



OFFICIAL REPORT
AITHISG OIFIGEIL

Meeting of the Parliament (Hybrid)

Tuesday 8 February 2022

Session 6



The Scottish Parliament
Pàrlamaid na h-Alba

© Parliamentary copyright. Scottish Parliamentary Corporate Body

Information on the Scottish Parliament's copyright policy can be found on the website - www.parliament.scot or by contacting Public Information on 0131 348 5000

Tuesday 8 February 2022

CONTENTS

	Col.
TIME FOR REFLECTION	1
TOPICAL QUESTION TIME	3
Fire Brigades Union (Discussions)	3
Life Expectancy	7
COVID-19	10
<i>Statement—[Nicola Sturgeon].</i>	
The First Minister (Nicola Sturgeon).....	10
JUSTICE SERVICES	28
<i>Motion moved—[Keith Brown].</i>	
<i>Amendment moved—[Jamie Greene].</i>	
<i>Amendment moved—[Pauline McNeill].</i>	
<i>Amendment moved—[Liam McArthur].</i>	
The Cabinet Secretary for Justice and Veterans (Keith Brown).....	28
Jamie Greene (West Scotland) (Con)	32
Pauline McNeill (Glasgow) (Lab)	36
Liam McArthur (Orkney Islands) (LD).....	39
Audrey Nicoll (Aberdeen South and North Kincardine) (SNP)	41
Alexander Burnett (Aberdeenshire West) (Con).....	43
Collette Stevenson (East Kilbride) (SNP)	45
Foyso Choudhury (Lothian) (Lab).....	47
Rona Mackay (Strathkelvin and Bearsden) (SNP)	48
Maggie Chapman (North East Scotland) (Green)	51
Fulton MacGregor (Coatbridge and Chryston) (SNP)	53
Sharon Dowey (South Scotland) (Con)	55
Liam McArthur	57
Katy Clark (West Scotland) (Lab)	60
Russell Findlay (West Scotland) (Con).....	62
The Minister for Community Safety (Ash Regan)	64
COMMITTEE ANNOUNCEMENT (MADE AFFIRMATIVE PROCEDURE)	68
Stuart McMillan (Greenock and Inverclyde) (SNP)	68
BUSINESS MOTION	70
<i>Motion moved—[George Adam]—and agreed to.</i>	
DECISION TIME	71
THE BBC (FUNDING)	81
<i>Motion debated—[Alex Cole—Hamilton].</i>	
Alex Cole-Hamilton (Edinburgh Western) (LD)	81
Jenni Minto (Argyll and Bute) (SNP).....	84
Donald Cameron (Highlands and Islands) (Con)	85
Sarah Boyack (Lothian) (Lab).....	87
Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP)	89
Mark Ruskell (Mid Scotland and Fife) (Green).....	91
Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP)	93
Stephen Kerr (Central Scotland) (Con)	94
Beatrice Wishart (Shetland Islands) (LD)	96
Clare Adamson (Motherwell and Wishaw) (SNP)	98
Martin Whitfield (South Scotland) (Lab)	99
The Cabinet Secretary for the Constitution, External Affairs and Culture (Angus Robertson)	101

Scottish Parliament

Tuesday 8 February 2022

[The Presiding Officer opened the meeting at 14:00]

Time for Reflection

The Presiding Officer (Alison Johnstone):

Good afternoon. I remind members about the Covid-related measures that are in place, and that face coverings should be worn when moving around the chamber and the Holyrood campus.

The first item of business this afternoon is time for reflection. Our time for reflection leader today is Hazel Peters, who is a college student from Greenock.

Hazel Peters (College Student, Greenock):

Thank you for the opportunity to speak today.

I owe my nomination to speak to a letter that I wrote to Stuart McMillan MSP about my experiences as a black-mixed-race person navigating Scottish schools. Speaking about that experience seems to be an obvious choice, but sometimes I get tired of saying controversial things. I am emotionally weary from recounting my past traumas. Passion about an issue does not prevent fatigue from that issue.

I get tired of telling people about the likes of Joseph Knight, who was an enslaved black man who lived in Perth and won a court case against his enslaver in 1778, and that, way back in 1488, when King James IV ruled Scotland, there were black Moors from north Africa in his court.

I am deeply committed to improving the school experience for black people and people of colour, and to ensuring that teaching includes parts of history such as I have just mentioned. The opportunity to speak to the Scottish Parliament seems to be too good to pass up, but it is not the job of a 17-year-old to carry the weight of changing the education system on her shoulders. I would rather talk to you about what I expect will be a shared experience for many of you: youth groups. Previously, I thought that youth groups were irrelevant—that they were reserved to church halls, and were about pool tables and tuck shops. Despair about the future of youth groups washed over my head.

That was until I joined Intercultural Youth Scotland. IYS is an Edinburgh-based charity that supports young black people and young people of colour. It was a turning point in my life. I found something that I did not think existed in Scotland. For the first time, I could spend an evening surrounded by black joy: young black people

dancing to Afro beats, with long braids swinging and dark skin shining, carefree and happy.

I understand at first hand how youth groups bring young people together, help us to grow in self-belief and provide opportunities for personal development. I never dreamed that a youth group would lead to opportunities including performing at the Edinburgh fringe or running a small music festival. I now know what is at stake when people talk about the important place that youth groups have in our communities.

In closing, I urge the Scottish Parliament to reflect on the value of youth groups and the investment that they make in future young minds.

Topical Question Time

14:03

The Presiding Officer (Alison Johnstone): The next item of business is topical question time. I would be grateful for short and succinct questions and answers in order to get in as many members as possible.

Fire Brigades Union (Discussions)

1. Tess White (North East Scotland) (Con): To ask the Scottish Government what discussions it has had with the Fire Brigades Union on its plans to remove the bottom of classroom doors. (S6T-00499)

The Cabinet Secretary for Education and Skills (Shirley-Anne Somerville): The Scottish Government meets the Fire Brigades Union regularly and will continue to have constructive dialogue on any matters of concern.

However, as Tess White will be aware, the Scottish Government has no plans such as she mentioned. Contributions in the chamber last week were based on a wilful misunderstanding of examples of mitigations that local authorities may implement, under certain circumstances, to improve ventilation in problematic spaces in schools. Those examples, which included use of air-cleaning devices, installation of small mechanical vents and adjustment of doors, were used as means to generate the overall costs for the up to £5 million top-up fund that has been made available to local authorities to improve ventilation in schools. That was set out in a letter to the Education, Children and Young People Committee, stating:

“the precise remedial measures used in each problematic space should be informed by local circumstances and expert assessment by local authority teams.”

Our guidance on reducing risks in schools supports expert local authority teams and makes it clear that local authorities must consider legal health and safety obligations, including on fire safety. Officials have spoken with the Scottish Fire and Rescue Service regarding that matter, and it has confirmed that it understands the Scottish Government’s approach in seeking to improve ventilation in schools. In line with its usual practice, it is happy to provide advice and support to local authorities regarding any changes to structures that might have an impact on fire-risk assessments.

Tess White: The cabinet secretary said, “a wilful misunderstanding”? In recent days, we have had two significant interventions on, or “misunderstandings” of, the plan. The Scottish Fire

and Rescue Service said that it would strongly advise those who are responsible for making the changes—I am talking about the “misunderstandings”—to contact its fire safety enforcement teams before doing so. Given that, can the cabinet secretary say whether those proposals are definitely “misunderstandings”?

Shirley-Anne Somerville: The interpretation by Opposition parties is absolutely a deliberate misunderstanding. I have already said what the Scottish Fire and Rescue Service has said, and I absolutely concur with its view—as I concur with its views on all aspects of fire safety—that the discussions on those specific examples should continue at a very local level.

However, the absolute truth of the matter is that the reports that Tess White mentioned are misleading. When the Covid-19 ventilation short-life working group was asked to look at media reporting, following misinterpretation in the chamber, it confirmed that adjusting the undercut of a non-fire door can be necessary if, for example, the installation of a small mechanical vent system changes the air pressure in a room in a way that makes a door difficult to open, which could, in itself, present a hazard. That is exactly why that specific measure was included as an element of the example scenario.

Ventilation must be viewed systematically. Introduction of changes such as mechanical ventilation can have knock-on impacts on other aspects of ventilation and of health and safety. That is exactly why the examples were given as they were—as part of a specific scenario.

Tess White: The cabinet secretary talks about “deliberate misunderstandings”. Parents the length and breadth of Scotland are looking at the plans—or, as she says, they are misunderstanding them—with consternation and concern. Even securely closed non-fire doors can help to slow the spread of fire and prevent smoke inhalation. That is common sense.

The Scottish Government has had two years to sort out the “misunderstandings”, as she calls them, yet it is still making proposals that should have been considered in 2020—not in 2022. Can the cabinet secretary confirm that spending £300,000 on chopping off the bottom of doors is not going to happen?

Shirley-Anne Somerville: Again, I will get into the absolute specifics of a scenario in which that would happen. The example scenario had three elements: use of an air-cleaning device as a temporary mitigation; installation of a small mechanical vent; and adjustment of the door, through undercutting, to improve airflow. The latter element is absolutely required because, as I have already said, installation of mechanical ventilation

can change the air pressure in a room, which can lead to the door being harder to open, which is, potentially, a health and safety issue.

With the greatest respect, I say to Tess White—who has, I am afraid, joined her colleagues in the Scottish Conservatives in adding deliberate misunderstanding of the issue—that we will continue to listen to the experts on health and safety. Local authorities, which are responsible for making changes that are specific to the requirement of each room, will, of course, continue to have discussions at a very local level, specific to local examples. That is exactly what I think parents, young people and, indeed, teachers would expect.

Stephanie Callaghan (Uddingston and Bellshill) (SNP): I have great concerns about some of the nonsense and scaremongering that Opposition colleagues in the chamber have been engaging in with regard to the safety of pupils and staff in schools. For the benefit of pupils and teachers alike, can the cabinet secretary set out how the Scottish Government is supporting local authorities to ensure that our classrooms are well ventilated and that our schools are as safe as possible?

Shirley-Anne Somerville: Throughout the pandemic, we have worked closely with colleagues in local authorities to ensure that the safety of children and all educational staff remains our overriding priority, while minimising further disruption to learning. We have been very clear that Covid mitigations will need to stay in place no longer than is absolutely necessary. We absolutely must balance that with appropriate caution and will remove mitigations as soon as possible.

Our specific support on ventilation includes the additional capital funding of £5 million that the First Minister announced on 11 January. That is on top of the £10 million of funding for ventilation and CO₂ monitoring in schools, and on top of the previous £90 million of Covid logistics funding that could be used for purposes that included ventilation.

As always, our guidance continues to be informed by expert advice.

Michael Marra (North East Scotland) (Lab): It should be a matter of considerable regret that the Government's handling of the issue has descended into a matter of ridicule and concern such as we see in newspapers across Scotland. I have raised the matter with the cabinet secretary on no fewer than 12 occasions in the chamber and in committee. It is vital, in order to rebuild confidence among teachers, families and pupils and to ensure good ventilation in Scottish schools, that the Scottish Government finally backs Labour's plan to install two air filters in every

classroom. Will the cabinet secretary acknowledge that that plan could sort out the problem?

Shirley-Anne Somerville: With the greatest respect, I say to Michael Marra that he continues to come back with the same plan and my answer continues to be the same. That plan is not based on expert advice. We listen to what the ventilation experts suggest we do; I will base my advice and the guidance that the Government produces on that.

I will continue to listen to what Michael Marra has to say, but I am sorry to say that if he continues to come back with the same proposal, which is not based on evidence, on advice or on what is happening in the rest of the United Kingdom, my answer will continue to be that I will listen to the experts and our guidance will be based on what they say.

Willie Rennie (North East Fife) (LD): I have read the cabinet secretary's letter. The proposal was not an example: it was costed. It was costed for 2,000 classrooms at £150 a time, which is £300,000. The cabinet secretary is now being laughed at across the country for her proposals. She should ditch them and, as Michael Marra said, invest in air filters. If they are good enough for 2,000 classes, they should be good enough for 50,000. She should invest in air filters and stop the nonsense about cutting the bottoms off doors.

Shirley-Anne Somerville: There is no such plan in the Scottish Government guidance. The letter gave an example scenario that I have gone into in detail. *[Interruption.]*

The Presiding Officer: Could we please have some quiet when the cabinet secretary responds?

Shirley-Anne Somerville: I am afraid, Presiding Officer, that those members are just not interested in the detail of the answer or in how the guidance has come about.

We have moved quickly with local authorities on discussion about the need for remedial work in schools. They have identified some problematic spaces. As I set out in an earlier letter to the committee, many of those spaces have required exceptionally small-scale repairs. The Government has still ensured that there is an additional £5 million to ensure that, if other mitigation measures are required, there is no funding barrier.

We will continue to work with local authorities to ensure that they have adequate resources to provide reassurance. However, problematic spaces are being addressed. We have recently had feedback from officials from one of our larger local authorities who have been continually assessing spaces—in their case, about 4,500—who said that, during January, only three were found to be problematic.

Remedial work is already being undertaken; as I said, we will continue to provide funding to ensure that there is no barrier to any improvements that any local authority requires to make.

