risk without requiring action on the part of the person at risk. Crucially, the measures are independent of any criminal investigation, as there may not be sufficient evidence to proceed with a criminal prosecution and unlock existing criminal court powers to impose special conditions of bail or remand, for example.

Part 2 of the bill makes provision to enable social landlords to transfer a tenancy to a victim of domestic abuse. It does so by creating a new ground on which a social landlord can apply for a court order to end a perpetrator's tenancy with a view to transferring that tenancy to the domestic abuse victim, or, where the perpetrator and victim are joint tenants, ending the perpetrator's interest in the tenancy and allowing the victim to remain in the family home as a sole tenant.

Having the legal ability to end the perpetrator's tenancy in domestic abuse cases will allow social landlords to take a more proactive role in supporting and protecting victims of domestic abuse and in enabling victims to remain permanently in the family home without requiring the victim to commence the process themselves.

I suspect that I am not the only member to have seen a number of cases, unfortunately, in which a victim of domestic abuse felt that their only option was to flee the family home and become

homeless. That cannot be right, and the bill seeks to redress that problem.

It is important to reflect on the core issues that the measures in the bill seek to address. At the moment, a person wishing to obtain protection from domestic abuse, particularly in relation to keeping a perpetrator away from the home, can do so only if the perpetrator enters the criminal justice system or if they themselves take out a civil order against the perpetrator, in which case the onus is on the victim.

We know that it can be very difficult for a victim of domestic abuse who is living with a perpetrator to take steps to address their long-term safety, particularly if that involves taking action in the civil courts to remove the perpetrator from the home. Some who gave evidence to the committee noted that that can result in a victim of abuse having no alternative but to make themselves homeless to escape that abusive partner.

The new scheme of protection notices and orders is therefore intended to fill a gap, given that someone who is experiencing domestic abuse is more likely to lack the freedom of action to pursue a civil court process to remove a suspected perpetrator from a shared home. The measures will also provide a person who is at risk with short-term breathing space that will enable them to consider both what longer-term steps they may wish to take to address their safety and that of their family, and their future housing options. The longer-term steps will depend on a victim's particular circumstances, but could include the pursuit of existing civil measures, such as an application to a civil court for an interdict or an exclusion order.

Enabling social landlords to end a perpetrator's tenancy in domestic abuse cases also seeks to address the real issue of why the victim and their family should have to leave their home, belongings and community to seek safety and sanctuary while the perpetrator remains undisturbed in the family home.

I welcome the Justice Committee's support for the general principles of the bill. However, I acknowledge that during the committee's scrutiny a range of issues were raised that are important to the eventual successful implementation of the legislation. Every committee member, from across the parties, confirmed their support for greater protection for domestic abuse victims. However, there was concern about some of the operational impact of domestic abuse protection notices and orders and their interoperability with other civil remedies. I hope to be able address those key areas in the rest of my remarks.

There is a definite need for full and effective scrutiny of those operational matters. I have

discussed the issues that the Justice Committee raised with me with the chief constable of Police Scotland. The committee has also heard direct feedback from Police Scotland about some of the implementation challenges.

I will instruct an implementation board, led by the Scottish Government, which will bring together all the key agencies affected by the new legislation, including Police Scotland. Although some of the operational issues raised during scrutiny will be for the implementation board to consider as guidance is prepared on the use of the legislation, some policy matters also need to be addressed.

The Justice Committee's report discussed the threshold of the test before a notice or an order can be imposed. I am in discussions with Police Scotland and can advise that we are looking at whether the test of future harm that requires to be met before a notice can be imposed should be set at "significant" harm. We will keep Parliament updated as that discussion continues, but members will not be surprised to hear that Scottish Women's Aid and other victim support organisations have real concerns about increasing the evidential threshold. I will continue those discussions with Police Scotland and victim support organisations. Given the seriousness of removing a perpetrator from their home, it may be appropriate to set the threshold at a higher level.

I am pleased that the committee supported the length of time for which notices and orders can run. There is a careful balancing act with such timescales—keeping them as short-term protections, while respecting the rights of the person who is subject to the notice or the order, bearing in mind that that person has not been convicted of a crime. I consider that the bill strikes the appropriate balance.

The committee report also discusses the way in which the views of children can help to shape decisions about whether notices or orders should be imposed. There is a considerable challenge in balancing the fundamental policy intention of the bill, which is to provide immediate protection for those at risk of domestic abuse, while ensuring that the views of affected children are taken into account. The bill provides that the welfare of children is a key factor for the court when deciding whether to impose an order, if those children would be affected by such an order. Where the court is considering imposing an order with provisions that would relate to directly to a child, the bill emphasises that any views of that child of which the sheriff is aware should be taken into account.

I can confirm that we will consider carefully whether further provision is needed to ensure that the overarching policy intention of immediate

protection for those at risk of domestic abuse can be delivered.

I look forward to the debate. I commit to considering all suggestions for how best the bill can be improved and, importantly, how effective operationalisation of the new system of orders and notices can be delivered. If we can deliver on both those aims, we can ensure that there is new and improved protection available for those at risk of domestic abuse.

I commend the general principles of the bill to Parliament.

*Motion moved,*

That the Parliament agrees to the general principles of the Domestic Abuse (Protection) (Scotland) Bill.

**The Deputy Presiding Officer (Christine Grahame):** As most members taking part in the debate are doing so remotely, there is no opportunity for interventions. If members want slightly longer for their speech—a minute or more—they should feel free to take it, as we have time in hand.

I call Adam Tomkins, on behalf of the Justice Committee.

15:43

**Adam Tomkins (Glasgow) (Con):** This is a simple bill that raises quite complex problems—problems that the Justice Committee has not found easy. As we heard from the cabinet secretary, the bill does three things, each of which is designed to sharpen the effectiveness of the tools that we have to combat domestic abuse—and combat it we must. Every year, Police Scotland is called out to something in the region of 60,000 incidents of domestic abuse. That is 5,000 every month and nearly 1,200 every week. Each incident consumes, on average, nine hours of police time. The social costs are massive, to say nothing of the horrific impact on the victims of crime.

Let me say a word about the three new tools that the bill provides for, the first of which is the domestic abuse protection notice or DAPN. A DAPN enables the police to impose requirements on a person when the police have reasonable grounds to believe that the person is engaged in abusive behaviour. Such a notice is said to be an emergency measure. A breach of its conditions is a criminal offence, and its effects can be severe—forcing a person to leave their home and, if necessary, preventing them from approaching or contacting their family.

The second tool—the domestic abuse protection order or DAPO—is imposed not by the police but by a court of law. Wherever a DAPN is issued, the police must apply to the court for a domestic

abuse protection order on the very first court day after the notice is issued. The hearing must be held and concluded in court on that day.

A DAPO may impose any condition on a person that may be imposed by a DAPN but, unlike the notice, the order may remain in force for up to two months, extendable to three months on a further application to the court. A breach of any condition that is imposed by a DAPO is a criminal offence. It needs to be understood that the effects of a DAPO on a person may be severe, excluding the person from their home and depriving them of contact with their family.

The third tool relates to housing. The bill gives social landlords a new power to evict a tenant where the tenant has engaged in abusive behaviour. That new power will sit alongside other powers that are already contained in Scots law, for example in the Matrimonial Homes (Family Protection) (Scotland) Act 1981 and the Housing (Scotland) Act 2001.

The Justice Committee took evidence on the bill in December and this month. As well as hearing from the bill team and the cabinet secretary, we heard from stakeholders such as Scottish Women's Aid and the Scottish Women's Rights Centre, from the Law Society of Scotland and academics, from Police Scotland and from housing experts such as the Chartered Institute of Housing in Scotland and Homeless Action Scotland. I thank all the witnesses who helped the committee with our scrutiny. I again thank our tireless clerks and the Scottish Parliament information centre for all their work in supporting the committee through a fast-paced inquiry. I also thank the Government for its response to our stage 1 report, which was received earlier this week.

Our report focuses on two concerns, the first of which is whether the new powers that the bill contains are necessary and how they will fit alongside the plethora of other powers that the criminal justice system already has for dealing with family disputes and domestic abuse. The second concern is whether the new powers are compatible with Scotland's human rights obligations.

The committee had no hesitation in supporting the policy intentions that underpin the bill. The committee supports the underlying policy intentions whole-heartedly and unanimously. However, good intentions, while they are a necessary ingredient of good law, do not of themselves guarantee that the law that we make is fit for purpose. The committee was anxious to ensure that the powers conferred by the bill are capable of being operated and implemented effectively.

The committee's anxieties in that regard were amplified when we took evidence from Police Scotland. Detective Chief Superintendent Samantha McCluskey told us that she had a variety of doubts and puzzles about how the new powers contained in the bill, in particular the power to issue a domestic abuse protection notice, will work in practice. What is the evidential threshold that must be crossed before a notice is imposed? What should the police do in the event that there is not only an accusation of domestic abuse but a counter-accusation?

As Detective Chief Superintendent McCluskey said, that situation is

“very challenging for officers on the ground.”—[*Official Report, Justice Committee, 22 December 2020; c 29.*]

How should the conditions that are imposed under a DAPN sit in relation to other court-imposed orders or restrictions such as bail conditions? Could a failure to issue a DAPN open the police to potential liability in the event that subsequent abuse occurs? Whereas the police have become used to working in a multi-agency way, in partnership with others such as social workers, it is not obvious in cases of domestic abuse how issuing a DAPN on a person can be undertaken other than by the police alone. In all those operational respects, DCS McCluskey told us, clarity is needed. She said that it would be necessary to

“build a bit of confidence among police officers, who will be expected to make decisions and build the public's confidence in our response”.—[*Official Report, Justice Committee, 22 December 2020; c 31.*]

The committee drew attention to those operational challenges in our conclusions and recommendations, and the cabinet secretary devoted several paragraphs of his response to our report, detailing how the Government, in consultation with Police Scotland, intends to ensure that those challenges are met and overcome. We have just heard from Mr Yousaf that the Government accepts that some of that work will be challenging in practice and will require careful implementation. I welcome both the tone and the content of what the cabinet secretary said on that point.

I will close by saying something about convention rights. It is clear that the powers to issue a DAPN and to make a DAPO interfere directly with human rights—most obviously, with the right to private and family life in article 8 of the European convention on human rights. Like most rights in the convention, that one is of course not absolute, but interferences with it need to meet two key tests: they must be necessary in the public interest and they must be proportionate.

I share the cabinet secretary's view that, as drafted, the bill is likely to meet both those tests, but a key component of that judgment rests on the fact that both a DAPN and a DAPO are short-term measures. The longer that either is permitted to endure in any particular case, the greater the risk that a court will find a violation of convention rights.

Even this brief overview shows that there is a lot in the bill. Ideally, one would have wanted to be able to scrutinise it at a less frenetic pace, but we are where we are. Although the committee drew attention to the range of issues and concerns that I have outlined in my remarks, it is content to recommend—again, unanimously—that Parliament approve the general principles of the bill at decision time this evening.

15:51

**Liam Kerr (North East Scotland) (Con):** I confirm that the Scottish Conservatives will vote in favour of the principles of the Domestic Abuse Protection (Scotland) Bill at decision time tonight. We share the chamber's condemnation of domestic abuse as a scourge on our society and welcome any attempt to address it and get justice for victims.

In his remarks, the cabinet secretary set out succinctly and well the rationale that underlies the bill. Consideration of the matter is particularly important at the moment, because we know from published data that domestic abuse has risen in Scotland over the past three years—the number of domestic abuse charges was at a four-year high in 2019-20.

At its core, the bill has three basic aims: first, to protect a person at risk of domestic abuse in the immediate term by the giving of a power to a senior police officer to issue a domestic abuse protection notice—DAPN—on a suspected perpetrator of abuse. Secondly, the bill sets out the further legal steps that might be taken to ensure the longer-term safety of a person at risk and specifically gives the civil courts the power, on application by the police, to grant a domestic abuse protection order—DAPO—for up to three months in relation to the perpetrator.

Finally, the bill provides protections around housing, which I am pleased to see. I recall that I proposed an amendment to the bill that became the Domestic Abuse (Scotland) Act 2018, which called for a review of measures that, among other things, would have excluded someone from a person's house if they presented an immediate danger to the other person or a child.

As the convener has just made clear, the Justice Committee considered the bill on a tight timescale and I am grateful to the clerks,

witnesses and my colleagues for the way in which they approached the process. That shortened timeframe is important to keep in mind, because all members take the view that, although this is an important piece of legislation with excellent aims, it is far from a finished product with regard to precision in drafting and practicality.

The committee was unequivocal that serious practical concerns over the bill would need to be addressed prior to approval at stage 3. It took that position because both legal bodies and the police in particular had signalled outstanding issues with the bill's drafting, which could mean that its powers—perhaps not regularly used—could prove to be difficult to use in practice.

Officers on the ground must be able to use the law with confidence. I have no doubt that colleagues will talk at length on the bill's issues, but I will focus my remarks on some of the key concerns that were raised by the police. Police Scotland raised concerns about the unilateral decision making that the bill outlines, particularly in relation to DAPNs. Its submission stated that for the police to be able to issue DAPNs

“without any consultation is not in step with the established partnership approach currently taken across public protection to address risk.”

Police Scotland reminded the committee that, where emergency measures such as those that are outlined in the bill are taken, that is usually done with a

“core group of statutory partners”

who

“have a key role in decision making from the outset.”

Police Scotland proposes that the risk identified must be in line with sexual offence prevention orders, which are well defined. It considers that other statutory and third-party agencies should be able to apply for a DAPO.

On the provisions in section 8, in which only the police can make such an application for an order, Police Scotland noted that

“reliance on a single organisation, such as Police Scotland, to apply the legislation, not only creates a significant and potentially unmanageable demand on a single service, but is out of step with the established partnership approach in Scotland.”

I am grateful to Scottish Women's Aid, whose helpful briefing today makes a useful suggestion in that regard.

Police Scotland also flagged that the timeframe for DAPNs creates substantial operational challenges. In its written submission, it flagged that the necessary information technology and information sharing, the additional demand on officers, who—I think that I heard the convener of

the Justice Committee mention this—spend an average of nine hours dealing with each domestic incident that they attend, and the logistical implications of ensuring legal representations at hearings create

“substantial challenges for the police”

and require sign-off from a senior officer. The Justice Committee heard that senior officers are typically desk based and do not routinely attend at the scene, so how that works in practice is key.

Furthermore, as the committee recommended, it will be important at stage 2 to define what a “reasonable excuse” for breaking a DAPN or a DAPO might be, because there are no examples or definitions in the legislation.

In summary, the concerns include, but are not limited to, the threshold for evidential proof—an issue on which the cabinet secretary responded in his letter, and on which Scottish Women’s Aid has made interesting points; the challenges of risk assessing at the scene; whether there is conflict with the ECHR; how breaches will be dealt with and what constitutes a breach; any liability of Police Scotland on a failure to act; and where DAPNs sit with other court-imposed sanctions or orders relating to children.

Perhaps where all that gets us to is that we need reassurances from the Scottish Government that the police will be appropriately resourced to apply the new legislation. The police must be adequately resourced to respond appropriately when assessing and imposing DAPNs, or dealing with DAPOs, and on enforcement. That will need training, which requires money and time.

In his response to the committee’s report, the cabinet secretary said that he will create an implementation board, which will examine how to bring in the proposed new powers of the police and courts against suspected abuse. The board will involve key partners, including Police Scotland. He said that

“the Implementation Board will carefully consider what guidance and training is required for police officers and others”

and that

“the operational processes required to enable an application for a DAPO to be prepared in line with the timescale set out in the Bill will be considered”.

That is good. However, leaving that aside, I do not see in that the cast-iron commitment to overall resourcing. It feels a bit like this is being back-loaded. Why would that not have been done in preparation for the bill? The cabinet secretary mentioned in his speech that he has spoken to the chief constable about those issues. Ought that not to have been done in advance?

In the same area, I note that the Law Society of Scotland—of which I remind members that I am a member—suggested that

“What would have helped is prior modelling to identify how and in what circumstances ... a DAPO will be used to provide effective short-term remedies.”

The Law Society also said that, although some of the matters that were raised in the Justice Committee’s report might be picked up by the implementation board,

“there needs to be some effective scrutiny, monitoring and evaluation provisions within the Bill including reporting to the Scottish Parliament.”

The Scottish Conservatives will support the bill, but the significant concerns about its operational and resourcing impacts must be addressed if it is to become law, otherwise it could be undermined from the start.

Every effort possible must be taken to prevent domestic abuse. The bill is another attempt to address this vile problem in society. As ever, we will work constructively with the Government to achieve that end.

The bill seeks to provide victims of domestic abuse with the protection that they need, and we are absolutely supportive of that principle. The Scottish Conservatives will always stand up for the victims of crime, and that is why we are very pleased to support the bill at decision time tonight.

15:59

**Rhoda Grant (Highlands and Islands) (Lab):**

I, too, thank the clerks, SPICe researchers and witnesses who assisted the committee in arriving at its report on the Domestic Abuse (Protection) (Scotland) Bill at stage 1.

The Scottish Labour Party supports the general principles of the bill. Women and families who face domestic abuse need protection. Yet, too often, it is left to them to flee their homes and find their own protection through the courts, at their own cost, and often with very little knowledge of the justice system. They are often afraid to do so in case it triggers more violence. The point at which a relationship is over is often the most dangerous for victims of domestic abuse, and it is frequently the time at which such abuse can result in murder. It is wrong that victims of domestic abuse should have to organise their own protection. Our criminal justice system should be there to protect people, and that should mean everyone. It is a sad reflection on our society that that currently does not happen for victims of domestic abuse.