Life Expectancy

2. Paul O’Kane (West Scotland) (Lab): To ask the Scottish Government what its response is to the recent National Records of Scotland report, “Healthy Life Expectancy in Scotland”, showing that healthy life expectancy has decreased in each of the last four years for females, and in each of the last three years for males. (S6T-00500)

The Minister for Public Health, Women’s Health and Sport (Maree Todd): Increasing life expectancy and reducing health inequalities across Scotland remains a clear ambition for the Government and is at the heart of our Covid recovery strategy.

We need to support people in our most deprived areas, where healthy life expectancy is 24 years lower than it is in our least deprived areas. By targeting our actions to areas and communities that are most in need, we will seek to ensure equity in our approach, to avoid widening inequalities further.

We are committed to providing £9 million a year for smoking cessation services and £5.7 million for weight-management services. However, socioeconomic inequalities drive health inequalities, so our public health efforts are complemented by wide-ranging cross-Government action, including the provision of free school meals and increasing the number of hours of free childcare.

Paul O’Kane: The fact that healthy life expectancy is going backwards is nothing short of a scandal. It is a fundamental measure of how our society is progressing. Years of public health failures that predate the pandemic, and mounting pressure on our national health service, are robbing people of their best years.

The two areas that have the lowest number of years spent in good health are both in my West Scotland region—they are Inverclyde for males, where the figure is 54.4 years, and North Ayrshire for females, where the figure is 54 years. Those communities have experienced years of cuts to health services and to council budgets, which provide vital community support, social work and regeneration services. Just a few months ago, the Government cut vital funding to those communities for closing the poverty-related attainment gap. When will the Government act to fund services properly to improve health and wellbeing across Scotland and to tackle the disgraceful health inequalities?

Maree Todd: Tackling health inequalities is a major concern for Governments and communities around the world, and Scotland faces the same challenge as many other countries do. We will use all our available powers to address the impact of the current cost of living crisis, which includes introducing legislation—

Douglas Lumsden (North East Scotland) (Con): Fifteen years.

Stephen Kerr (Central Scotland) (Con): Fifteen years.

Maree Todd: From a sedentary position, Conservative colleagues are shouting, “Fifteen years.” We have had 11 years of austerity, welfare reform and disinvestment in policies that protect children. We have had the two-child cap and the benefit freeze. Such things have an impact and a cost. We are fighting health inequalities with one hand tied behind our back. We are spending £600 million a year on mitigating the effect of harsh and brutal Tory policies that impact on the poorest people in our society. I would appreciate it if, just once, Labour members would highlight that issue.

Paul O’Kane: I did not detect in the minister’s answer any recognition that, after 14 years in government, the Scottish National Party should accept that this shameful situation has unfolded under its watch. The gap in respect of premature deaths is at its widest since 2007, when the SNP came to power. The gap of 26 years in life expectancy between the most affluent areas and the least affluent areas is the widest ever.

It is clear that radical solutions are needed, such as those that Professor David Kerr of the University of Oxford has advocated. He has called for implementation of the framework that Professor Sir Michael Marmot devised, which would devolve to local communities powers and funding for education, public health, early years and employment to find solutions that work for our diverse cities, towns and villages.

The Government talks big and does little. Is it not time to take a radical approach to tackling such issues?

Maree Todd: We are taking a radical approach. We have invested in 1,140 hours of childcare and we are investing further. We have brought in the Scottish child payment, which is countered by the reduction in universal credit. We are doing what we can to tackle fuel poverty and food insecurity. In the past year, food-parcel use has decreased in Scotland, which is the only country in the United Kingdom where that has happened. Scotland has lower fuel poverty levels than the rest of the UK.

Such things are impossible to tackle fully without all the levers that are available to the UK Government. We do not have responsibility for

employment law. We have in Scotland—
[*Interruption.*]

The Presiding Officer: I would be grateful to everyone across the chamber—and certainly to those who are joining in verbally when they should not be—if we could hear from the minister.

Maree Todd: The UK is the sixth, or fifth, richest country in the world and, UK-wide, we have the highest levels of poverty and inequality in north-west Europe. We have the highest levels of in-work poverty in Europe, but Paul O’Kane’s party did not enable this Parliament to take power over employment law—his party blocked that.

Gillian Mackay (Central Scotland) (Green): To reverse the trend of falling healthy life expectancy, we need drastic improvements in Scotland’s public health. A group of nine organisations, including the British Heart Foundation and Cancer Research UK, recently published the briefing paper “Non-Communicable Diseases: Progress Report on Health Harming Product Action”, which is critical of the lack of progress on tackling unhealthy environments.

Does the minister agree that we need to implement bold policies that address the root cause of poor health and tackle unhealthy environments by restricting the promotion and availability of harmful products such as alcohol, unhealthy food and tobacco?

Maree Todd: I absolutely agree with that, and we have a programme of work to tackle all those issues. We are restricting promotions on less healthy food and drink; we are working with the UK Government to do that. We are evaluating the impact of minimum unit pricing of alcohol—that bold policy that this Parliament brought forward to tackle an issue that has blighted Scotland, and shortened lives here, for so long. We also have a refreshed tobacco action plan, and just this week we are launching a consultation on vaping.

A great deal of work is going on to tackle health inequalities and the unhealthy environment that we live in, but we cannot tackle health inequalities without also tackling income and wealth inequalities—it is absolutely crazy to think that we can.

Covid-19

The Presiding Officer (Alison Johnstone): The next item of business is a statement by Nicola Sturgeon on Covid-19.

14:21

The First Minister (Nicola Sturgeon): Today, I will set out the latest assessment of the Covid data and its impacts, and I will give brief updates on some key issues: the on-going consideration of guidance for schools and early years settings, surveillance of the BA.2 sub-type of omicron, and the progress and current focus of vaccination efforts. I will conclude with a reminder that there are still some basic steps that we can and should continue to take, even in an improving situation, to curb transmission and thereby reduce pressure on the national health service, the economy and wider society.

I start with a brief account of today’s statistics. Yesterday, 6,630 positive cases were reported from polymerase chain reaction and lateral flow tests; 950 people are in hospital with Covid, which is eight fewer than yesterday; and 31 people are in intensive care, which is five fewer than yesterday. That figure includes 13 patients who have been in intensive care units for more than 28 days. Sadly, a further 14 deaths have been reported, which takes the total number of deaths under the daily definition to 10,447. Once again, my condolences go to everyone who is mourning a loved one.

Over the past fortnight, case numbers have remained broadly stable. Last week, I reported that cases had risen slightly, by around 2 per cent, in the preceding seven days. By contrast, over the most recent week, reported case numbers have declined again, from around 7,400 cases a day to just over 7,000 a day, which is a fall of 5 per cent. Although that continues a positive overall trend, it is important to note that it masks some significant variations between age groups. Among the under-15s, which is the age cohort in which cases have, in recent weeks, been rising even as they declined overall, there was, in the most recent week, a fall of more than a quarter. Cases also fell by 6 per cent in the 25 to 44-year-old age group, and by more than 10 per cent in those aged 75 and over. However, in other age groups, recorded cases have increased over the past week. The biggest increase, of more than 50 per cent, was seen in the 15 to 24-year-old cohort.

As I have noted in recent weeks, it was always likely that we would see some uptick in recorded cases as a result of the return to work and school after Christmas and, more recently, the lifting of protective measures that had played a part in stemming transmission. We should not, therefore,

be overly surprised by the increase in some age groups, nor, at this stage, should we be unduly concerned. However, we will continue to monitor those trends and any associated impacts from them.

In addition to the daily data, we continue to pay close attention to the findings of the Office for National Statistics weekly survey. Although it is not as up-to-date as the daily data, it offers reliable information. The most recent report suggests that, in the week to 29 January, around one in 30 people in Scotland had Covid. Although that is an improvement on the earlier part of January and the lowest level of infection of all four UK nations, it also represents something of a plateau compared to the week before and it is broadly in line with what the more recent daily data has been indicating.

The decline and subsequent plateauing in recorded cases in recent weeks is being reflected in a slight easing of the direct Covid pressure on our hospitals. In the week to 27 January, 682 patients with Covid were admitted to hospital. In the following week, that fell to 550.

Hospital occupancy—the number of people in hospital with Covid at any given time—has also fallen. Around mid-January, more than 1,500 people were in hospital with Covid. This time last week, that had fallen to just under 1,200. Today, it is back below 1,000, at 950.

The number of people with Covid in intensive care has also reduced from a recent peak of 70 in January to 42 last Tuesday and 31 today. Indeed, the number in intensive care is now at its lowest level since early July of last year. We are also now, thankfully, starting to see a decline in the number of deaths of people with Covid. Those are all positive trends that we hope to see continue in the weeks ahead.

Finally, on data, I take the opportunity to flag an imminent change to the rhythm of our reporting. This coming weekend will be the last—at least for now—when we will report data for new cases, vaccinations and hospitalisations on Saturdays and Sundays. In the future, figures for Saturday and Sunday will be published on Monday. That reflects the move into what we hope is a calmer phase of the pandemic, so there is a less urgent requirement for immediate data over weekends. However, we will be able to move back to weekend reporting should that become necessary at any stage in the future.

The situation remains much more positive than it was at the turn of the year. That is evident from all the data, and it is the case thanks to a combination of vaccination, targeted protective measures and the responsible reaction of the

public. The situation is much more positive than we feared it might be at this stage.

Based on the data, it seems reasonable to conclude that we are now through the worst of this wave of omicron. That has enabled removal of virtually all the additional measures that were introduced in December, and a return to normality in much of our everyday lives. In particular, the updated guidance on home working has supported a partial return to the office in recent days, with hybrid working where appropriate. I am sure that those changes have all been positive for individuals and businesses, and they mean that we are on a good track at this stage. However, to stay on that track, continued care and caution remain necessary and prudent. Although it is much more stable than it was, the virus is still widespread—at this stage, one in 30 remains a high level of infection.

Although the number of people who need hospital care is reducing, it is still in the hundreds each week, and pressure on the NHS remains significant. Therefore, continuing to take some basic precautions will help us to keep the virus under control while enjoying the return to normal life. That is why some baseline protective measures, such as Covid certification and the requirement to wear face coverings in certain settings, will remain in force for now. It is also why we continue to recommend that we all take lateral flow tests before mixing with people from other households.

As well as reducing our own individual risk of getting Covid, and therefore helping to stem transmission overall, those basic measures will also provide some reassurance for those who are at the highest risk of serious illness if they get Covid. I am sure that we all agree that it is important that everyone gets to benefit from a return to greater normality.

Collective behaviours that could force those who are at highest risk into effective isolation while the rest of us get back to enjoying normal life would not be acceptable. People in the higher risk category already carry a lot of responsibility for protecting their own health, and they rely on the advice of general practitioners and other clinicians to reduce risks of infection. As we enter the next phase of the pandemic, regular communication from the Scottish Government and the chief medical officer will seek to support that. However, we all have a part to play in making the environments in which we work and socialise as safe as possible for everyone. Complying with basic protective measures helps to do that.

Employers, of course, have a particular responsibility to consider the needs of people on the high-risk list in their plans for hybrid working. We have added specific workplace guidance for

people at highest risk on the mygov.scot website, so anyone on the high-risk list who is worried about a return to the workplace is encouraged to check that advice and discuss it with their employer.

Finally, I am pleased to say that there has already been good take-up of the distance aware scheme that was launched two weeks ago. The scheme provides badges and lanyards that can be worn by anyone who wants or needs additional space and consideration when they are out and about in public places. The badges and lanyards are available at Asda stores and in libraries for anyone who would feel safer with a bit more space around them. If anyone sees someone wearing a distance aware badge or lanyard, please respect that and give them the space and consideration that they are asking for.

There are three further issues that I want to briefly cover. First—as I indicated last week—the advisory sub-group on education is meeting this afternoon. It will consider again, based on up-to-date data, whether secondary school children should continue to wear face coverings in the classroom. The Scottish Government will consider carefully any further advice that the sub-group provides, and confirm any decisions as quickly as possible and in advance of the return to school after the February break.

Secondly, we continue to monitor the BA.2 sub-type of omicron. Last week, I indicated that 26 cases of that sub-type had been confirmed in Scotland through genomic sequencing. Today, I can report that the number of confirmed cases has risen to 103. Not all tests are or can be genomically sequenced, so we know that that will be a significant underestimate of prevalence. Indeed, in the past week, there has been a further increase in the number of PCR test results showing positive for the S gene and a corresponding fall in the number that do not have the S gene. That is likely to reflect an increase in BA.2 cases, which, like delta, are S-gene positive. Of course, in cases of the main omicron variant, the S gene is absent.

Encouragingly, there remains no evidence at this stage that the disease caused by the BA.2 sub-type is any more severe than that caused by the main omicron variant, nor does it appear to be any more capable of evading the immunity that is conferred by vaccination or prior infection. However, there is evidence—from more than one country now—of a growth advantage for BA.2 compared with the main omicron variant, which may mean that it is more transmissible.

All in all, however, there are no grounds at this stage for any significant concern about BA.2 and no reason to change our approach in response to it. We will, though, continue to monitor it carefully.

The final issue that I want to address is vaccination. We are continuing to offer and encourage vaccination for any five to 11-year-old who has an underlying health condition that puts them at higher risk should they get Covid, and also for any five to 11-year-old who is a household contact of someone who is immunosuppressed.

All parents and carers of children in those categories have been contacted about vaccination. I would strongly encourage anyone who has been contacted, and whose child has not yet been vaccinated, to book an appointment. Case rates in younger age groups, while now falling, as I indicated earlier, are still relatively high, so vaccination is an important way of providing better protection for children who might be at higher risk.

A new marketing campaign is also being launched today to stress again the importance of vaccination, including booster vaccinations. Invitations to scheduled appointments have been going out to all 18 to 59-year-olds who are eligible for a booster but have not yet received it. If you are one of those people, please go along to your scheduled appointment, or rearrange it for a more convenient time. You can do that through the NHS Inform website, or by phoning the vaccination hotline.

It is beyond any doubt that getting the booster significantly reduces the chances of falling seriously ill from Covid. It is not an exaggeration to say that it could be the difference between life and death for someone who contracts Covid, so, please, go and get your booster if you are eligible. It is the most important thing that any of us can do to protect ourselves from Covid, and also to protect the NHS.

The on-going use of vaccination in our efforts against Covid will be a key part of an updated strategic framework, which will set out in greater detail our approach to managing Covid more sustainably and less restrictively in the remaining phases of the pandemic, and then as the virus becomes, I hope, endemic.

We continue to engage with a range of interests on the contents of the updated framework. However, I can confirm today that we intend to publish it on 22 February, immediately following the February recess. Parliament will subsequently get an opportunity to debate and vote on that.

For the moment, I will end by reflecting again on our increased optimism about the period ahead. After almost two years of this ordeal, I know that getting back to normal for short periods followed by further disruption to our lives is not what any of us want. A return to normal that is sustained is what we want and are striving for, and that is what

the updated strategic framework will aim to support.

However, we can all help to keep things on a more even keel now by taking all the reasonably straightforward precautions that we continue to advise. First, I give a reminder to please get fully vaccinated as soon as you can, if you have not already done so. Secondly, continue to take care when socialising and, in particular, to take a lateral flow test before meeting other people socially.

Finally, please take the other precautions that we know are making a difference: talk to your employer about a return to hybrid working and follow the guidance and precautions that they adopt to make workplaces safer; wear face coverings on public transport, in shops and when moving about in hospitality; keep windows open if possible when meeting indoors; and follow all the advice on hygiene.

All of those measures will help us to protect each other while we return to more normal lives and, I hope, they keep us all on the right track. So please, stick with them.

The Presiding Officer: The First Minister will now take questions on the issues that were raised in her statement. I intend to allow about 30 minutes for questions, after which we will move on to the next item of business. Members who wish to ask a question should press their request-to-speak buttons now or enter R in the chat function.

Sandesh Gulhane (Glasgow) (Con): I start by urging everyone who can do so to come forward for their Covid vaccine booster. It is the single most important thing that everyone can do to tackle Covid.

I turn to the First Minister's statement. For the second week in a row, the Covid update has contained little new information. The biggest update is that the Government will finally publish its new strategic framework, but not until after the February break—more than six weeks after it was promised.

Today, the Scottish Conservatives have published our blueprint for starting to move beyond Covid. Our policy paper "Back to Normality" contains a series of recommendations for protecting public services and accelerating Scotland's recovery from the pandemic. We believe that it is time to move on from blanket legal restrictions to an approach that emphasises personal responsibility. We must get Scotland back to being as close to normal as possible for as many people as possible.

Therefore, I ask the First Minister about the mandate for face masks in classrooms, which continues to hamper young people's education. Pupils are wearing their masks for seven hours a

day, while adults can sit in a pub freely without a face covering. Does the First Minister not appreciate what the Government is putting kids through by keeping that rule in place?

Another crucial part of our policy paper, and an issue that is of personal concern to me, is on there being more support for the tens of thousands of Scots who are affected by the debilitating condition long Covid. It is five months since the Scottish Government published its long Covid strategy, but we still do not have a network of long Covid clinics for patients to access. Will the First Minister tell me when patients will be able to access that service?

Finally, I will ask about the test and protect system. It was incredibly useful in the early stages of the pandemic, but it has been far less effective since omicron emerged. Meanwhile, front-line NHS services are in desperate need of more resources, waiting times are growing longer all the time and fewer operations are going ahead. Will the First Minister consider moving resources from test and protect to front-line health services in Scotland's NHS?

The First Minister: I will answer on the various points that have been raised. I believe, from the feedback that I get on the back of statements such as this one, that people out there want to know what the latest trends in infection are and what advice they are being given to keep themselves safe and protected. We will continue to communicate regularly, and as clearly as possible, with the public throughout the country.

In the past few weeks, we have been lifting measures—we have now lifted virtually all of them—that were introduced in December in the face of the omicron variant. We will continue to take responsible steps to return the country to normal, as far as that is possible.

On face masks, the advisory sub-group on education is, as I have said, meeting this afternoon. It is really important that we take expert advice, particularly when we are discussing the safety of children, so that is what we will do. Until now, the expert advice has been to continue with the position on face coverings, given the risks and given the rising level of infections, until this week, among young people of school age.

There is a difference—I think that most people understand it—between adults being in pubs and children being in schools. The former is voluntary and the latter is not. In addition, there is a higher vaccination level among adults than there is among young people, because we started vaccinating young people later than adults. That is why it is, and has been, right to take a different approach.

We are already taking action to ensure that people with long Covid are supported in the most appropriate way. The £10 million long Covid support fund is targeted at areas where additional resource is needed. We continue to implement the 16 commitments in the long Covid service plan. Long Covid clinics are one model that boards will consider, but no single approach is likely to fit all areas and circumstances, which is why we support a range of approaches and will continue to do so.

In relation to the strategic framework, it is right and proper—especially given that we have now lifted most of the measures that were in place—that we think carefully about the medium-to-long-term approach that we will take. This is a time when we need to think fundamentally about the approaches that are right for the future. It is important that we think carefully about that.

There is a temptation—which I understand—to say that, because Covid is now more under control, we should lift all the basic protections. However, it is those basic protections that have helped us to get Covid under control and which will help us to keep it under control. That is true of the test and protect system. There are, of course, decisions to be made about it for the longer term, but right now contact tracing and the universal testing offer are the key ways in which we are helping to keep infection levels under control and, crucially, give additional assurance to the most vulnerable people. If I am contacted by test and protect to be told that I have been a close contact of a positive case, that will help me to behave in a way that breaks transmission chains generally, and in a way that does not put people who are most vulnerable at high risk. The measures are important interventions at the moment, so we will consider their future carefully.

We will look carefully at the proposals that are published by the Conservatives and Labour. We will take responsible and proportionate actions to support the country through the pandemic and back to normality in a safe and sustainable way.

Anas Sarwar (Glasgow) (Lab): I send my condolences to all those who have lost a loved one.

Nowhere have there been greater failings during the pandemic than in our care homes. However, yet again, there has been no mention of care homes in the First Minister's statement. From the transfer of positive and untested patients to the lack of personal protective equipment, the Government allowed care homes to become the epicentre of the pandemic, with tragic consequences. A third of all deaths in the pandemic have been in our care homes.

Then, for months, despite restrictions starting to ease, care homes remained locked down. We

know of the harm and trauma that were caused by keeping care home residents cruelly cut off from their loved ones, but families are being locked out even now. Residents who test positive are still required to isolate for 10 days, and homes in which there are outbreaks must close for 14 days, with only named visitors being allowed to visit. Heartbroken relatives have said that that leads to rolling lockdowns that can last for weeks.

The campaign group care home relatives Scotland has repeatedly pleaded with the First Minister. Almost daily, I have read heartbreaking personal stories that members of the group have shared. They have been pleading with the First Minister to make it easier for them to see their loved ones. The Government promised to implement Anne's law—proposals to give family care gives a statutory right of access to care homes—but three months after the consultation's having closed, relatives say that there has been too little progress. What will the First Minister do to guarantee access for families right now, and when will her Government finally deliver Anne's law so that residents are never again cut off from their loved ones?

The First Minister: Few people have borne a bigger impact from the virus than people in care homes and their relatives. For anybody who has not had a loved one in a care home during the past two years it is very difficult to understand just how anxious and distressing a time it has been. I readily acknowledge that.

The situation in care homes at all stages of the pandemic will be one of the key areas of focus for the public inquiry that will shortly get under way. That is right and proper.

As the person who has led the Government's response since the outset of the pandemic, I can say that we have sought to take the best decisions, based on the best evidence that we have had at any given time, to keep people in our care homes as safe as possible. One feature of the political scrutiny of the Government has been that we were, at an earlier stage, criticised for not acting vigorously enough to protect people in care homes. At later stages, it has sometimes sounded as if the criticism is that we are acting too protectively and too rigorously.

We have, inevitably, had to strike balances along the way to try to get what we do right. We want to get the situation in care homes back to complete normality, as far as that is possible. In recent weeks, changes have been made to isolation periods and to testing requirements, which are bringing their situation more into line with the one for the general population. We will continue to support change in order to allow people to visit their loved ones in care homes normally.

We have given a commitment to introduce Anne's law, but it is proper that we do that carefully, considering all the responses to the consultation and fully setting out the way forward in due course, but as soon as possible.

Alex Cole-Hamilton (Edinburgh Western) (LD): It is clear from this afternoon's statement that we might be looking forward to a life beyond face masks in our schools. On one hand, that is very welcome for wellbeing and cohesion in our classrooms. On the other, however, teaching unions have expressed some anxieties—not least because we learned last week of significant problems with air quality in our classrooms. We also learned this week that, in Edinburgh schools alone, infection rates have quadrupled since Christmas. Schools are still very much on the front line of the pandemic.

The teaching profession and health and safety bodies have said that the best way to remove CO₂ and infections from our schools is installation in every classroom in Scotland of high-efficiency particulate air filters. Rather than pursuing her Government's baffling adventures in woodwork, does the First Minister recognise the importance of installing air-cleaning devices in all of our classrooms in order to drive down infection and to improve attainment?

The First Minister: Where the judgement and assessment of people who are qualified to make the assessments is that HEPA filters or other filtration systems are required, they should be installed. That is why we have provided funding to local authorities to facilitate and enable that. It is not the case that filters will be required in every learning space: in some, mechanical ventilation systems are important. Through additional funding, we have enabled local authorities to take the decisions that they consider to be appropriate, while taking health and safety advice along the way. That is the right and proper way to support schools to be as safe as possible.

A range of measures—face coverings being one—have been necessary and will continue to be necessary in the future. We do not want any of the measures to be in place for longer than is necessary, but the safety of young people is the Government's overriding priority in making decisions.

Emma Harper (South Scotland) (SNP): Businesses can now allow staff to return to workplaces including offices, either full-time or using a hybrid approach. That can be hugely beneficial to health and wellbeing, but some people have concerns about returning to face-to-face work environments. Businesses have contacted me about the cost of having offices risk assessed for Covid, and of any associated changes. Will the First Minister outline what

guidance the Scottish Government is offering to businesses to ensure that workplaces are Covid safe?

The First Minister: It is positive that a return to offices and other workplaces it is now more possible. There is a lot to commend hybrid working, but it is important that workplaces are safe environments. Although the majority of us are keen to get back to normality, there are some people, particularly people in the high-risk groups, who are anxious about that and are nervous about the risks that it might pose. That is particularly true in the workplace so—as I said in my statement—it is incumbent on employers to ensure that they follow all the guidance and take appropriate steps to make their workplaces as safe as possible.

As I also indicated, guidance has been published on the www.gov.scot website to help employers to make their workplaces safer. That is updated regularly in consultation with stakeholders and enables employees to get advice that they can discuss with their employers.

This is a crucial period for building people's confidence to get back to work, as well as back to normality in other ways. Employers have a particular responsibility to help us do that.

Douglas Lumsden (North East Scotland) (Con): I received the following message from a constituent with a child in fifth year at school:

"The impact of face masks on hearing impaired pupils has been catastrophic and disproportionately affects them. Face masks not only take away their vital method of communication—lip reading and facial expression—it also reduces sound and distorts normal speech which as hearing people we all take for granted.

The whole impact of wearing face masks in schools for these pupils will not be felt for years to come when the life chances of hearing impaired pupils will be less than their hearing peers and yet again they fall further behind and are disadvantaged.

Every single day this policy is in place, it's taking away future hopes, dreams and friendships of hearing impaired pupils."

What is the First Minister's message to that parent?

The First Minister: I understand the views of that parent. I could come here any week and read out messages that I receive that have similar sentiments to the one that has just been read out. Equally, I could read out lots of messages that I receive from the other perspective, from parents, pupils and teachers saying, "Please don't remove the requirement for face coverings prematurely, because we believe that that will put us at greater risk." The point I am making is that there are, understandably and hardly surprisingly, different opinions here, and those opinions are, I think, particularly sincerely expressed when it is around

children with hearing impairments or other learning disabilities.

Of course, there have always been exemptions from the wearing of face coverings, and generally there is a need to support children, whose education has been disrupted because of the experience of the past two years, but it is important that we do not take some sort of politically ideological approach to this. It is the case that we need to take careful decisions and listen to parents, teachers and young people themselves, but we need to come to balanced views that recognise the risks and dangers of the virus, and to recognise our responsibility to try to navigate a way through it that keeps young people, in particular, as safe as possible. These are serious responsibilities and the Government will continue to take them extremely seriously.

Evelyn Tweed (Stirling) (SNP): The launch of the distance aware campaign will have been welcome for those who have been at higher risk of Covid or who feel very anxious about going out in public. Will the First Minister outline the steps that are being taken to publicise the campaign and encourage shops and other venues to share the messaging so that consumers have the confidence to return to going about their daily lives?