Proving such abuse is difficult, because it is hard to identify. By its very nature, it is an offence that is carried out in private, within the family home. It is seldom witnessed and can take many

forms. Sadly, despite the work of the Parliament and subsequent Governments, we have still not seen an end to such abuse, and the bill provides the opportunity to put in place another form of protection. It is not a new concept; such orders are used the world over to provide additional protection. It is therefore disappointing that the bill is a bit of a dog's dinner. It feels as though whoever designed it did not really understand the systems that exist or the very nature of domestic abuse. I sincerely hope that the Parliament will be able to make the bill workable as it makes its way through stages 2 and 3.

Domestic abuse has a detrimental effect on a child's life: their resilience and self-esteem are damaged, as are their life chances. They do not even need to witness or experience it themselves—the tension and fear that surround them create fear and insecurity within them. Although children are offered protection under the bill, it is attached to their parent. I truly believe that children must have access to such protection in their own right. The NSPCC in Scotland has reported a 30 per cent increase since last April in referrals made to agencies regarding children in abusive households. That comes at a time when children are more isolated—they are trapped in abusive households, without the respite and support that going out to school brings.

The incidence of domestic abuse has increased, therefore its impact on children has increased. If children are contacting agencies for support when they witness such abuse at home, surely they themselves should be entitled to protection and to have the abusive parent removed, as happens in other countries such as Australia and New Zealand. Such a measure is not often used, but it can be another protection for children.

The nature of domestic abuse is such that the victim often covers up the crime, either because they fear retribution or because of their total lack of self-esteem, which has been systematically removed by their abuser. Therefore it is important that all victims have a right to such protection.

The issue of how domestic abuse protection notices interact with other measures, such as home detention orders or child custody orders, needs to be clarified in the bill. Such notices are an emergency intervention: they require no judicial oversight and can be put in place by senior police officers. The legislation therefore needs to be very clear about how and when notices will take precedence over other orders, especially those handed down by courts. It is right that notices have precedence in an emergency, but that needs to be made clear in the bill. If a domestic abuse protection order is subsequently sought, there will be oversight by a sheriff and during the court

process steps can be taken to resolve any conflicts with other orders that might occur.

For instance, if the subject of a domestic abuse protection notice is also the subject of a home detention order, there will need to be a mechanism for their home base to be changed for the purposes of implementing that order. Some witnesses said that the imposition of a notice might indicate a breach of a home detention order, which might then necessitate the perpetrator's return to prison. However, given that a notice is issued only where there is no proof of a crime to enable the subject of the notice to be arrested, charged and held in custody, I am unclear about how that could be considered a breach of a home detention order.

There are also child custody arrangements which may have been imposed through a court. We need to clarify how they interact with notices. We often hear of terrible cases where child custody and access rights are imposed by the court which leave the victims of domestic abuse in life-threatening situations.

Access arrangements are often used to continue the abuse and children are used as weapons, which damages not only the victim but the children. That is yet another reason for a child to have those protections in their own right.

That all needs to be very clear on the face of the bill. It needs to be clear that those notices and orders take precedence over any contact or custody rights of the person who is subject to them.

Notices and orders also bar someone from entering their own home. There is a reason for that. Too often, we see the victim of domestic abuse and their children having to flee their home and become homeless. The bill will help to ensure that they can remain in their own home. However, the bill is unclear on what steps will be taken to ensure that the subject of the notice has access to housing immediately if they have nowhere else to go. That is important, especially if they are subject to a home detention order that keeps them at that home; it is also important to avoid homelessness. It is also right that the abuser is forced to leave their home because that allows the person who is being abused to remain at home with their family.

The bill is necessary, but the framing has not been well thought out. I hope that the committee, working with the cabinet secretary, can put that right at stage 2 because, if it is in good order, the bill will provide a lifeline to victims of domestic abuse.

**The Deputy Presiding Officer:** Thank you, Ms Grant. Liam McArthur will open for the Liberal Democrats.

16:06

**Liam McArthur (Orkney Islands) (LD):** The Scottish Liberal Democrats strongly support any attempt to improve protection for those at risk of domestic abuse, particularly when they are living with the perpetrator of that abuse. In that context, we will be happy to support the principles of the bill at decision time, not least because they broadly reflect the policy adopted by the Scottish Liberal Democrats back in 2019.

That said, and as others have mentioned, it is clear that work is needed to address the practical concerns raised by various witnesses at stage 1, not least Police Scotland. However, I will start, as others have done, by thanking all those who have helped the committee to get to this point, notably the witnesses who gave both written and oral evidence, our clerks and SPICe. They and we have not been helped by the truncated timeframe for scrutiny, which the convener referred to. Given the nature and the complexity of the issues raised by the bill, that is far from ideal.

However, the principles of the bill are sound. They reflect those of the Istanbul convention, which is already in place in countries such as the Netherlands, Austria, Germany and Spain as well as in England and Wales, all of which have introduced short-term protective orders aimed at tackling domestic abuse.

In Scotland, as the cabinet secretary reminded us, current civil measures place the onus on the victim to apply for orders. Under the bill, the police would be able to impose a protection notice and thereafter apply to the court for a protection order, which could place requirements and prohibitions on a suspected perpetrator of domestic abuse. Those include removing a suspected perpetrator from a home shared with the person at risk of abuse and prohibiting them from contacting or otherwise abusing the person who is at risk while the order is in effect.

As well as protecting those at risk of domestic abuse, we need to improve outcomes for victims in relation to housing. Creating a new ground on which a social landlord can apply to the court to end the tenancy of a perpetrator of abusive behaviour, with a view to transferring the tenancy to the victim, is another welcome step. It matters—we know that over 60,000 domestic abuse instances were recorded by Police Scotland in 2018-19. At the same time, around 4,500 homelessness applications were made due to a

“violent or abusive dispute within a household”.

The vast majority of those applications were from women, half of whom had children. Domestic abuse is the single biggest reason for a homelessness application by women.

Those alarming numbers were on the increase before Covid, and nobody seriously expects that trend to have been reversed during the pandemic; indeed, the situation is quite the reverse, as the NSPCC reported earlier this month.

Therefore, the provisions of the bill are welcome and timely. Nevertheless, in a practical sense, as the committee heard repeatedly, the bill as drafted lacks clarity. The Law Society said that there is a risk of

“a proliferation of potentially overlapping measures”.

Indeed, the Government acknowledged the existing criminal and civil law provisions that could be used to remove a suspected perpetrator of abuse.

The thresholds for DAPNs also give rise to concerns for the Law Society, relating to the evidential basis that will be required for the police to take such a step. That needs to be proportionate if it is to be consistent with an individual's ECHR rights. A DAPN can be imposed only by a senior police officer at the rank of inspector or above, but how would that work in practice?

There was also some disquiet about the threshold for taking action, as the phrase “reasonable grounds for believing” is at odds with the existing threshold, which opens up the potential for confusion. Although witnesses did not expect the power to be used extensively, greater clarity is essential.

The committee heard mixed views on the question of what the maximum duration of a DAPO should be. The Scottish Women's Rights Centre and Scottish Women's Aid argued that the proposed three-month period is too short, but concerns were also expressed about the ECHR implications of going beyond that, and my committee colleagues and I certainly understood and empathised with that.

Seeking the consent of those who are deemed at risk before implementing a DAPN or DAPO might be problematic, but the committee heard compelling evidence about the need to ensure that women's voices are heard and reflected in the process, and the bill will need to find a way of achieving that. Although an automatic referral to support organisations might be a step too far, a presumption or even an opt-out provision as proposed by Scottish Women's Aid does not seem unreasonable. Police Scotland assured the committee that such referrals routinely take place, but placing such a provision in the bill might offer further reassurance.

The point that the Shetland domestic abuse partnership made about the age threshold deserves further consideration. A perpetrator need

not be 18 or over and can be as young as 16, so the bill needs to reflect that fact. That is also a reminder that, sadly, domestic abuse blights every community across Scotland. In my constituency, the campaign “Tak A Stand Orkney. It Does Happen Here” effectively says it all. I commend those behind the campaign for the work that they do in encouraging the reporting of abuse.

The bill is important; it can deliver real improvements for those who are affected by domestic abuse. However, changes are needed at stage 2 to give it the clarity, certainty and scope that it requires to be effective. I look forward to working with committee colleagues to achieve that goal. In the meantime, the Scottish Liberal Democrats will of course support the bill at decision time.

16:12

**John Finnie (Highlands and Islands) (Green):**

As my colleagues have done, I give the usual thanks to everyone who has brought us to this point.

I say at the outset that my legitimate criticism of the bill is not at odds with my unequivocal support for addressing the scourge of domestic abuse. Like other members of the Justice Committee, I have been active in the field, and I declare an interest as a member of the cross-party group on men’s violence against women and children. However, we do not make laws for the sake of it. We want to make good and effective law, and law that is evidenced as being needed. We want law that will make a positive difference.