The First Minister: We are working with a range of organisations and businesses to promote the initiative among their staff and customers. There is a bespoke online awareness-raising toolkit, and posters have been sent to stakeholders across Scotland.

As I indicated in my opening remarks, early uptake has been good, which I think suggests that there are many people who want that added bit of reassurance to give them the confidence to get back to normal, whether that is in workplaces or while they are shopping or socialising. If it helps, that is a good thing, and we should all try to respect that when we see people wearing the badges or lanyards. It is totally voluntary and people are not required to do it, but anybody can request the materials if they think that it would help.

We are in a transition back to normality. I hope that it will be sustained and sustainable normality, but some people are more nervous about that than others, and some people, of course, remain at higher risk of Covid than others. If we all pull together, as we have done through the earlier stages of the pandemic, and we support each other in that way, it will make the transition all the easier, but it is likely to make it more sustainable as well.

Jackie Baillie (Dumbarton) (Lab): The *Daily Record* reported that four children who are aged

between five and 11 and are clinically vulnerable were given Covid vaccine overdoses of more than twice the approved amount, in NHS Lanarkshire. They received adult doses rather than those that are designed for children. At least one of the children was very seriously ill for a whole week as a result. I have since been contacted by a mother whose 11-year-old daughter was given the wrong vaccine dosage, this time in NHS Greater Glasgow and Clyde. Her daughter was desperately unwell for two weeks, but months later the symptoms returned and she ended up in hospital.

Given the unfortunate side effects that those children experienced, and to ensure that there is confidence in the vaccination programme, which is so important, will the First Minister order an urgent review of the administration of vaccinations to children and at least ensure that the different doses for children and adults are colour coded in order to avoid future error?

The First Minister: In the face of any such incident, we will take any steps that we consider to be appropriate.

A small number of children were incorrectly administered a higher-than-recommended dose of the Pfizer vaccine, instead of the paediatric formula. NHS Lanarkshire has apologised for that error and has undertaken the appropriate monitoring that should always be carried out when someone is given more than the recommended dose of a vaccine.

We have already been assured that the error was quickly identified and reported and that actions were put in place to ensure that the affected parents were fully informed of what had happened. There is guidance from the UK Health Security Agency about the steps that should be taken. The parents should be reassured that, in this case, it was not harmful; nevertheless, we will ensure that there is a proper review and that any appropriate steps are taken as a result.

Bob Doris (Glasgow Maryhill and Springburn) (SNP): I draw the Parliament's attention to the fact that a number of education authorities in England are advising that masks remain in place, at least in school communal areas, for the time being, despite the change in England's national guidance. That is because of a significant rise in new Covid outbreaks in English schools. Does the First Minister think that the Scottish Tories' impatience to remove protections in Scotland and to follow their leader Boris Johnson, for reasons that I simply cannot comprehend, would put at risk the safety of our young children and teachers?

The First Minister: I leave it to other political parties to explain their positions. The Scottish

Conservatives have tended to oppose every reasonable measure that we have advocated to control the virus, and it is for them to explain that. We will continue to take the steps and the decisions that we consider to be appropriate and responsible. That is the case in general, but it is particularly important that we do that where children are concerned.

Nobody wants face coverings to be a requirement in schools for longer than is necessary. However, until this week, there had been rising numbers of cases in the younger age groups of school-age children; infection levels—although, thankfully, now falling—remain relatively high; and there are outbreaks in schools, which is disruptive to education. We have to get the balance right and to take expert advice as we do so. That is why the meeting and the deliberations of the advisory sub-group this afternoon are so important in reaching the right decisions on all of that.

Gillian Mackay (Central Scotland) (Green): I am aware of instances in which children between the ages of five and 11 have been unable to receive a Covid vaccine despite being in regular close contact with an immunosuppressed person, because they are not classed as household contacts. I am sure that the First Minister will appreciate that, often, childcare arrangements mean that children are in prolonged contact with family members such as grandparents, although they may not live with them. What flexibility is there to allow the giving of the vaccine to children who are close contacts but not household contacts of immunosuppressed people?

The First Minister: An appropriately flexible approach should be taken to that. I undertake to discuss that point with clinical advisers and to write to Gillian Mackay—and to make the answer more widely available.

The position that we take should reflect the lived reality of the children who may be more vulnerable through their own health conditions or through contact with people who have compromised immune systems, rather than any overly rigid definitions.

That said, the advice on such matters comes from the Joint Committee on Vaccination and Immunisation, and it is important that we honour and respect that advice. I will discuss the point with clinical advisers and revert to Gillian Mackay as soon as possible.

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): I very much welcome progress in overcoming Covid. However, it is now important that the public—particularly those over 65—are reminded of the importance of the flu vaccine. I therefore ask, if someone is over

65 and did not receive their flu vaccination along with a Covid vaccination, how do they now access it?

The First Minister: As I reported to the Parliament, we took the decision to pause flu vaccinations in order to allow the prioritisation of the immediate challenge of delivering Covid booster vaccinations. However, local health boards are now offering flu vaccines again to the following high-risk groups that had not already received it—although uptake was high when we took the decision to pause it. Those who can now access the flu vaccination again are people aged over 65, people with an eligible health condition, pregnant women, front-line health and social care workers, adult unpaid carers, and the household contacts aged over 16 of someone who is severely immunosuppressed.

The flu season runs until the end of March, so it is essential that people get vaccinated, to get the protection that they need. There is still time to do so. Further information on how to go about arranging a flu vaccination is available through NHS Inform.

Tess White (North East Scotland) (Con): The Coronavirus (Recovery and Reform) (Scotland) Bill includes permanent powers to close schools and businesses, enforce lockdowns and release prisoners early. Although we must account for the possibility of future variants, we cannot accept legally enforced restrictions as the new normal. Why does the First Minister not scrap this Orwellian bill?

The First Minister: That question is utterly ridiculous, and I think that it will be treated by people as ridiculous to describe anything in that way. The bill is not an emergency bill; it will go through the full process of scrutiny by the Parliament. In some respects, the Conservatives are at risk of misrepresenting some of the contents of the bill. Every provision in it will be subject to full and proper scrutiny and to a decision through votes of this Parliament.

The challenge is to get the right balance between having the powers and levers that any Government needs to respond quickly to public health emergencies and not having any emergency powers on the statute book for longer than is necessary. I am sure that everyone across the Parliament will rise to the challenge of getting that balance right.

Marie McNair (Clydebank and Milngavie) (SNP): Symptoms associated with long Covid can have a significant impact on quality of life. Will the First Minister comment on the emerging impact and give an update on the care and support that are available to people with long Covid in Scotland?

The First Minister: I covered some of that in my response to an earlier question. Long Covid has an impact on both physical and mental wellbeing, so it is important that we take a range of actions to give people the right support. As I said earlier, we have already launched the long Covid support fund, which includes £10 million of funding to support the implementation of the 16 different commitments that are contained in our approach paper. We have also launched a long Covid information platform on NHS Inform, which helps people to manage symptoms and signposts people to the available information and advice. NHS National Services Scotland is also establishing a strategic network, which is bringing together clinical experts, NHS boards and people with lived experience to support the on-going development, resourcing and implementation of services for people who have long Covid.

Paul Sweeney (Glasgow) (Lab): Twenty-nine-year-old Callum Boulazreg is an in-patient at Gartnavel hospital. Visits from family are crucial to Callum's care. However, despite changes to self-isolation periods for the general population being made from 6 January, Callum has been required to isolate for a full 10 days, and he has been required to do so no fewer than seven times in the past year. On each occasion, Callum's progress is destroyed. He experiences the kind of cognitive setback that was previously observed in care homes and has been rightly condemned as a scandalous abuse of human rights. His family is desperate to help him.

Although the review that was announced by the Cabinet Secretary for Health and Social Care earlier today is welcome, does the First Minister agree that that self-evidently excessive, and even cruel, practice must end in mental health wards, and that long-term patients have a fundamental right to social and physical contact with their families?

The First Minister: Yes, I agree, but I also recognise—as, I am sure, Paul Sweeney does—that healthcare professionals have to make difficult decisions and strike difficult balances to keep people safe from the risks that the virus poses. I am sure that he will accept that nobody is seeking to be cruel in making those decisions. They are difficult decisions that have a difficult impact on patients and their families.

I absolutely agree that the human rights and wellbeing of patients, particularly long-term patients in our hospitals, are paramount. I am happy to ask the health secretary to look into the constituency case that Paul Sweeney has raised and to come back to him with any further reflections once I have had the opportunity to do so.

John Mason (Glasgow Shettleston) (SNP): There have been suggestions that, at some point, we might need a fourth jab or a second booster, either before the summer or perhaps before next winter. Will the First Minister update us on the thinking on that?

The First Minister: That certainly cannot, or should not, be ruled out. It might even be probable that further doses of the vaccine will be required and that Covid vaccination will become a regular vaccination programme, just as flu vaccination already is.

However, it is for the Joint Committee on Vaccination and Immunisation to consider the emerging evidence about the virus. On the strength of that evidence, it will advise the four Governments across the UK on how we can continue to use vaccination to prevent severe illness and hospitalisation. We will continue to be guided by the JCVI. We stand ready to consider any further recommendations that it makes and to set out to Parliament how we intend to implement them, as and when they come.

Jeremy Balfour (Lothian) (Con): Almost two years into the pandemic, day-care centres for people with disabilities have still not reopened. Those centres used to be a lifeline for people with disabilities and their carers. A lot of charity-run day services have been open for almost a year, with proper protocols in place. Does the First Minister agree that day-care centres should reopen immediately? Will she discuss the matter with her council colleagues to ensure that services open sooner rather than later?

The First Minister: I want centres to get back to normal, as I want the economy and society generally to get back to normal. There is no reason—subject to all the on-going precautions—why local authorities cannot open centres such as the member describes, and I encourage them to look carefully at doing so. There have been previous phases during which 2m physical distancing made that practically difficult, but physical distancing has now been reduced and some of the wider precautions are no longer in place.

I encourage local authorities to get those services back to normal as quickly as possible for the people who rely on them.

Stephanie Callaghan (Uddingston and Bellshill) (SNP): As the First Minister recognised in her statement, this is a particularly anxious time for people who have been shielding. I welcome the Scottish Government's focus on encouraging workplaces to adopt hybrid forms of working. Does the First Minister agree that it is essential that employers engage constructively with employees and trade unions to introduce a safe and effective

mix of flexible and hybrid working, particularly for people who feel more vulnerable?

The First Minister: Yes, I agree with that, and I have made comments to that effect today. I think that many employers are and will be engaging closely with workers, workers organisations and trade unions, in particular, and I encourage all employers to do that. There are particular issues that need to be taken into consideration for employees in higher-risk groups, and it is important that plans for hybrid working properly reflect that.

As I said, guidance is available on the Scottish Government website to assist employers and workers in reaching the right decisions, to allow people to get back to work—as I think that most people want to do, to a greater or lesser extent—and to do so safely, with their needs properly catered for.

The Presiding Officer: That concludes the First Minister's statement on a Covid-19 update.

As there will be a brief pause while people move seats, I take this opportunity to remind members that Covid-related measures are in place and face coverings should be worn as you move around the chamber and across the campus.

Justice Services

The Presiding Officer (Alison Johnstone): The next item of business is a debate on motion S6M-03098, in the name of Keith Brown, on a new vision for justice.

15:08

The Cabinet Secretary for Justice and Veterans (Keith Brown): I am grateful for the opportunity to present the Scottish Government's new vision for justice in Scotland. We want to transform our justice services and put people at the heart of everything that we do.

We have a long and proud tradition of effective justice in Scotland and we have worked hard, over many years, to strengthen and modernise a justice system in which individuals and communities can have trust, but we recognise that we must do more. Our vision for justice will continue to strive to deliver a just, fair and resilient Scotland. I am bold in my ambition that the people of Scotland should be living in even safer, more tolerant and inclusive communities, free from inequality and hate.

Our vision is a Scotland where there is less crime and unintentional harm in our communities and where we all have fair access to justice, so that when we experience crime, something is done. It is a Scotland where we will be treated as people, first and foremost, and where our voices will be heard and we will be supported to recover from the trauma that we have experienced. It is a Scotland where those who have committed offences will be supported in rehabilitation by the most effective means, primarily remaining in our communities with support and opportunities for fair work, employment and housing.

I want to highlight two key messages from that vision. First, all our justice services, including those that are delivered by our third sector partners and the legal profession, must be person centred and trauma informed. No matter what our role is or what our interaction with justice services is, we know that how we are treated affects our feelings about justice processes and our confidence in them. Those experiences are often as important as the conclusion of a case or a dispute. Delivering person-centred services will ensure that a person's needs and views are respected, that people receive timely and clear communication that they can understand, and that individuals and families will be involved in decisions that affect them.

Many of the issues that bring people to the justice system, whether as a victim or a person accused of crime, are very traumatic. It is our duty to minimise the inflicting of further trauma or

retraumatisation and help recovery. We will embed trauma-informed practice and ensure that our justice services recognise the prevalence of trauma and adversity. We have already invested £250,000 over three years to fund a trauma specialist at NHS Education for Scotland to help to drive forward the development of a trauma-informed responsive workforce in our justice services in relation to the needs of victims and survivors.

Secondly, we must work across our public services to improve outcomes for individuals and focus on prevention and early intervention. The causes of crime are complex and varied, but we know that, to address those causes, we must tackle societal inequalities, such as gender inequality, child poverty, mental ill health, addiction and adverse childhood experiences. Those issues are beyond the responsibility of justice alone, but justice has a role in responding to them. I am determined that Scotland's public services will work together to address those issues and that individuals will be supported at the earliest opportunity to improve their life chances and, ultimately, to reduce the risk of offending and reoffending. By focusing on early intervention, we can also ensure that the right services are provided at the right time and, where possible, that they support people to avoid contact with the justice services.

I have three priority areas of action. The first is women and children. Violence against women and girls in any form has no place in our vision for a safe, strong and successful Scotland. It damages health and wellbeing and limits freedom and potential, and it is a violation of the most fundamental human rights. The Government is committed to tackling behaviour that stems from systemic and deep-rooted women's inequality. That inequality leads to violent and abusive behaviour by men directed at women and girls precisely because they are women and girls.

We must recognise the role that our justice system plays in perpetuating that inequality. Historically, our justice system was designed by men for men. Put simply, it does not meet the needs of women and children in our society. Survivors tells us that how they are treated by justice services affects their feelings of confidence in the justice process.

Low conviction rates for sexual crimes are also a real cause for concern. That is why we want to improve how the justice system can serve women and ensure that survivors have trust in the criminal justice process.

I welcome the establishment of the new women's justice leadership panel, which is chaired by the Minister for Community Safety, Ash Regan.

In "Improving the Management of Sexual Offence Cases", Lady Dorrian made a number of recommendations to benefit and empower women who have experienced sexual abuse. A governance group that is led by the Scottish Government and which comprises key stakeholders met for the first time on 21 December. That group will drive forward progress and detailed consideration of the individual and collective recommendations in Lady Dorrian's report.

We also have work to do to improve justice for children. We are committed to keeping the Promise. We will continue to deliver our reinforced and reinvigorated whole-system approach to prevent youth offending and, to the extent possible, no under-18s will be remanded or sentenced to detention in a young offenders institute. We will continue to invest in services to strengthen support for families that are affected by parental imprisonment and to listen to the voice of the child in family law cases. During the lifespan of the vision, we will fulfil our commitment to provide access to a bairn's hoose for every child who needs it.

Overall rates of offending have fallen under the Government, but we must ensure that victims are heard. We must offer approaches to justice that place victims at the heart of the process and support them in their recovery. We will deliver on our commitment to appoint a victims commissioner to provide an independent voice for victims. We will also look towards progressing different forms of justice, including restorative justice, which allow victims to take a prominent role.

We know that delay and uncertainty caused great stress to victims and survivors. Covid-19 has put significant pressure on our justice system, increasing the time for cases to progress through the criminal justice system, and that brings additional stress to victims.

While we continue to recover our services and reduce the backlog of cases, we must avoid going back to the system as it was before the pandemic. Instead, we should embrace innovative approaches that allow our services to operate efficiently and with the needs of victims at their heart. We have established a justice recovery fund of £52.3 million in the next financial year, which will be allocated to recovery, renewal and transformation activity across the justice system.

Although there will always be a place for prison in our society, we must support people in their rehabilitation in the most appropriate and effective setting. Many of those who offend have themselves experienced poverty, disadvantage, adverse childhood experiences and trauma, and have often had substance abuse or health problems that require our support. Ultimately, the

evidence demonstrates that community interventions are more effective than short prison sentences in addressing offending behaviour and reducing the risk of reoffending. I repeat: community interventions are more effective than short prison sentences in addressing offending behaviour and reducing the risk of reoffending. Surely, we all want to reduce the risk of reoffending.

The consultation on bail and release from custody arrangements closed yesterday after running for 12 weeks, and that represents the first step in a wider discussion about how custody should be used in a modern, progressive Scotland. The responses to that consultation will inform the legislation that we will bring to Parliament for scrutiny. Additionally, a refreshed national community justice strategy has been developed, and it will set out clear aims for partners, with an emphasis on early intervention and encouraging a further shift away from the use of custody.

Public protection remains paramount, and, for many crimes that are committed, there are victims who have suffered and continue to do so. As we work to ensure effective rehabilitation and recovery for those who have offended, that must be balanced with the safety of victims and their own recovery from harm and trauma. That is a principle that we have taken forward in our work on bail supervision. The new guidelines place a specific emphasis on victim safety in decision making, with greater focus on using remand for those who pose a risk of serious harm.

There are two views about how the justice system can evolve. We can have the puerile practice of trying to look tough on crime after crime has happened and victims have suffered, which usually involves locking more people up for longer periods and building more and bigger prisons, paid for, presumably, by slashing police numbers by around 17,000; or we can be tough enough to make the difficult decisions that will lead to less crime being committed, which means that there are fewer victims and less suffering.

Our new vision for justice has been developed in collaboration with our justice partners and has been endorsed by the justice board for Scotland. Our year 1 delivery plan, also published today, demonstrates the commitments that Government and the justice agencies have already made, but we recognise that we need to do more. Therefore, over the coming months, we will work across the justice sector and beyond to develop a delivery plan setting out our medium and long-term actions for the rest of this parliamentary session and beyond.

I want to conclude by making a commitment that the minister and I will ensure that Scotland's

justice services are transformed to meet the needs of people in today's society. To them, I say: justice will be for you and with you, at heart.

I move,

That the Parliament recognises that the new Vision for Justice enables a programme of work to transform the justice system to ensure that services are person centred and trauma informed; further recognises the need to work across public services, taking a whole-government approach, to improve outcomes for individuals and focus on prevention and early intervention, and making communities safer; acknowledges that there must be urgent action to improve the experiences of women and children and ensure that the voices of victims and survivors are heard and acted upon; acknowledges that, to address the causes of crime, any action must tackle socio-economic inequalities such as gender inequality, child poverty, mental ill health and addictions, and support individuals at the earliest opportunity to improve their life chances and reduce offending and reoffending, and acknowledges that, while there will always be a place for restricting people's liberty in society, there must be a safe and secure environment for those in custody, as well as those who work in prisons, and that the balance should be shifted to ensure that the role of custody is used only when no alternative is appropriate, making greater use of alternative options in communities.

15:18

Jamie Greene (West Scotland) (Con): I am pleased to be opening for my party in this debate. The Government's latest iteration of its justice strategy comes off the back of a tremendous piece of work by the Parliament's new Criminal Justice Committee, which, rightly, praises those at the coalface of delivering justice: our front-line police, prison staff and those in the third sector who support victims when they have nowhere else to turn. However, for every nod of thanks, that report also raises serious questions about some of the chronic themes that seem to recur in every session of Parliament and must be considered by every justice committee. After just seven months, it was clear to our committee that history was repeating itself. That is there in bold in the opening pages of the report, where we state:

"It is our view that we cannot keep scrutinising the same issues and recommending changes without seeing signs of substantive progress."

These are perennial problems that one justice secretary after another, however well meaning, has fallen foul of. They have promised action but have underdelivered for the victims of crime, whether it be through the dragging of heels over Suzanne's law, which Humza Yousaf promised to bring in last year, or the introduction of controversial new laws such as those on hate crime and offensive behaviour, which divided not just this chamber but the public itself.

I admit that the Government's motion contains a number of sensible points on reoffending and giving victims a voice, but, notably and regrettably,

it fails to take a shred of responsibility for any failures in the status quo, which is why my amendment gives those issues some much-needed air time. I make no apologies for doing so, because behind every statistic is a victim.

Victims of the justice system appear in different ways: the assaulted prison officer who is in hospital; the police officer who is in a leaky office or who drives an ageing car; the female victim of sexual crime who is forced to seek and find justice in the civil courts because the criminal courts have simply failed her; the family member of a murder victim who bumps into their child's killer in the local supermarket when they had no idea that the person had been released; and the young woman whose case against her domestic abuser was dropped without anyone from the Crown telling her why or what happens next. Delivering justice for all of them matters. Every cog in the wheel needs to be properly resourced for us to work. Those are not abstract scenarios; they are real-life ones.

The pandemic has, of course, placed enormous pressures on our justice system—no one denies that—but the issues that I am raising are chronic ones, not Covid ones. The Government frequently rests on the laurels of its mantra, which we have heard again today, that overall crime is falling. However, let us take a look at that statement. The Government rarely admits to the fact that violent crime in Scotland has gone up every year since 2014, to the shocking rise in LGBT hate crime, which is up by 31 per cent in the same period, or to the doubling of sexual offences in the past decade.

The Scottish National Party's 2007 manifesto boldly claimed:

"Public confidence is an integral part of ... criminal justice"

and

"if the perception of it ... is negative then it is fundamentally undermined."

That was as true then as it is today.

Our police must be able to deliver without their hands tied behind their back. The Scottish Police Authority was abundantly clear with the committee and with the Government about what it needs. This year's £45.5 million capital budget is the same as last year's. Some people will call that protecting the budget, but others will call it what it is: a real-terms cut.

The SPA told us that it needs £466 million in capital funding over the next five years to meet its outcomes in the national performance framework. We already know that it is £218 million short in that period. Meanwhile, 25 per cent of our police stations are in poor condition and 50 per cent of police vehicles should have been replaced.

Officers are stressed, underresourced and overworked. If the cabinet secretary does not believe me, he should talk to them. Those are not abstract problems; they are real-life ones.

When cases get to court, the problems do not end. Long before the Parliament had ever heard of Wuhan, there was a backlog of 13,400 cases in our sheriff courts. That has now tripled, and the backlog in our High Courts now sits at more than 45,000 cases. If a trial will not take place until 2026, how is that delivering justice for the accused or the accuser?

That leads to our next problem: remand. Between 2020 and 2021, the remand population grew by a shocking and staggering 78 per cent, which put huge pressure on an already creaking prison system. I point out that 42 per cent of young people in prison are on remand. Anyone who has spent more than a couple of hours talking to young men who are on remand in prison, who are probably held there for longer than even a guilty verdict would have rendered them there, should ask them whether they think that the Government has put their life chances at the heart of the justice system.

Equally, there are systemic funding problems in legal aid that the Government has not only ignored but wilfully argued against. We know that things are bad when defence lawyers go on strike, citing a lack of co-operation from the Government. The cabinet secretary says that there is nothing to see there, but the lawyers tell us otherwise. Either way, the situation must be fixed.

There are problems with the court process itself. Far too many victims of crime feel that the system is stacked against them. We have heard powerful evidence from victims of abuse. Cases have been delayed time after time and have been dropped with no reason having been given. We have heard about a lack of communication, that there have been no victim impact statements and about the torture for some victims of seeing the perpetrator handed a community sentence.

The presumption against short sentences leaves judges no option but to hand down community sentences. That is not theory; people are released early and go on to commit crime. The horrific case of Esther Brown should shock us all, and it is not enough to say that that was an isolated incident—in our eyes, one victim is one victim too many.

The same 2007 manifesto says:

"Individuals must accept that their actions have consequences. People are tired of excuses".

My goodness—how things have changed in the Government. Instead of citing the rights of

offenders, what about considering the rights of victims?

Diversion from custody works only if there is something to divert to. Meaningful community sentences must reduce the rate of reoffending, which goes back to my original point about confidence and perception. The public must have confidence that alternatives are meaningful, fair and realistic.

I end where I started. The Government must acknowledge the public mood on the issues. The promises that it made 15 years ago were admirable, but far too many people have been failed since then, and far too many are looking on in despair at the direction of travel.

Victims do not choose to be victims, but perpetrators do choose their situation. We forget that far too often in such debates. It is time that we put victims' rights first.

I move amendment S6M-03098.3, to leave out from "recognises" to end and insert:

"notes the urgent, wide-ranging and chronic concerns raised by the Parliament's Criminal Justice Committee in its recent report, *Judged on progress: The need for urgent delivery on Scottish justice sector reforms*; acknowledges that there have been worrying increases in violent and sexual crime in Scotland as evidenced by the 78% rise in sexual crimes over the last 10 years, and the rises in violent crime recorded so far this year adversely affecting women and children; believes that a number of factors resulting from Scottish Government policy decisions, including the presumption against short sentences, automatic early release from custody, and a concerted shift to custodial alternatives, have resulted in too many violent offenders evading custodial sentences; further believes that the Scottish Government's strategy of sending fewer convicted offenders to prison and letting them out of prison earlier poses a risk to public safety; notes that prison officers are subject to unacceptable levels of physical and mental harm and abuse in Scottish prisons, which is fuelled by a failure to tackle illicit drugs and serious organised crime in prisons; further notes that the recorded quarterly number of police officers stands at 17,117, the lowest level since 2009; calls for Police Scotland to be afforded the necessary capital and resource budget that it clearly requested in submissions to the Criminal Justice Committee, which it states will ensure vital and necessary upgrades to infrastructure, the police estate, vehicles and ICT systems, allowing Police Scotland to ensure that violent criminals are caught, charged and successfully prosecuted; recognises that the current court backlog in Scotland could take at least five or more years to clear, leaving victims waiting years to get justice; notes with concern the growing breakdown of relations between the legal sector and the Scottish Government due to disagreements over legal aid fees, which may leave many without adequate access to justice and legal assistance; believes that non-custodial alternatives to sentencing must be meaningful, robust, and backed up by sufficient resources to command public confidence whilst delivering justice to the victims of crimes, which many do not currently believe to be the case; notes with disappointment the slow progress in reform to the dual role of the Lord Advocate, and regrets recent high profile cases of malicious prosecution, which have cost the taxpayer millions of

pounds, and believes that the raft of measures to enhance the rights and voices of victims of crime and their families, as included in the proposed Victims, Criminal Justice and Fatal Accident Inquiries (Scotland) Bill, should be agreed by the Parliament as positive proposals to reset the balance of Scottish justice in favour of victims and their families."