The Domestic Abuse (Scotland) Act 2018, which was considered by the Justice Committee, overhauled the criminal justice approach. It identified a gap, which related to

“keeping a perpetrator away from their home”.

That equated to a need for a law.

That of course stems from the Istanbul convention, to which the Scottish Government expressed a commitment in “Equally Safe: Scotland’s strategy for preventing and eradicating violence against women and girls”. The convention states that legislative measures should be taken to ensure that

“in situations of immediate danger, a perpetrator of domestic violence”

is required

“to vacate the residence of the victim or person at risk”,

and that there should be measures

“to prohibit the perpetrator from entering the residence of or contacting the victim or person at risk.”

That approach is necessary and seems straightforward but, unfortunately, the proposed legislation, or at least its application, is not. Police Scotland seems uncertain about how it might use the power and talks about “exceptional circumstances”. Members of Parliament, in scrutinising legislation, need to understand how it will work. The policy aim is clear and is to protect people who are at immediate risk. That is good, and the bill could do that, but what if the alleged perpetrator has left the scene? What role does the bill have in that situation? Will police have the power to detain someone pending the granting of a DAPN? Is such a power in the bill or elsewhere?

Another policy aim is to create time for further legal steps, but the timeframes are tight—an application must be made to the court on the next court day. What if, following the granting of a notice, the court decides not to grant an order?

Other members have alluded to the fact that the Law Society of Scotland mentioned the risk of

“a proliferation of ... overlapping measures”,

but it is fair to say that Scottish Women’s Aid does not see it like that. It believes that the measures in the bill are not intended to replace existing criminal measures, and that the routine criminal justice response should always be the first consideration. It thinks that the bill addresses a very specific situation in which it is not possible to use criminal justice measures. If that is the case, one might reasonably ask what happens at the moment in the circumstances in which the bill is intended to work—nothing? One would hope not. If there is a gap—I think that we accept that there is—does the bill fill it?

The policy memorandum states:

“There are a number of existing criminal and civil law provisions currently in effect which can be used to remove a suspected perpetrator of abuse from a home they share with a person at risk or otherwise prevent them from contacting the person at risk.”

My wish, and that of the Justice Committee, is to understand where the proposals in the bill fit with the existing arrangements.

Another policy aim of the bill is to reduce the chance that the person at risk becomes homeless or feels that he or she, rather than the suspected perpetrator, must find somewhere new to live. What of the suspected perpetrator? There might be insufficient evidence to arrest that person; they might not be subject to investigative liberation; and there might be insufficient evidence to take them to court. Is a police officer to deny that individual access to their residence?

In the Scottish Government’s response to the committee’s stage 1 report, the cabinet secretary said:



"I would like to take this opportunity to clarify that a senior constable, in making a DAPN, will not be acting as a court of law".

Is that really the case? It seems to me that that is not a particularly helpful response. I would argue that

"acting as a court of law"

is exactly what the bill asks officers to do. That is precisely why there must be no dubiety about what is expected of them, or about what proof or evidence is needed.

I say again that it is a big step to sanction the police to advise an uncharged, unconvicted person who may be subject to no other civil or criminal restraints on where they can go, who they can engage with or where they can stay. Every police officer has to justify their decision making and explain their rationale, particularly when they place restrictions on a citizen. An officer will ask themselves, "What are my powers? In what circumstances can I exercise them? What is the right of redress for the individual?"

The policy memorandum mentions the fact that DAPNs and DAPOs are likely to interfere with people's rights, but as that has been touched on by other members, I simply acknowledge that the matter has been covered.

The Justice Committee had significant concerns about the practicalities of the ability of Police Scotland to use the powers in question in the way that is intended. The cabinet secretary has told us that there will be further consultation with Police Scotland about how the powers can be used, but the Scottish Government should be well down the road from there. There was compelling evidence from Police Scotland, the Law Society and others that further consultation and clarity were required on how DAPNs are expected to work in practice. That is quite a serious criticism, given the stage in the legislative process that we are at.

In relation to breaches of DAPNs, the cabinet secretary said in the Scottish Government's response:

"I consider that the Bill is clear".

If the bill is clear, can the cabinet secretary outline what legal power there would be to detain someone who was not under arrest, pending the issuing of a DAPN?

I like flow charts—that is how my mind works. I would like to know what the options are, and for them to be laid out in that way. The Law Society put it more correctly when it said that prior modelling to identify how and in what circumstances such measures will be used would have been helpful.

I am conscious of time, so I simply say that it is reasonable to expect greater clarity on what are exceptional powers, which we are told will be used only in exceptional circumstances. It may be that I am very slow on the uptake. A sample scenario would be of great help.

Of course, the reality for victims is very bleak. The bill can play a part in resolving that, but only if we resolve all the issues that I have mentioned. I will leave it there.

The Green Party will support the bill at decision time.

**The Deputy Presiding Officer:** I remind members that there is a little time in hand for them to run over their time.

16:19

**Rona Mackay (Strathkelvin and Bearsden) (SNP):** The importance of the bill that we are debating to the victims of domestic abuse cannot be overstated, and I am more than happy to agree to its general principles at stage 1 today. I thank the bill team and the clerks for their exceptional work to prepare the stage 1 report within an extremely tight timeframe. There is much ground to cover on the detail of the bill, but I know that colleagues will pick up on the areas that I will be unable to cover. Indeed, many have already done so.

The Domestic Abuse (Protection) (Scotland) Bill is indeed a milestone. The orders that will be issued will provide emergency safety measures to victims, 80 per cent of whom are women and children, by removing the alleged perpetrator from the home and barring contact with the person at risk. That will be a safety net for people who desperately need it. The bill will also improve outcomes for victims by giving social landlords the power to end the tenancy of a perpetrator. Domestic abuse is the main cause of women's homelessness in Scotland.

Crucially, the bill will give the police the power to issue a domestic abuse protection notice before applying to the civil court for a domestic abuse protection order. The significance of that is huge. It means that the victim, when she is at her most vulnerable, will not have to go through the court process herself and will not incur legal costs. The orders are not intended to replace existing criminal measures, but they will protect victims in cases where it is not possible to apply those measures but there is an imminent risk to safety.

Evidence that the committee received questioned whether there is a legislative gap to fill, given that we have non-harassment orders, civil protection orders and emergency barring orders. My view is that there is most definitely a gap and

that the orders will fill it, providing immediate safety to victims by removing the perpetrator and barring further contact.

Traditionally, until now, it has been women and children who are forced to leave the family home in cases of domestic abuse. That is unfair and inhumane for both the victim and the children, who may be uprooted from their home, school and familiar surroundings through no fault of their own. They are guilty of nothing, yet they pay the price. That is why the orders are so important and necessary, particularly now, with levels of domestic abuse soaring during the pandemic. Dr Marsha Scott, chief executive of Scottish Women's Aid, said:

"The publication of this Bill is a milestone moment for women, children and young people experiencing domestic abuse who for years have asked us why it should be them, rather than their abusers, who have to leave their homes, pets and belongings to seek safety."

In its stage 1 report, the committee spoke of operational concerns in respect of Police Scotland. The convener and others articulated many of those well, so I will not repeat them. However, I am extremely pleased that the cabinet secretary has said that he will continue to engage with Police Scotland and key stakeholders to discuss their concerns. For legislation to be good, it must be workable. To that end, the cabinet secretary has confirmed that, if the bill is passed, he will set up an implementation board that is chaired by the Scottish Government to examine operational matters.

The timing and length of DAPNs and DAPOs featured heavily in our evidence taking. In order to be ECHR compliant, there is a short timescale for the senior constable who proposes the DAPN to apply for a court order, and the committee accepts that. The maximum duration of a DAPO will be three months, with some flexibility for extension in certain circumstances. Again, we believe that that is reasonable given that it is an emergency order, although there may be issues to do with eviction and rehousing. Those could be addressed at stage 2.

I am passionate about the bill and I am particularly delighted that the breach of an order will be a criminal offence. An example of a breach would be stalking by a partner or ex-partner where an order has been issued. More than half of stalking offences are committed by an ex-partner.

In 2019, I proposed a member's bill to introduce stalking protection orders, which the police could apply for on behalf of the victim. The proposal was paused in order to evaluate the effects of the newly introduced Domestic Abuse (Scotland) Act 2018. If the bill that we are debating today is passed, another legislative gap will be filled, and I could not be happier about that. However, we

know that stalking usually takes place over a period of time and it may last longer than three months if no arrest has been made. I will therefore consider lodging an amendment at stage 2 to propose that the order be eligible for extension in cases of stalking breaches.

Section 4 relates to the police paying attention to the victim only when they are aware of the woman's views. I believe that the views of women and children should be actively sought, as should the woman's consent to an order. To issue an order without consent would be to further disempower the victim. Where coercion is suspected, which is often the case, an interim order could be issued without consent in order to allow time for further investigation with a view to criminal action.