15:26

Pauline McNeill (Glasgow) (Lab): I hope that the Scottish Government will support the Labour Party's amendment, because we are being constructive in backing significant reforms to the criminal justice system in this parliamentary session, although we have specific views to offer.

I will begin with an overview of our prison system, which is far from modern—and the pandemic has set us back in many ways. I agree with Jamie Greene that it is deeply concerning that Scotland as a nation has such a large remand population. As the Scottish Government says in its vision for justice, that is a problem for population management. Overcrowding is a major problem in our prisons; reports have noted that Barlinnie has been operating at more than 40 per cent over capacity for the past couple of years, although I think that that has happened for a lot longer.

The vision notes that

"international evidence suggests that remand is associated with negative effects that may hinder longer-term desistance from crime including an increased risk of suicide and mental distress, disintegration of social supports and family ties and disruption to employment that increase the likelihood of reoffending upon release."

No one should need any convincing that one of the Parliament's jobs must be to reduce the remand population. We need to tackle the issue urgently. I look forward to hearing proposals from the Scottish Government on how it plans to reform bail legislation and to hearing whether electronic tagging will be used as an alternative to custody, when appropriate.

Our ageing prison estate accentuates the difficulties that are borne by staff and management. Prison staff have written to me—I have had several letters—to raise concerns about staffing levels putting pressure on prison officers, who are doing their job. I have asked twice to meet the Scottish Prison Service, and I will use this opportunity to say that I would like a response to my letter.

If we want to have minimum standards, we desperately need to modernise the estate. The work has still not started on the new Barlinnie prison and it is set to miss the deadline of 2025.

I agree with the cabinet secretary that prison is appropriate for many offenders and will remain so, but, for some, punishment is better conducted outwith prison and through community sentences.

Community sentences can be more effective than prison sentences in preventing reoffending, but judges will use community sentencing more only if they are confident that such sentences are robust.

The number of deaths in custody remains too high—the figure was 54 in 2021, and the number has more than doubled since 2015. It is also taking far too long to complete fatal accident inquiries. In 2021, the average time that an FAI had taken was almost three years, which is unacceptable for families who are waiting to find out what an FAI has concluded. I await with interest the Government's response to the independent review on deaths in custody, which said that, when such deaths happen, there should be unfettered access to establish the cause of death.

Keith Brown: I will quickly cover a couple of points. We have had a meeting to discuss the deaths in custody report with stakeholders, and a governance group will be established shortly.

The Government will support Labour's amendment. On the request to meet the SPS, I will ensure that that happens as quickly as possible. The SPS is going through a recruitment exercise for a new chief executive.

On bail and release reform, I hope that the Labour Party and the member will support the proposed bail reform bill, because that is the only way in which we, as a Government, can tackle the issue. We cannot tell the courts to do those things; we have to do it through legislation. There may be a difference of opinion on elements of the legislation, but we hope that it will get broad support.

Pauline McNeill: I can guarantee that the Labour Party will give the proposed bill serious consideration when we see the actual formulation. We are clear that sheriffs and judges need to be given scope within the legislation to make different decisions.

I think that we all agree that there has never, in recent times, been a moment as critical as this when it comes to tackling the widespread problem of violence against women. Previous debates have highlighted that, and it is why Scottish Labour wants the equally safe programme to be rolled out across Scotland as soon as possible. The sad testimony that we have heard from women who have been victims of sexual violence illustrates why we need to make progress on cross-cutting work, which I note is mentioned in the vision that was published today. We need the justice, equalities and education portfolios to work together if we are going to make any serious progress.

Women are now having to seek justice for rape through the civil courts. A running thread is the

testimony of women who say that, as victims, they feel that they are treated like criminals. That is why Scottish Labour wants to look at how we balance support for victims in the process. There should be one point of contact in the court system and the police for victims who want to know what is happening with their case. In addition, we need to broaden the scope of the circumstances in which a victim of a sexual offence can be given free legal advice.

The Criminal Justice Committee heard from Miss M that she had to constantly chase the procurator fiscal, as no one would tell her what was going on. Last week, on a BBC Scotland radio programme, another victim expressed exactly the same complaint. I believe that that is a recurring theme, and we need to make the process easier for victims—I agree with Jamie Greene on that point.

As the cabinet secretary said, 43 per cent of trials for rape and attempted rape result in a conviction, in comparison with 80 per cent overall for other crimes. That indicates that the balance that one would expect in a criminal justice system does not exist with regard to sexual offences.

One thing that is missing from the Government's motion is any reference to access to civil justice. We do not currently have enough lawyers providing legal aid, and it is important that the question of civil justice is addressed in the vision.

I wish that we could have had a longer debate—as Jamie Greene said—in order to talk about how we can support our police force and thank them for what they did in the pandemic. There are many issues to be discussed in that regard. There should be full scrutiny of the Crown's role in the case against Rangers Football Club. We do not want to see striking lawyers in the months ahead, so let us resolve the matter. We have a system of which we can be proud, but we need to make more progress. I am sure that we can do that in the coming years.

I move amendment S6M-03098.1, to insert at end:

“; understands that Scotland's prisons have been characterised by overcrowding; notes that 27% of the Scottish prison population are remand prisoners, and that this highlights the need for reform; believes that conditions in prisons must be improved for both prisoners and staff; considers that offering robust and credible alternatives to custody will be a key part of the solution; regrets that women and children continue to be disproportionately impacted by court delays, and considers that clearing the court backlog, which currently stands at over 40,000 cases, and improving support for victims should be among the Scottish Government's highest priorities for the justice system.”

15:32

Liam McArthur (Orkney Islands) (LD): I am grateful for the chance to participate in the debate, which mirrors a debate that we held in June last year. On that occasion, I set out the Scottish Liberal Democrats' case for reforming the fatal accident inquiry system, which is beset by delays and failings that deny families answers and deny society an opportunity to learn lessons.

I made the case too for splitting the dual role of the Lord Advocate, in recognition of the growing concerns over perceived and potential conflicts of interest. Sadly, both proposals were opposed by the SNP and by Green MSPs, who were presumably auditioning for the coalition Government yet to come. The case for both those reforms remains strong—indeed, they are referred to in the Tory amendment, although few issues do not get a name check in there.

I will concentrate on an aspect of our prison system, and wider justice system, that is critical in allowing individuals an opportunity to turn their lives around while reducing rates of reoffending and making communities safer. Of course we need a justice system that works in providing justice to victims and survivors, but it also needs to help—alongside interventions in education, health, housing and other policy areas—to reduce crime and offending behaviour.

In that sense, I have no difficulty in supporting the Government motion and Pauline McNeill's sensible amendment. We should absolutely aspire to a

“person centred and trauma informed”

justice system, and design services accordingly. The only response to hearing that our prison population now exceeds anything found elsewhere in Europe, with the exception of Russia and Turkey, is to commit to prison reform and to reduce the numbers that we lock up. More than half of Scotland's prisons are now over capacity, and 1,200 prisoners are double-bunking in single cells.

I am therefore disappointed that Jamie Greene—who is a good friend and someone whom I respect enormously—chooses, in his amendment, to pander to the “Bang 'em up and throw away the key” brigade. The dog whistles about soft-touch justice and criminals roaming free are wrong and counterproductive. They offer no answers to the question of how we build safer communities and opportunities for individuals to make positive contributions while moving away from offending behaviour.

Jamie Greene: I thank the member for his kind words, although perhaps not for his comments on the amendment. It remains the case that, over the

past decade, 44 per cent of people who have been released from prison go on to reoffend. There is a systemic problem in how we deal with offences in prison. The current and historical strategies have clearly not worked. We know that people who spend longer in prison are less likely to reoffend.

Liam McArthur: The evidence shows that incarceration disrupts patterns of work, housing agreements and the relationships that people have in their communities, which is hugely destabilising. Throwing people back into the community and expecting them not to reoffend is unrealistic. In a second, I will come on to some of the behaviours or activity that we need in prisons to support that ahead of prisoners' release, but I do not think that any of the evidence sustains the argument that locking people up for short sentences is effective.

Let me set out some ways in which the Scottish Government might actually turn a vision into practice in our justice system. Latest figures show that incarceration rates are up across almost all age groups and crime categories. That means that crimes are more likely, people are less safe and our prisons are operating what is ostensibly a revolving-door policy.

In 2020, a throughcare service that provided prisoners with support with housing, medical care and benefits after release was cancelled. That rehabilitation service helped 100 prisoners a month to move away from reoffending. It was dropped as staff were redeployed. Although third parties have stepped in, I believe that we need a reintroduction of that service, alongside a right to welfare, housing and healthcare appointments within 48 hours of release.

Purposeful activity in prisons is another key element in cutting reoffending. It equips people for employment by improving literacy and numeracy skills and offering opportunities for accredited qualifications. That all plummeted during the pandemic, yet evidence shows that shutting down opportunities for purposeful activity closes off routes to rehabilitation.

On top of that, we now know that more than 2,000 of those who are being held in Scotland's prisons have not even been convicted of a crime. A Scottish Liberal Democrat freedom of information request revealed that the number of untried prisoners who are being held on remand has risen by 40 per cent in the past three years alone. That is unacceptable and unsustainable. It also places pressure on staff and prisoners, leading to, among other things, increased mental health issues.

The Scottish Government response so far has been high on promises but, sadly, low and slow on delivery. Meanwhile, to be trauma informed, our justice system must ensure that the voices of

victims and survivors are heard, and their experiences improved. Victims often speak of secondary victimisation, and some have described the experience of the justice system as worse than the crime itself. Listening to the lived experience of victims allows us to make targeted changes to improve their experience, such as by introducing a right to anonymity for victims of sexual crimes. Scottish Liberal Democrats would also give victims a voice, using feedback from support organisations on the victims task force.

We also need acceleration of incorporation of the barnahus model for child victims and witnesses, to which the cabinet secretary referred. We should treat domestic abuse survivors more fairly by building in a presumption that perpetrators will be required to leave the shared home. Those policies could be enacted with relative ease, and they would help to deliver, rather than simply describe, a new vision for justice. Scottish Liberal Democrats are committed to working with others to achieve such an outcome.

I move amendment S6M-03098.2, to insert at end:

“, and urges the Scottish Government to publish a route map with milestones for increasing the provision of throughcare support and purposeful activity in prisons, the lack of which has increased the likelihood of people reoffending and causing damage to communities.”

15:38

Audrey Nicoll (Aberdeen South and North Kincardine) (SNP): In the short time since the new parliamentary session began, the challenges that the justice system faces have featured prominently in chamber business, and rightly so. Justice touches absolutely everyone, and in the words of Martin Luther King,

“Injustice anywhere is a threat to justice everywhere.”

The motion that is being debated today is timely and welcome. It sets out a vision for a justice system that is fair, transparent and meets the needs of modern and contemporary Scotland. However, it recognises the magnitude of the task and the work that will be required to sustain the downward trend in recorded crime and improve the experiences of victims, while breaking the cycle of offending for those who are caught in the revolving door of crime, and holding those who offend to account, whether through custodial or community justice options.

Last year, the Criminal Justice Committee took evidence from experts, and those working in and coming into contact with the sector. Although we heard evidence on a wide range of subjects, a unifying theme was the urgent need for reform in many areas. Some of that linked to the pandemic, but many of the issues that were raised

significantly predated the pandemic and are complex and multifaceted.

As a critical friend to the justice sector and the Scottish Government, our report asks the Government and key partners to grasp the nettle and take bold action to improve outcomes in the sector. Therefore, I am pleased that the motion outlines the new vision for justice, which will support the Government in continuing to transform our justice system. The motion is, by necessity, comprehensive, and rightly reflects the commitment that is required to improve the experience of victims, putting trauma-informed approaches front and centre.

I will pick up a point to which Pauline McNeill alluded and of which I have an example from just last weekend. I spoke to a survivor of high-tariff domestic abuse, who had been referred by her local women's aid service to a solicitor who had undergone domestic abuse training, only to find that the firm did not offer a legal aid option. That is a frustrating example of an unintended barrier to services that exist but are not joined up.

From a personal perspective, I am pleased that the motion includes the need for a safe and secure environment for those in custody and for those working in prisons, no matter how counterintuitive that seems to many who believe in the notion of tough justice. Scotland's prison population is among the highest in western Europe and, although society rightly demands that offenders be held to account and, where appropriate, imprisoned, it is incumbent on us to reconsider the role of custody in a much broader context.

I recall a conversation that I had with a highly vulnerable young man whom I had just arrested, and not for the first time. He compared his cycle of offending to having fallen off a cliff only to find an ambulance at the bottom. For young men like him, I want us to drive the ambulance back up to the top of the cliff.

Of course, the budgetary landscape across all areas of Government is extremely challenging. In our recent budget scrutiny report, the Criminal Justice Committee outlined what we feel is a strong case for an overall increase in the budget for the criminal justice sector.

I am pleased that the justice sector will see a total investment of more than £3.1 billion in 2022-23 to strengthen and reform services. Within the new strategy, I hope that the cabinet secretary will look at whether there is scope to use existing expenditure as effectively as possible through, for example, alternatives to custody, extending or introducing innovative practices, and recycling underspend for use elsewhere in the system.

I thank each and every person working across our justice sector, for whom life has not been easy

over the past couple of years. They have worked so hard to make life a bit better for others. We need them more than ever.

15:43

Alexander Burnett (Aberdeenshire West) (Con): We would all like to see an ambitious strategy and much-needed improvements to Scotland's criminal justice system. There are many things in the new vision that I agree with but, once again, the SNP Government falls short on delivery. All that we have seen under this Government is broken promises; strategies and recommendations that end up in the gutter; budgets that are slashed; prisons that are overcrowded; and police numbers that continue to fall.

The Scottish Conservatives have repeatedly called for reforms to overhaul the SNP Government's current soft-touch approach and put victims at the centre through our proposed victims law.

I recently put a series of questions to the Government on gender-based funds after being contacted by students who want to know what action is being promised to make people feel safer in their communities. In its response, the Government pointed to its equally safe strategy, which focuses on early intervention and prevention. I welcome the strategy and any campaigns that challenge dangerous and predatory behaviour, but those responses are just warm words. The equally safe strategy was first published in 2014 yet, in September last year, the Crown Office statistics showed that in 2020-21 domestic abuse charges had increased by the largest amount in a single year.

Domestic abuse charges have now reached their highest level in five years and, shockingly, many charges involving domestic abuse see no further action.

The Minister for Community Safety (Ash Regan): Will the member take an intervention?

Alexander Burnett: No, I will not.

Those statistics are completely unacceptable. The SNP Government must commit to doing more and to introducing policies that will reduce crime and support victims who are seeking justice, because many victims are not getting justice.

The criminal court trial backlog currently stands at nearly 45,000 trials and may not be cleared until 2026, yet the Scottish Government has only provided an extra £4.2 million.

Keith Brown: Will the member take an intervention?

Alexander Burnett: No.

That is not even a third of the £13.2 million that was identified by the courts as needed to help tackle the backlog. It is yet another blow to victims who do not have a trial in sight.

The SNP Government's new vision looks to other forms of justice to reduce pressure on our prisons. However, there is currently no appropriate alternative to custodial sentences. The justice secretary recently stated that other options need to be "credible and consistent", but he makes those claims after the SNP has written off more than 262,000 hours of unpaid community work.

One in three community sentences are never completed under the SNP. A record number of criminals are no longer being prosecuted for their crimes, as diversions rose by 12 per cent to the highest level in seven years. Community sentences are becoming easier for criminals to complete, because fewer than ever contain an element of unpaid work. That "work" is trivial at best, including knitting, preparing flowerbeds and making bug hotels, bat boxes and hedgehog dens.

Elena Whitham (Carrick, Cumnock and Doon Valley) (SNP): Will the member take an intervention?

Alexander Burnett: No.

Although some of those activities may have a rehabilitative effect, they will not satisfy victims and their families who are seeking justice.

Where appropriate, offenders should take part in purposeful activities that will serve their communities, give them future prospects and, importantly, reduce reoffending rates, because the reconviction rate in Scotland has just recorded its largest year-on-year increase. Twenty-eight per cent of offenders released in 2018-19 went on to commit another crime within 12 months, and that has now come to a head under the SNP Government's Covid measures.

In the 2020-21 annual report, Her Majesty's chief inspector of prisons for Scotland said that

"too many prisoners were locked up with too little to do before the pandemic and the situation was then exacerbated by the response to the pandemic."

The report said that, during Covid,

"Many prisoners have been denied"

the chance to start

"programmes that were part of their sentence",

which would have allowed them

"to lead successful, crime-free lives."

More opportunities need to be available in prisons to enable residents to learn new skills, take up work experience and reintegrate back into society once they have finished their sentence.

Just this week, the UK Secretary of State for Justice, Dominic Raab, spoke of the importance of providing prisoners with the chance to earn money doing honest work and to pay their dues to society. For example, they could learn how to drive lorries, which is beneficial to the individual and the country as we overcome a labour shortage. There is a great need for that approach in our Scottish prisons to give residents practical work and knowledge that can plug Scotland's skills shortage.

The reality is that the Scottish Government is either too ignorant or too slow to enact vital reforms and its assurances for change do not inspire confidence. The statistics on remand, rehabilitation and reoffending are shocking. We need to put victims at the heart of our justice system, and the SNP's new vision for justice fails to do so.

15:49

Collette Stevenson (East Kilbride) (SNP): The new vision for justice will help the Scottish Government in its on-going work to transform the justice system, ensuring that it is fair and transparent and that it meets the needs of modern society.

Much progress has been made in recent years under the SNP. Crime is down by almost a half since 2008-09, including a 39 per cent cut in violent crime. Automatic early release has been ended, so long-term prisoners who pose an unacceptable risk to public safety will serve their full sentence. The reconviction rate is at one of its lowest levels in recent decades. The cashback for communities programme has resulted in £110 million from the proceeds of crime being committed to projects that benefit young people across Scotland.

Many possible reforms have been or are being consulted on, including a bail and prison release bill, options to extend digital practices in justice and reform of the three-verdicts system. The SNP manifesto and this year's programme for government set out the basis for many improvements in the justice system. A new community justice strategy will be developed, underpinned by investment to substantially expand the available services. The police budget will be protected, supporting the police to tackle crime and keep our communities safe. A victims commissioner will be appointed, providing an independent voice for victims, championing their views and ensuring that victims' rights are front and centre.

The commitment to trauma-informed and trauma-responsive public services will be so important in the justice sector and will put victims

at its heart. I have no doubt that that development will benefit victims of crime so that they are given the best support and advice possible.

We must do everything to support victims of crime, but we must also work to cut crime and reduce reoffending so that there are fewer victims. The cabinet secretary has stated the importance of addressing inequality and its far-reaching consequences in tackling crime. The cross-party Criminal Justice Committee recommended that alternatives to custody, such as bail supervision and residential rehabilitation, be considered.

On reducing reoffending, the evidence shows that reconviction rates for those receiving community payback orders are lower than the rates for those receiving short custodial sentences, so the policy change to a presumption against short sentences is clearly a tool that can help to cut future crime rates and, ultimately, keep our communities safe. Of course, individual sentencing decisions are for the courts to make and will depend on the crime committed.

In its report, the committee discussed Friday releases, which can cause issues for both perpetrators and victims. Research shows that perpetrators who are released on a Friday are at higher risk of reoffending, given that less support—or none at all—is available at the weekend. We must also consider the impact on victims. If a perpetrator is released on a Friday and their victim is informed that day, the victim could be left with no support services over the weekend. A rule against Friday releases will provide better outcomes all round.

The Tories recognise that the backlog in the justice system is due to the impact of the pandemic, but they are against the Coronavirus (Recovery and Reform) (Scotland) Bill, which aims to tackle the backlog by allowing certain hearings to be held over audio or video link and providing greater flexibility in the programming of court business.

On the Tory amendment's reference to police numbers, I think what the Tories wanted to say is that, every year, the SNP has kept its manifesto commitment to have more police officers on the beat. Officer numbers fluctuate throughout the year and, between the pandemic and the use of the police college for police officers who were in Glasgow for the 26th United Nations climate change conference of the parties—COP26—there have been limits on capacity. I am sure that everyone in the chamber will welcome the expected 300 new recruits who are due to start their training in a few weeks' time. Let us remember that there are almost 1,000 more police officers in Scotland than when the SNP entered government and that we have 50 per cent more

officers per capita here than there are in England and Wales under the Tories.

Under the SNP, there are more police officers and crime is down. The pandemic has brought new challenges, but the new vision for justice will help to make Scotland's communities safer and will transform the justice system so that it is fair and transparent and meets the needs of modern Scotland.

15:54

Foysoyl Choudhury (Lothian) (Lab): The motion before us looks unremarkable on the surface, but it does not address many of the systemic problems in the justice system.

Two years ago, justice systems worldwide were brought into close focus after the murder of George Floyd in the United States. The question of equality took centre stage. It was a time for introspection and, to its credit, the Scottish Government recognised that.

Here in Scotland, that resulted in the creation of the cross-justice working group on race data and evidence. I applaud its existence, but its output is telling. It tells us that there is a lack of data on the experiences of black, Asian and minority ethnic people of the police and the justice system in general, and a lack of content on lived experience in existing studies of the justice system. One of the community participants said:

"For the number of years that Scotland has had a very diverse ethnic population ... that you're still finding gaps, it's horrific!"

I agree.

That raises a question about the very basis on which the Scottish Government is approaching its new vision for justice. That vision cannot be complete if we are blind to the lived reality of people like me—black, Asian and minority ethnic people. I say to the Scottish Government that the simple existence of the cross-justice working group is not enough. Its findings must be listened to and addressed if we are to increase trust in the justice system among minority communities. I do not pretend that getting data is a simple task, but it is an essential first step towards seeing the problems that those communities face in accessing justice. Only then can we address those problems fully.

Last year, there was another telling statistic. Hate crime remained stable between 2014 and 2020, with around 7,000 incidents recorded each year. Most of those incidents—62 per cent—had a racial component. There was a welcome increase in the number of hate crime charges in the same period, but justice must include prevention as well as punishment. Surely, as a society, we can hope

for more than to maintain a stable level of hate crime.

The motion calls for a whole-Government approach to those problems, but we see very little evidence of that in practice. The approach requires funding for services and areas that have all too often been cut and neglected in recent years.

Hate crime is just one aspect of crime in which poverty and social realities come into play long before someone reaches the criminal justice system. We must address the conditions that allow events to develop, as well as dealing with them promptly once they happen and ensuring that victims are supported.

Social justice and educational questions are involved here, just as much as questions of policing and prosecution. The motion acknowledges that socioeconomic circumstances matter, but that is not a new vision. The Scottish Government has been aware of the problems for more than a decade, yet they continue on its watch.

As our amendment notes, that is an unfortunately common theme across the justice system. HM chief inspector of prisons said that "entrenched problems" in our prison system, including overcrowding, remain unsolved. Those long-standing issues cannot be blamed on the pandemic, and it seems that only good fortune has prevented them from turning into a catastrophe during it.

The pandemic has of course caused additional problems, including by adding significantly to the court backlog. Our amendment rightly sees tackling the backlog as the highest priority, because its impact on remand prisoners and those who are awaiting justice only adds to the entrenched problems that I mentioned a moment ago.

The motion may set out a vision, but it neglects the reality of the justice system as people find it today. The Scottish Government must ensure that justice is accessible to all our communities, and it must act on the priorities that are set out in our amendment. Only then will we be able to restore confidence in our justice system and see that justice is promptly and effectively applied in the wake of the pandemic.

16:00

Rona Mackay (Strathkelvin and Bearsden) (SNP): I am pleased to speak in this debate, which is being held at a time when Scotland's justice system is on the verge of some exciting and transformational changes. Of course there will be disagreements across the chamber on certain

aspects of those changes and on policy detail, but it cannot be disputed that the Scottish Government and the judiciary know that change must come in order to make our legal system fit for purpose in today's changing world. We know that centuries-old traditional practice can make the wheels of justice move slowly in adapting to change, but it must happen if we are to keep pace with reality and the basic human right of access to a fair and rehabilitative justice system.

The Government's motion states that we are transforming the justice system

"to ensure that services are person centred and trauma informed".

As co-convener of the cross-party group on the prevention and healing of adverse childhood experiences, I am delighted by that progressive trajectory. We are also focusing on early intervention and improving outcomes, which will make our communities safer and improve the quality of life for so many people. More than half of the young people in the United Kingdom have experienced ACEs, which all too often lead to offending and incarceration.

As convener of the cross-party group on women, families and justice and the cross-party group on men's violence against women and children, I know that urgent action is needed to improve the experiences of women and children and to ensure that the voices of victims and survivors are heard and acted upon. Gender inequality, child poverty, mental ill health and addictions are all being addressed within the Scottish Government's new vision. We know that many women who are in prison for low-grade offences have suffered domestic abuse or head injuries, or have mental health or addiction problems. Prison is no place for them. It wrecks families and exacerbates the existing issues that led the women there in the first place. Early intervention and holistic support are the only ways to alleviate that.

Equally, prison is no place for children and young people. I am pleased that the Government recognises that and will take steps to stop young people being held in adult prisons. The balance must be shifted to ensure that custody is used only when no alternative is appropriate and that greater use is made of alternative options in communities.

Violence against women is the scourge of society, not just in Scotland or the UK, but globally. During the Criminal Justice Committee's private evidence sessions with victims of domestic abuse and sexual offences, we heard moving and disturbing accounts of women's journeys through the justice system.

Last year's review by the Lord Justice Clerk, Lady Dorrian, highlighted a number of areas

where improvements should be made, and I am pleased that the Scottish Government has committed to giving serious consideration to all the recommendations, including the introduction of specialist courts and allowing victims to pre-record their evidence.

In the Scottish budget, £4 million has been dedicated for victims services, measures to tackle violence against women and girls, and support for the justice system to respond to victims' needs. I do not disagree with Jamie Greene that victims' voices need to be heard, but I believe that the measures that the Cabinet Secretary for Justice and Veterans has outlined in the vision will enable that to happen.

Let us be clear about the direction that we are going in. In the first 100 days after winning the election, the Scottish Government directed £5 million of new funding to rape crisis centres and domestic abuse services in order to help to cut waiting lists. There is also a programme for government pledge to invest more than £100 million over the next three years to support front-line services and focus on the prevention of violence against women and girls from school onward.