In relation to the evidential threshold for issuing orders, as the cabinet secretary has outlined, women's organisations have expressed concern over the wording of "significant harm" in the Government's response to the committee. I am sure that that is something else that can be addressed at stage 2.

There is so much to welcome in the bill. At last, abused women and children will have emergency protection that has so far been lacking—a safety net for them and any children involved. There are issues to be resolved, as we have heard, but I know that the Government will work with stakeholders to make this vital piece of legislation work for everyone. We owe it to so many silent victims who are living in fear. The legislation is the beginning of the end for perpetrators of abuse, and I urge members to vote to agree to the general principles of the bill at decision time.

16:25

**Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** I welcome the Domestic Abuse (Protection) (Scotland) Bill at stage 1. Scottish Conservatives will always stand up for victims of abuse and we will support the general principles of the bill.

Scottish Women's Aid and the Law Society of Scotland, to name two organisations, have welcomed the bill's proposed powers, which are intended to fill a gap in legislation, or, as my colleague Adam Tomkins said,

"sharpen the effectiveness of the tools that we have"

to help those who may be experiencing domestic abuse. The powers aim to reduce the risk that a person has to make themselves homeless in order to provide a safe pathway to other forms of safety.

Sadly, we know that domestic abuse is on the rise in Scotland. The number of domestic abuse incidents recorded by Police Scotland has risen in

the past three years, from 58,108 in 2015-16 to 60,642 in 2018-19. It is concerning to see the number of incidents rising, but, as I have previously said in the chamber, that must be seen through the prism that perhaps more victims feel confident and empowered to come forward.

I thank my local women's refuge, Border Women's Aid in Hawick, for its important work. It has worked tirelessly to help women gain freedom from abusive relationships. It provides safe accommodation and specialist support for up to a year for women and their children who have left abusive homes. Through its excellent outreach service, it supports many women in the community who currently live with abuse while they plan for a life beyond it.

We have come a long way in supporting victims, but there is still a lot more work to be done. I believe that legislation must go further in tackling the domestic abuse issues that occur post-separation, which I will touch on later in my speech.

I want to make two main points regarding how we can strengthen the bill to help the system to empower victims. Many members have discussed both these issues in the debate.

First, we welcome the two new powers: the power for courts to make the domestic abuse protection orders and the power for the police to make domestic abuse protection notices. However, we have concerns about their implementation. I thank my colleague Liam Kerr for raising points during the passage of the Domestic Abuse (Scotland) Bill in 2018. He proposed an amendment to the bill that would have called for a review of measures that would have, among other things, excluded someone from a person's house if they presented an immediate danger to that person or their child.

The Justice Committee, the Law Society of Scotland and Police Scotland have noticed issues with the current drafting of the powers. On section 4, the Law Society has questioned whether a DAPN is a proportionate measure in the context of the relevant rights under the European convention on human rights. It remains uncertain how a DAPN will be issued in practice, and the bill does not appear to make a specific power available to the police to remove a suspected perpetrator to the police station in relation to a DAPN.

The committee has noted those concerns and they will be dealt with at stage 2, following proper consultation with Police Scotland, to ensure that the new powers are fit for purpose and effective.

Secondly, I want to touch on the important issue of financial abuse, especially post-separation. We know that when a victim leaves a perpetrator, there can still be ties that unfortunately link them

to that person. Lack of money and financial resources is the main reason why women return to abusive partners post-separation, and economic barriers and a lack of financial independence are the main factors in why women stay in abusive relationships.

According to the Co-operative Bank and Refuge, one in five women and one in seven men in the UK have experienced domestic abuse from a current or former partner and one third of victims did not tell anyone at the time that they were being abused.

We know that the UK Government has provided £22 million to support tackling domestic abuse and sexual violence in the community access support services and £10 million to domestic abuse safe accommodation charities. That has helped many people in difficult situations.

Just this week in the House of Lords, Baroness Lister has been instrumental in bringing amendments to the committee stage of the UK Domestic Abuse Bill. Her amendments seek to ensure that those who were previously personally connected are protected from any coercive and controlling behaviour, including economic abuse that occurs post-separation.

Post-separation coercive and controlling financial abuse is widely recognised. I am glad that banks such as the Bank of Scotland and the Royal Bank of Scotland have been supportive of victims and have set out guidance and best practice for employees on how to treat sensitive situations, such as victims accessing bank accounts or closing accounts that they have with abusive partners.

There are provisions in the Domestic Abuse (Scotland) Act 2018 to cover coercive behaviour, even if the people are ex-partners. Section 3(3)(c) of the Domestic Abuse (Protection) (Scotland) Bill refers to

"controlling, regulating or monitoring person B's day-to-day activities".

I am not a member of the Justice Committee, but will the cabinet secretary clarify in his closing remarks whether financial abuse post-separation is covered in the bill and whether the new notices and orders are able to deal with coercive financial abuse post-separation?

In conclusion, the Conservatives support the general principles of the bill, but there are issues that require to be addressed. As my colleague Liam Kerr said, many stakeholders, such as Police Scotland, have significant concerns about the operational and resource impacts of the bill. Those concerns must be addressed if the bill is to become law; otherwise, it could undermine any convictions that take place under it. The proper

financing and resourcing of our police force to ensure that it can continue its good work is crucial to the bill's efficacy and the tackling of domestic abuse. I urge the Scottish National Party Government to ensure that our police officers are fully equipped to root out an evil that continues to be a scourge on our society. The support groups, charities and victims of domestic abuse need to be listened to so that the Scottish Government can get it right.

16:32

**Fulton MacGregor (Coatbridge and Chryston) (SNP):** As a member of the Justice Committee, it gives me great pleasure to speak about the bill. As we have heard, the bill builds on the important legislation that came into force last year, which gives the police and prosecutors the powers to ensure that those who participate in coercive or controlling behaviour are held accountable for their actions. Make no mistake: such behaviour is domestic abuse, and it is now treated as such.

Case numbers are going up, but that should not be surprising. That may not necessarily represent higher prevalence; rather, people may feel more able to report such behaviour, and there is a clear message from the Government and society that it will not be tolerated. We should welcome that.

The bill will offer additional protection to those who are at risk of domestic abuse, especially in cases in which the person is living with the abuser. A person should feel safe in their own home. During these times of lockdown, when we cannot leave our homes, the bill could not be more timely. More money and restriction exemptions have been put in place to support those who are suffering, but the reality still remains that lockdown negatively impacts victims of domestic abuse. Options to move in with other family or friends may not be as readily available as they usually would be because of concerns about household mixing and virus transmission. People may be unclear about whether they can leave a situation, or they may even be told by an abuser that they cannot do so. Kids are not in school—we have already heard about that from Rona Mackay—and, of course, there is massive strain on our emergency services. All of that means that many victims are, even more than is usually the case, suffering in silence.

The bill will apply to all those who are at risk of domestic abuse. However, we know that women are disproportionately affected: they represent around 80 per cent of victims.

The Scottish Government is determined to protect everyone from domestic abuse and, at the same time, it will continue to implement the

equally safe strategy, with a focus on supporting women and children who are at risk of abuse. With the bill, the police and the courts will gain powers to remove suspected abusers from victims' homes and ban them from re-entering them.

If the bill passes, it will bring into force a domestic abuse protection order that allows courts to impose requirements on suspected perpetrators. It will allow for the removal of a suspected perpetrator where they share a home with someone at risk, and contact will no longer be allowed.

The bill also provides a power for the police to, where necessary, impose a very short-term domestic abuse protection notice ahead of applying to the court for a DAPO. The DAPN is intended to be very short term in its effect, lasting until the court reaches a decision about whether to impose a DAPO or an interim DAPO. The bill proposes that a DAPO could last for up to three months in total. In committee, we heard from witnesses who supported that, including Scottish Women's Aid, the Scottish Women's Rights Centre and Professor Mandy Burton of the University of Leicester, who all believe that there is a need for new powers, as, in their view, a gap exists in the protection afforded to women under existing powers.

Another groundbreaking aspect of the bill is that it will give social landlords the power to end or transfer the tenancy of a perpetrator of domestic abuse to prevent a victim from becoming homeless and enable victims to remain in the family home. Tenants who are affected by domestic abuse should not have to leave their family home—we all agree on that. However, it is often the case that children are also shared in such a situation, which makes it harder for someone to find suitable accommodation, and the upheaval can be deeply traumatic on top of what has already taken place. It is recognised that, by allowing for a transfer of tenancy, victims and their families will be able to stay in their home without having to seek temporary accommodation or declare themselves homeless. Many victims stay in a relationship with their abuser because they have nowhere to go and cannot fathom the ordeal of leaving their home and finding suitable accommodation. That part of the bill will help put a stop to that situation and help redress an imbalance that has been around for some time.

As we have already heard, however, there are issues to be discussed further at committee. It is fair to say that the bill as it stands is not the finished article; every speaker, including the cabinet secretary, has reflected on that today.

Concerns have been raised about the suggested evidential threshold that would enable a domestic abuse protection order or a domestic

abuse protection notice to be made. As we heard, the justice secretary has confirmed that a Scottish Government-led board will be established to ensure the effective implementation of proposed new measures to protect victims of domestic abuse.

We have also heard concerns from several speakers about significant operational and resourcing challenges for Police Scotland. I am delighted that the cabinet secretary has indicated that there will be on-going engagement with Police Scotland on those issues, because, from the evidence that we heard—*[Inaudible.]*—would be required.

Shared Parenting Scotland, as well as the convener and others, have raised concerns about the bill's compatibility with human rights, including the concern that an alleged perpetrator who is subjected to a DAPN or DAPO may not have actually committed an offence. Those who have those concerns can be reassured that they have been heard and considered by the committee, but they should also understand that we need to balance those concerns against the possibility of not doing more to protect victims and the devastating consequences that can occur when we do not act decisively. Much as with the previous domestic abuse legislation that the Justice Committee considered, it is important for people to know that the committee takes into account all those issues, but we have to have—*[Inaudible.]*—when doing that.

Scottish Women's Aid has played an instrumental role in the development of the bill and has made recommendations to members to improve it further. Those include strengthening the definition in section 1 on the application of DAPNs and including in section 4 a more robust duty to actively seek the views of women and, where practicable, children, as well as adding appropriate wording around the test and the thresholds on imminent risk. In section 8, it recommends adding a more robust duty to actively seek the views of children and including the need for consent of women, and an amendment to the categories of applicant for a DAPO. In sections 9, 13 and 18, it recommends extending the duration of DAPOs to allow section 18 proceedings to conclude—we have heard concerns about that, as Liam McArthur pointed out. I welcome the cabinet secretary's engagement with Scottish Women's Aid on those issues. Given that group's expertise in the area, I think that we need to consider all those suggestions very carefully as we move the bill through Parliament.

I am not sure of my time, because I am at home and have not set a clock—my apologies. I conclude by saying that I am confident that the bill will make much-needed changes to the lives of

victims of domestic abuse, and I urge members to support its general principles at decision time.

16:39

**Pauline McNeill (Glasgow) (Lab):** First, I thank the Justice Committee for its close scrutiny of this important bill. The pandemic has sparked a plague of domestic violence that the United Nations has called a “shadow pandemic”. We are told to stay home and stay safe, but unfortunately for a lot of women, their home is not safe. Close the Gap notes that one in four women experiences domestic violence in her lifetime.

Women are not subjected only to physical abuse; they are subjected to coercive control. The Domestic Abuse (Scotland) Act 2018, which sought to criminalise coercive control, was a very significant development in the law.

The lockdown has inadvertently given abusers the means by which to further restrict their partners' freedom and is threatening their safety. Scottish Women's Aid reports that two thirds of survivors who identify as currently experiencing abuse told the organisation that the abuse started during Covid-19 lockdown restrictions.

The existing system of civil protection orders in Scotland offers predominately longer-term protection to the person who is at risk, so the bill seeks to add new immediate and short-term powers and adds to the legal resource for people who are at risk of domestic abuse.

The bill brings us into step with a range of countries including England, Wales, the Netherlands, Austria, Germany and Spain, which have introduced short-term protective orders that are aimed at tackling domestic abuse.

The bill also proposes two new powers that do not require that the consent of the person who is at risk be exercised. A senior police officer will have the power to impose a domestic abuse protection notice on a suspected perpetrator of abuse, and the power will be available to the civil court, on application by the police, to grant a domestic abuse protection order against the perpetrator of abuse. The bill proposes that that would last up to three months in total. Those new powers will have legal effect only in Scotland, and not in the rest of the United Kingdom.

The vast majority of victims of domestic abuse are women, although children are also victims. Children experience short and long-term cognitive, behavioural and emotional effects as a result of witnessing domestic abuse. Only this week, it was reported that the NSPCC is concerned that, during the period of the pandemic, the risk of young people suffering terrible consequences from domestic abuse has intensified. The NSPCC

helpline for adults service is increasingly worried about children, and has heard from neighbours who report hearing children crying and incessant arguing in nearby homes.

The average monthly number of domestic abuse referrals from the NSPCC to Scottish agencies including the police and local authorities has risen from 32 in the first three months of last year to 42 in the last two months. Calls to the NSPCC helpline have risen by more than 50 per cent across the UK. Joanna Barrett from NSPCC Scotland said this week that

“With families facing increased pressure behind closed doors, lockdown restrictions have made some children more vulnerable to experiencing domestic abuse, as well as other forms of abuse and neglect.”

We believe that the protections in the bill need to apply equally to children who might have been direct victims of abuse.

Section 18 of the bill proposes a new power for social landlords to end a tenant’s interest in a tenancy when there has been domestic abuse. That matter was brought to my attention by the Chartered Institute of Housing and by Scottish Women’s Aid. The section intends to help tenants who have been affected by domestic abuse to remain in the family home and avoid moving into temporary emergency accommodation.

I note the contribution of the homelessness and rough sleeping action group and Scottish Women’s Aid, which have done incredible work in that area. Dr Marsha Scott, the chief executive of Scottish Women’s Aid, said:

“Domestic abuse is the leading cause of women’s homelessness in Scotland”.

and

“We have long said that Emergency Protective Orders will make an immediate and significant difference for those women and children, offering them respite and breathing space as they seek support and safety.”

The role of social landlords is also key, but as other members have said, it is one of the aspects of the bill that will need to be tested to ensure that it is compliant with human rights law. I have a question for the minister who closes the debate. What happens to a perpetrator when they are removed from the home? Is there an obligation to house them?

I support the general principles of the bill. Once again, the Scottish Parliament has shown that it is leading the way in challenging domestic abuse for the women, children and others who are affected by it. When the legislation has gone through Parliament and undergone its scrutiny, it will make a very significant contribution.

16:45

**Shona Robison (Dundee City East) (SNP):**

Like others, I begin by thanking the Justice Committee clerks for all their hard work on the bill so far, and the witnesses who provided extremely valuable evidence to the committee.

The Covid-19 pandemic has highlighted the importance of protecting women and girls who find themselves isolated and vulnerable due to the actions of an abusive partner. The “Stay at home” message has been particularly difficult for many women who are victims of domestic abuse because their home is not a safe place for them to be. In the year 2018-19, reported incidents rose by around 2 per cent, but in the early part of 2020, particularly during the first lockdown period due to the pandemic, the number of incidents was 9 per cent higher than it was for the equivalent period in 2019.

The bill will apply to all who are at risk of domestic abuse, but we know that women are disproportionately affected and represent 80 per cent of victims. The bill builds on legislation that came into force last year, which gave police and prosecutors greater powers to target people who engage in coercive or controlling behaviour. A person’s home should be a place of safety; the new orders that will be introduced will give victims of domestic abuse the space and time that are needed in order to address their longer-term safety and their housing situation.

The bill creates additional protection for people who are at risk of domestic abuse, particularly people who live with their abuser. The police and courts will, under the new legislation, gain powers to remove suspected abusers from victims’ homes, and to ban them from re-entering.

The bill will also allow social landlords to end or transfer the tenancy of a perpetrator of domestic abuse in order to prevent a victim from becoming homeless by enabling them to remain in the family home. That was welcomed by Dr Marsha Scott from Scottish Women’s Aid, who said:

“Domestic abuse is the leading cause of women’s homelessness in Scotland, with women often facing the impossible choice between living with an abuser and making themselves and their children homeless.”

The bill creates additional protection for people who are at risk of domestic abuse through trying to fill a gap by allowing immediate protection for a short time for a person who is experiencing domestic abuse in order to keep them safe while they work out their next steps.

Police and courts will gain powers to remove suspected abusers from victims’ homes by providing courts with a new power to make a domestic abuse protection order, which can impose requirements and prohibitions on a

suspected perpetrator of domestic abuse. As I said earlier, that includes removing them from a home that they share with a person who is at risk, and prohibiting them from contacting or otherwise abusing that person while the order is in effect.

**Liam Kerr:** Where does the member stand on giving consideration to allowing third-party organisations such as victims groups to file applications for DAPOs?

**Shona Robison:** I have some sympathy for that. We would need to explore the suggestion further to consider which organisations might be included. It would not be without its difficulties, but it is something that the committee should explore.

The bill also provides a power for the police to impose, where necessary, a very short-term domestic abuse protection notice ahead of applying to the court for a DAPO. Barnardo's Scotland welcomed the measure and said that the new legislation would protect and safeguard victims and their families. It stated:

"Often abuse victims don't want to move out of the home because they don't want their children to experience upheaval. It is imperative that where possible the perpetrator is held to account and removed from the family home."

The bill will also allow social landlords to end or transfer the tenancy of a perpetrator of domestic abuse in order to prevent a victim becoming homeless by enabling them to remain in the family home. Part 2 of the bill proposes a new power for social landlords to do just that.

The bill is intended to improve the immediate and longer-term housing outcomes for domestic abuse victims who live in social housing—that will be extremely valuable—by creating a new ground on which a social landlord can apply to the court to end the tenancy. Alternatively, where the perpetrator and victim are joint tenants, an application can be made to end the perpetrator's interest in the tenancy and enable the victim to remain in the family home. Those are important measures.

I am pleased that the Justice Committee has backed the general principles of the proposed legislation, while highlighting some of the issues that need to be considered further and making recommendations on how the enhanced protective orders could operate effectively.

I welcome the commitment from the Cabinet Secretary for Justice to establish an implementation board to ensure that there is clear guidance on use of the legislation. As the cabinet secretary and other members mentioned, there are issues that require further consideration, including concerns about the suggested level for the evidential threshold that would enable a DAPO or a DAPN to be issued.

As other members have mentioned, there are also concerns around operational matters, which have been raised in particular by Police Scotland. I welcome the cabinet secretary's commitment to continue to discuss with stakeholders their concerns about those and other matters that are raised in the stage 1 report, as the bill progresses to the next stage.

16:51

**Rhoda Grant:** The debate has been interesting. It is clear that the bill is required and that it has the potential to save lives, so we need to get it right. The bill has unanimous support, but members from all parties have expressed concerns about how it has been drafted and how it will work in practice.

John Finnie asked whether the bill fills a gap. Sadly, there is a gap that needs to be filled. Victims are often forced to leave their home and become homeless because they have suffered abuse. Many will return home because they are unable to cope with homelessness, and the abuse then continues—if anything, it gets worse, because the perpetrator knows that their victim has no other option. As Shona Robison said, many victims stay simply because they cannot face the homelessness that they would experience if they decided to leave.

A number of members talked about the evidential threshold for the use of a DAPN or a DAPO, and asked how people would know when those measures should be used and whether the test should be one of significant harm. I believe that that would set the bar far too high; I agree with Rona Mackay's call for caution in setting such a bar. How would we define "significant harm"? I believe that if there is a reason to suspect that domestic abuse has occurred or will occur, a notice must be put in place. As Pauline McNeill pointed out, the notices cover coercive control as well, and any threshold that is put in place needs to take that into account.

Like others, I welcome the announcement that an implementation board will be set up to work through the concerns. That needs to happen before stage 2, but it should have happened earlier; I agree with Liam Kerr that it should have been done well in advance of the bill's introduction.

A number of members raised issues that have to be dealt with regarding the implementation of the bill. There are things that simply do not work. Liam Kerr highlighted police concerns about the lack of partnership working and the question of who can apply for an extension. The proposal that a DAPN can be issued by an inspector or someone above that rank caused concern,

because it was pointed out that an inspector would very seldom attend a report of domestic abuse. However, perhaps that would provide for checks and balances in the system, because a constable who attended a domestic abuse complaint would have to go back to the inspector and persuade them that a notice needed to be put in place as they suspected that there would otherwise be a risk to the victim of domestic abuse.

Those things have not been made clear in the bill, and people are left wondering how it will work in practice. The implementation board must deal with such issues quickly, so that we can ensure that the bill is fit for purpose and does what it is intended to do.

A number of speakers talked about how the views of children, and not only those of the victim, should be sought before a notice or order is put in place. That would be almost impossible with notices, which are to be used in emergency situations. The sheriff should certainly seek children's views, as well as those of the victim, before an order is put in place. That must be done in a way that does not further traumatise the child. I am glad that the cabinet secretary is looking at that.

Pauline McNeill and Liam McArthur talked about the NSPCC's findings on the need for protection for children. During the pandemic, there has been a frightening increase in the number of children seeking help due to domestic abuse. We must put protection in place for them—they should be protected in their own right by the bill.

A number of speakers mentioned human rights. Adam Tomkins asked whether the bill's provisions are in keeping with human rights. I believe that they are; they are certainly in keeping with the Istanbul convention, which the Scottish Government has signed up to. The court will have judicial oversight of domestic abuse protection orders, and the subject of such an order can also make representations to the court. Their human rights are in no way infringed.

There were concerns that the length of time for which the notices and orders will apply could lead to human rights violations. Notices will go to court very quickly; indeed, the police expressed concerns about how quickly that will happen. Given that there is no judicial oversight of the notice, the sooner that it is in court, the better. The order, however, must apply for long enough to allow the victim to find protection in their own right and to have that put in place.

Pauline McNeill also talked about whether removing someone from their own home affects their human rights and whether they have to be rehoused. We must remember that the bill exists because women and children are being forced out

of their homes every day by domestic abuse. Redressing the balance to ensure that it is the perpetrator who leaves is the right thing to do. However, at stage 2, we must consider whether the police have a responsibility to ensure that the perpetrator is not made homeless.

We support the general principles of the bill and will vote for it at decision time.

16:58

**Margaret Mitchell (Central Scotland) (Con):** I thank the Justice Committee and the clerks for the stage 1 scrutiny of and report on the important Domestic Abuse (Protection) (Scotland) Bill.

Sadly, and despite all efforts to the contrary, domestic abuse is still with us. Worse still, it is on the increase, with the number of incidents recorded by Police Scotland rising in the past three years. More concerning still is the fact that abuse has increased dramatically during lockdown as victims of domestic abuse have been trapped with their abusers. While we are all encouraged to stay home and keep ourselves safe to tackle the pandemic, the unpalatable truth is that home is not safe for everyone. When abuse, either physical or coercive and controlling, becomes intolerable, victims are forced to flee the family home, with all the disruption, anxiety and practical difficulties that that entails. They, and their children, may become homeless.

When someone seeks protection from domestic abuse under the existing civil law, the perpetrator can be kept away from the home only if they enter the criminal justice system, or if the person at risk applies for a civil court order against the perpetrator.

The bill seeks to fill what has been described as a gap in the law by improving the protections that are available for those in coercive, controlling relationships who are at risk of domestic abuse, particularly when they live with the perpetrator. It provides the courts with a new power to make domestic abuse protection orders, which, when in effect, can prohibit a suspected perpetrator from contacting or otherwise abusing the person at risk. Where necessary, the police have the power to impose a short-term domestic abuse protection notice in advance of an application to the court for a DAPO.

Abusive behaviour is defined as behaviour that

“a reasonable person would consider ... likely to cause ... physical or psychological harm.”

The list of abusive behaviour is non-exhaustive and can include a single incident or a consistent pattern of abusive actions.

The bill creates a new ground for social landlords to apply to the court to end the tenancy



of the perpetrator of abusive behaviour with a view to transferring the tenancy to the victim or ending the perpetrator's interest in the tenancy, where the perpetrator and victim have a joint tenancy, and enabling the victim to remain at home. Those are good measures, which are aimed at avoiding homelessness and improving the immediate and longer-term social sector housing outcomes of domestic abuse victims.

However, various stakeholders have pointed out that the three-month maximum timescale for a DAPO may be too short to ensure that eviction proceedings can be completed. Furthermore, Police Scotland has stressed that DAPNs and DAPOs, which can require the perpetrator to leave the home that they share with the victim, should be used only where absolutely necessary, and not routinely. How often and exactly when and where DAPNs and DAPOs can be used needs to be clear. Additionally, there are some concerns that, in seeking to provide improved protection for victims, the rights of suspected perpetrators under the European convention on human rights may be infringed.

Although the bill's objective of ensuring adequate protection for victims from their abusers is welcome, the concerns of key stakeholders must be addressed. For example, section 4 provides that only a senior police officer is able to issue a DAPN. Police Scotland and the Law Society of Scotland have questioned how that would work in practice, because senior officers are generally desk bound and rarely at the scene of a domestic abuse incident. Also, the senior officer must have "reasonable grounds" to believe there has been abusive behaviour and issue a DAPN. The Law Society questioned what "reasonable grounds" means in practice. Would a neighbour's anonymous tip-off be sufficient, even if the victim disputes the claim? Any DAPN test must be clear and carefully considered.

Sections 7 and 16 provide that it is an offence to breach a DAPN or DAPO without a "reasonable excuse". No explanation or examples are given as to what would constitute a reasonable excuse for breaching a DAPO or DAPN, yet both breach offences can result in not only a fine but a prison sentence. Clarification here is therefore essential. Police Scotland has legitimate concerns that officers could be held liable for failing to issue a DAPN when required or wrongly issuing one. The need for further training and guidance for police officers has been stressed. It has also been stressed that the police should be adequately resourced to, as Scottish Women's Aid states,

"ensure the effective implementation of the Bill".

The Scottish Conservatives know how important the bill is to the victims of domestic abuse and we whole-heartedly support its general principles.

However, we consider that the bill requires considerable revision. The significant concerns about how some provisions will work in practice cannot be left to an implementation board to resolve, and they must be addressed at stages 2 and 3 to ensure that the bill protects domestic abuse victims to best effect and that police officers are sufficiently resourced and trained to properly discharge the extensive new powers that the proposed legislation gives them.

17:05

**Humza Yousaf:** This has been a very good debate. I welcome the contributions from across the chamber, and I welcome the fact that each and every member we have heard from will support the general principles of the bill at decision time, following this stage 1 debate, for which I am grateful.

I am also grateful for members' feedback. I know that, in the midst of a global pandemic, it is difficult to have the conversations that we would normally have had on the bill—the process has undoubtedly been truncated—but I appreciate the fact that we have a comprehensive stage 1 report. Once again, I thank the Justice Committee for its report, the clerking team for the effort that it put in and all those who gave evidence to the committee.

I will spend some time addressing some of the areas of concern that were raised by members—I have taken a fair number of notes on some of them. A number of members, including Rhoda Grant, John Finnie, Rachael Hamilton and Liam Kerr, raised the interaction of a DAPN or DAPO with other core orders, particularly those relating to the children of the person against whom a DAPO is made.

To be clear from the outset, it is a criminal offence, as the bill highlights, to breach any of the terms of a DAPO or a DAPN without reasonable excuse. The fact that a contact or residence order was in effect would not change that; it would not prevent a DAPN or DAPO from taking effect. I note the committee's view, as articulated by a number of members, that the bill should make provision to make that absolutely clear. I will give careful consideration to that recommendation. However, I would need to ensure that an amendment to that effect would not risk calling into question provisions in other legislation where the issue is not made explicit. As ever, I would wish to ensure that such an amendment would not introduce any unintended adverse consequences. I should add that it is not unusual for courts to take into account child contact orders in imposing other orders, such as exclusion orders or non-harassment orders.

A number of members referenced home detention curfew in relation to the interaction of a DAPO or a DAPN with requirements on a person to remain at a particular address. Rhoda Grant, in particular, mentioned that issue in her opening speech, and I addressed it when I gave evidence to the committee. The answer is quite straightforward in a sense. The police may well impose a DAPN if they think that one is necessary to protect a person at risk of domestic abuse, and the court may well impose a DAPO if it considers that one is necessary for the same reason, although doing so may affect existing conditions to which a person is subject, such as staying at a particular address as part of their release on HDC. When a DAPN or DAPO is imposed, it will be for Police Scotland to ensure that the information about that development is passed on to the relevant agency. For HDC, that will be the Scottish Prison Service, and for release on licence, it will be the local authority supervising officer and the Scottish ministers.

Effective operational engagement will clearly be needed. It will essentially be for the authorities concerned—the SPS or the local authority supervising officer—to determine whether the individual can remain on HDC or under their licence conditions without being recalled back to custody, or whether the circumstances of the imposition of the DAPN or DAPO merit recall. I will ensure that the issue is discussed at the Government-chaired implementation board, but I do not think that it is as complex as some members perhaps—*[Interruption.]* I will continue.

A number of members also raised the potential extension of powers so that other organisations could apply to the courts for a DAPO, particularly local authorities and registered social landlords, which often have to respond to domestic abuse cases.

In some cases, it might be helpful for such organisations to apply for a DAPO on behalf of a person at risk rather than have to approach the police. I know that the Justice Committee has indicated in its report that that could be considered in the future. If Parliament passes the bill, and in light of experience of the scheme's operation, I agree that it could be considered.

A number of members, including John Finnie, Pauline McNeill and Rhoda Grant, raised the question whether the suspected perpetrator should be offered more than advice and assistance. I carefully listened to opinions on that point and remain of the view that the provision in the bill is appropriate. My concern is that, if we were to impose a further duty on social landlords, they might be reluctant to use the powers that the bill provides. Existing homelessness legislation places a duty on local authorities to provide

support and accommodation to those who present as homeless.

John Finnie said that he was concerned that the bill gives the police the powers of a court of law. I have a fundamental disagreement with him on that point, which I am happy to take further in conversation with him offline. It is because we are so concerned about the ECHR implications of any DAPN and because we believe that judicial oversight is required for such significant powers that the timescale within which a police officer has to apply to the court for a DAPO—they must do so on the next court day—is so narrow. I am happy to take those issues up with John Finnie.

Rachael Hamilton asked how DAPNs would be issued in practice. I refer her to similar provisions in England and Wales, where the majority of protective orders are issued at the police station. I take the point that, in some cases, an individual might refuse to go to a police station. In those cases, the police could return to the address and issue an individual with a DAPN. If that individual was not at their address—which is not an uncommon situation for Police Scotland to face—the police would use the necessary powers to track down that individual.

Rachael Hamilton also asked about financial abuse. That comes under the definition of domestic abuse; I should add that ex-partners are also covered in the bill. However, it may be an issue if individuals live separately, in which case a DAPO might not be the correct remedy.

The debate has been good and has helped me to understand members' main concerns. I look forward to working with members across the parties to address a number of them.

Regardless of the concerns that individual members and their parties have, I have no doubt that we are all united in ensuring that the police have every possible tool to help tackle the scourge of domestic abuse—a cancer in our society that has been of great concern, particularly during lockdown periods. I commit to working with members across the chamber, operational partners and victim support organisations, and I look forward to further engagement on the bill.

## **Domestic Abuse (Protection) (Scotland) Bill: Financial Resolution**

17:14

**The Deputy Presiding Officer (Lewis Macdonald):** The next item of business is consideration of motion S5M-23959, in the name of Kate Forbes, on a financial resolution for the Domestic Abuse (Protection)(Scotland) Bill.

*Motion moved,*

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Domestic Abuse (Protection) (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.—[*Kate Forbes*]

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

## **Business Motion**

17:15

**The Deputy Presiding Officer (Lewis Macdonald):** The next item of business is consideration of business motion S5M-23997, in the name of Graeme Dey, on behalf of the Parliamentary Bureau, on a stage 2 timetable for a bill.

*Motion moved,*

That the Parliament agrees that consideration of the Hate Crime and Public Order (Scotland) Bill at stage 2 be completed by 19 February 2021.—[*Graeme Dey*]

*Motion agreed to.*

## Parliamentary Bureau Motion

17:16

**The Deputy Presiding Officer (Lewis Macdonald):** The next item of business is consideration of Parliamentary Bureau motion S5M-23972, on approval of a Scottish statutory instrument.

I ask Graeme Dey, on behalf of the Parliamentary Bureau, to speak to and move the motion.

**The Minister for Parliamentary Business and Veterans (Graeme Dey):** I speak on the basis of the protocol between the Government and the Parliament on Covid-19 SSIs. This SSI modifies some of the restrictions on international travel by removing Namibia, the United States, the Virgin Islands and Uruguay from the list of exempt countries in the Health Protection (Coronavirus) (International Travel) (Scotland) Regulations 2020. It also amends to 28 days the review period for both the international travel regulations and the Health Protection (Coronavirus, Public Health Information for Passengers Travelling to Scotland) Regulations 2020, further amends the exemptions for essential Government business in the international travel regulations and adds exemptions for television production, journalism and the performing arts to the same. The regulations came into force on 19 December 2020.

I move,

That the Parliament agrees that the Health Protection (Coronavirus) (International Travel and Public Health Information) (Scotland) (No 2) Regulations 2020 (SSI 2020/444) be approved.

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

## Motion Without Notice

17:17

**The Deputy Presiding Officer (Lewis Macdonald):** I am minded to accept a motion without notice to bring forward decision time to now.

*Motion moved,*

That, under Rule 11.2.4, Decision Time be brought forward to 5.17 pm.—[*Graeme Dey*]

*Motion agreed to.*

## Decision Time

17:17

**The Deputy Presiding Officer (Lewis Macdonald):** There are three questions to be put as a result of today's business. The first question is, that motion S5M-23983, in the name of Humza Yousaf, on stage 1 of the Domestic Abuse (Protection) (Scotland) Bill, be agreed to.

*Motion agreed to,*

That the Parliament agrees to the general principles of the Domestic Abuse (Protection) (Scotland) Bill.

**The Deputy Presiding Officer:** The second question is, that motion S5M-23959, in the name of Kate Forbes, on the financial resolution on the Domestic Abuse (Protection) (Scotland) Bill, be agreed to.

*Motion agreed to,*

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Domestic Abuse (Protection) (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 Deputy Presiding Officer:** The final question is, that motion S5M-23972, in the name of Graeme Dey, on approval of a Scottish statutory instrument, be agreed to.

*Motion agreed to,*

That the Parliament agrees that the Health Protection (Coronavirus) (International Travel and Public Health Information) (Scotland) (No 2) Regulations 2020 (SSI 2020/444) be approved.

*Meeting closed at 17:18.*



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