We have launched a public consultation on the not proven verdict, and I await the findings with keen interest. My long-held personal view is that the not proven verdict should be scrapped for crimes of sexual violence in the first instance. I believe that it is having a detrimental impact on convictions. I also believe that the requirement for corroboration is largely to blame for the poor level of convictions in rape trials. Almost one quarter of trials for rape or attempted rape result in a not proven verdict. Only 43 per cent of rape or attempted rape trials result in a conviction, in comparison with an overall conviction rate of 88 per cent. Recent high-profile cases of victims being denied justice in a criminal court and having to go down the civil route exemplify why the system needs changing.

The overall crime rate is down 46 per cent since 2008, and the 2022-23 budget provides a total investment of more than £3.1 billion in strengthening and reforming Scotland's criminal justice system. Our new vision puts victims at the heart of the justice system, and I am pleased that, with the move to alternative sentencing, there is increased investment of £47.2 million for community justice, which is a crucial part of that transformation.

With the exception of serious offenders—from whom the public must be kept safe—prison simply does not work. No good can come of locking up people who have lost their way in life, often through adverse experiences. We must look towards a humane and rehabilitative system of

justice, and I believe that, finally, we are on the right track for that with our new vision for justice.

16:06

Maggie Chapman (North East Scotland) (Green): The way that we experience crime is a product of inequality and imbalances of power, of social and economic pressures, and of assumptions and intersecting injustices. It is clear from the evidence and data that have been collected by the various parts of our justice system, and from extensive research both here and elsewhere, that bringing someone into the criminal justice system—even if that does not result in a caution, in a charge being brought or in a conviction—makes it much more likely that that person will be sucked further into the system, with negative consequences for them and, very likely, for their family and the wider community.

That is why I firmly believe, and am pleased to see it stated in the Scottish Government's motion, that tackling crime must be a trauma-informed whole-government mission, and that it must be rooted in human rights. We cannot deal with crime through the justice system alone. With the new vision for justice, I hope that we can develop and sustain cross-departmental working that enables a renewed focus on areas such as youth work, community development and support for new parents. The police should not be used as a replacement for skilled and experienced youth workers or community workers, yet that is so often what happens, and it sucks people into a system that is dehumanising and deeply damaging. Of course, we also need to address that issue of the system, and I will come to that shortly.

Evidence also shows that there are significant generational and intergenerational relationships in criminal behaviour, which calls on us to think much more holistically about prevention. As part of our work towards the new just and caring Scotland that we want, we must provide appropriate non-siloed support for so-called “troubled families”, which would also result in health and social care benefits for those families.

The whole-government approach should not be focused only on prevention and early intervention. We must ensure that we support appropriately the people who come out of the system. So often, prisoners are released into homelessness, and that just perpetuates injustice.

I turn to our prison system. We need to be clearer in making the distinction between punishment and public safety. Prison tries to do both those things, but that is not always appropriate. We must act to reduce the numbers of non-violent prisoners, but we must also explore a different kind of public safety approach for

dangerous people. It is right that dangerous people are kept away from the public, but that does not mean that the framework should be one of punishment. Indefinite sentences are not good. Post-punishment, there needs to be an alternative.

We also need urgent action to address the level of people who are on remand. We need to ask ourselves serious questions as to why remand numbers are so high if prison numbers are falling.

We need a complete transformation of our prison system. Improving the prison estate is all very well, and is important in ensuring that the human rights of those who are incarcerated are secured, but a serious effort is needed to tackle the culture of bullying, violence, self-harm and suicide that we know exists and that damages prisoners and prison staff. Radical culture change is necessary, and prisoners and staff must be included in that process.

In the same way that tackling crime must be a whole-government mission that involves working across departmental silos and with public and third sector agencies, so must the offer that we provide victims, survivors and witnesses of crime seek to address not only issues of support, communication and compensation, but those of restoration, reconciliation and healing. Our current processes do not often achieve that.

We have a responsibility to ensure that there is meaningful engagement with and support for victims, survivors and witnesses—perhaps especially women and children. We have much work to do to ensure that their voices are heard, and that they have the support, information and involvement in processes that allow them to be free from fear and hopelessness.

There is much more that I want to say about the different elements in the vision, including violence against women and Lady Dorrian's recommendations, the proposed victims commissioner and Covid recovery, as well as the absence from it of civil justice, which Pauline McNeill noted. There is so much more in the vision to talk about.

I end with a plea for collaboration and engagement. Over the coming months, as we develop delivery and implementation plans for the strategy, we also need to involve wider society. The profound culture change that underpins the vision needs citizen discussion and engagement.

I look forward to working with the cabinet secretary and others across the chamber and beyond to create and develop spaces that combine expert and public understanding of the issues, which will enhance support for transformational change. We need to find ways to provide richer information to our citizens, catalysing conversations with people from all

walks of life and garnering their contributions to inform the radically different state structures that we need to implement.

Radical reform, perhaps particularly in justice, is often viewed with suspicion and distrust, but that need not be the only story. A better justice system means a safer society for us all, and direct citizen engagement can help to make that a reality.

The Deputy Presiding Officer: I call Fulton MacGregor, who joins us remotely, to be followed by Sharon Dowey.

16:12

Fulton MacGregor (Coatbridge and Chryston) (SNP): It is a pleasure to speak in the debate as a member of the Criminal Justice Committee and a former criminal justice social worker. It is clear to me that the Scottish Government's new vision for justice will equip us with the ability to transform Scotland's justice system into one that is fair, that can be held accountable and that meets the needs of the people of our country.

As others have said, one of our main focuses is improving the experience of victims in the criminal justice system. As we have heard, the Criminal Justice Committee has been working on that for some time through various means. We remain committed to ensuring that our justice system considers the needs of victims at all times through a trauma-informed response that promises to consider the voices of victims, and to building a new framework that will help victims in a compassionate manner.

I welcome the proposed appointment of a victims commissioner, who will give victims an independent voice. I am particularly passionate about the needs of children who experience crime, and I am glad that we are taking a specialised approach, so that the trauma that children experience will be treated head on. The fact that £4 million has been dedicated for victims services, measures to tackle violence against women and girls, and support for the justice system to respond to victims' needs shows our dedication in that area.

I am particularly pleased about the steps that are being taken to ease trauma for children and vulnerable witnesses in our justice system. The formation of a bairn's house—or children's house—is one such approach that would be radical for these islands, and it builds on evidence from our Nordic and Scandinavian neighbours. I was fortunate enough to be on the Justice Committee in session 5, which went to Norway to see a bairn's house in action. It really is something. That would be a transformative

approach to how our justice system deals with children, young people and vulnerable witnesses.

Another aspect that I am pleased about is the recognition of the strong case that has been made for the abolition of the not proven verdict. The consultation on the verdict was opened on Monday 13 December last year and seeks to capture the views of a broad range of stakeholders, including legal professionals, the third sector and those who have lived experience of the system. Our three-verdicts system is unique, as we have heard, which is why gathering opinions from the public, as well as the legal sector, the third sector and those with direct experience of the justice system, will give us an overall idea of how to proceed. The consultation will run until 11 March this year and, as I have done before, I encourage any of my constituents who are listening and have an opinion to take part, please.

The £3.1 billion that we are investing in 2022-23 is incredible; that is exactly the level of funding that is needed to provide reforms, while ensuring that the system bounces back from the Covid pandemic. A 7 per cent increase in funding shows that we recognise the vital role that the justice sector plays in our society. That is why I have every faith in our SNP Government. We are delivering for justice. The fact that crime has gone down by 46 per cent since 2008-09 is testament to that.

As members know, I am a strong advocate for the presumption against short-term sentences, which has meant greater uptake of community sentences. Community sentences are a proven way of rehabilitating offenders and people who are involved in offending, and they offer the chance of rehabilitation in the community. The reduction in the use of short sentences is a positive step forward for the Scottish Government, as it has been shown that people who are given a custodial sentence of one year or less are reconvicted nearly twice as often as people who are given community payback orders.

The recent announcement of more investment in our criminal justice social work services was welcome. I hope that there will be a focus on enabling more joined-up working between agencies that are involved in community payback orders.

I want to end by giving a shout-out to my former colleagues in the criminal justice social work sector. They work day in and day out with people on community payback orders, helping them to change their behaviour and make reparation to victims and communities, often with great success that we do not hear about.

Criminal justice social workers might also work on domestic abuse programmes such as the Caledonian programme. In this Parliament, we talk a lot about domestic abuse, and rightly so. We have introduced radical legislation to do with prosecuting offenders in domestic abuse cases. However, we do not talk as much about the people who work with those who commit domestic abuse and their success in getting those men—it is mainly men—to change their behaviour, so I want to give them a shout-out, too.

Criminal justice social workers deal with many other aspects, such as poverty, deprivation, youth work and much more.

As, I am sure, you can imagine, Presiding Officer, I fully support the motion.

16:16

Sharon Dowe (South Scotland) (Con): We have heard a great deal from members about the challenges that Scotland's justice system faces, from backlogs in the courts to the rampant drug use and violence in Scottish prisons. It is clear that members all around the chamber think that improvements are needed.

At first sight, I welcomed the new strategy on the vision for justice in Scotland. I hoped that it would be full of exciting ideas, plans and reforms that would tackle Scotland's crime problem, put more bobbies back on the beat, deliver justice to victims and ensure that criminals receive the time that they deserve. However, I found lots of warm words but not much substance in the document. There is much in the document on which I could comment, but I am aware of the time, so I will focus on the police.

Our police have done an admirable job during the pandemic. They were called on to go above and beyond the call of duty. Police Scotland officers—and indeed all emergency service workers—weathered the challenges that were thrown in their faces with patience and compassion but often at great cost to their mental health.

The police deserve and have the support of the Scottish Conservatives, but they need it from the Scottish Government, too. Let us consider equipment, for example. The police have been calling for body-worn cameras for months. Cameras would have been really useful during the height of the pandemic, but when Police Scotland asked for 10,000 devices, it received only 311. Given that assaults on police staff increased by 6.3 per cent last year, with a staggering 6,942 attacks recorded—including spitting attacks by people with Covid—we might assume that cameras would have been a top priority for the Government, but as far as I know, the police are

yet to take possession of the full number. If the minister wants to correct me on that in her closing speech, that is fine.

Processing the footage from cameras requires decent information technology infrastructure, but the police lack decent IT. The Association of Scottish Police Superintendents went as far as to say that police information and communications technology systems are

“largely not fit for purpose”.

Given the increase in cybercrime, outdated computers are the last thing that we need.

Things get worse when we look at the force's fleet of vehicles. The Scottish Police Federation has said that Police Scotland's fleet is ageing, with more than half the vehicles more than five years old and with 150,000 miles on the clock. Only last week, newspapers reported that Police Scotland is using vehicles that date back to the 1980s, with one car turning 33 this year and more than 500 vehicles in their 10th year of service. While Scottish criminals are driving Porsches and Lamborghinis, our police are being sent out to do their job in cars that date from the fall of the Berlin wall.

It is not just the IT systems and the vehicles that are ageing; the police estate is ageing, too. There is mould on the carpets, and there are buildings that are not windtight or watertight. They have sections that are mothballed because they are in such a decrepit state. It has got so bad that a quarter of Scottish police buildings are now rated as being in poor condition. That is the reality that our police officers have to deal with on a daily basis, and that is not to mention members of the public who deal with them. No wonder the police are asking for £85.7 million in capital funding from the Scottish Government. However, they were left disappointed, as they have received only £53.7 million.

Keith Brown: Sharon Dowe has not yet mentioned whether the police deserved a pay rise. The police in Scotland got that, but elsewhere they did not. In the budget that the Tories will propose, how much more should go to policing? Where will that money come from?

Sharon Dowe: There is a lot of wasted money. We could save money if we were not wasting money on ferries and £700,000 on civil servants looking at the independence referendum. Malicious prosecutions have already been mentioned. There is money that we could put towards the police.

That is before we include the £218 million budget shortfall in the police's five-year strategic plan. To add insult to injury, Police Scotland received only a £2.5 million increase in capital

funding from the Scottish Government last year. Even that was only as a consequence of UK-wide police reform. Given those numbers, it is little surprise that, in the Criminal Justice Committee pre-budget scrutiny consultation, the Scottish Police Federation said:

“The police service remains ...chronically underfunded”.

Perhaps the greatest problem overall is the issue of front-line police officers, who are overworked, overstretched and underfunded. Whichever way the SNP tries to spin it, it is a fact that the number of police officers in Scotland has fallen to its lowest point since 2009. Twelve out of 13 local police divisions have seen their officer numbers cut since Police Scotland was formed, and nearly 650 fewer local police officers are on the streets or responding to calls. Meanwhile, crimes such as sexual assault are on the increase.

The Scottish Government has a choice to make. Should it support our hard-working police officers and provide them with the funding and equipment that they need, or should it continue to make more unreasonable demands of them and rob Peter to pay Paul, as one policeman put it?

Rona Mackay: Will the member take an intervention?

Sharon Dowey: No. I am sorry. I am just about to finish.

The new justice strategy was a chance to tackle crime at source, set out a plan for fair police funding and reset relations between the Scottish Government and the force. Sadly, there is little in the document that will be of comfort to the police officers out in the streets tonight trying to keep us safe.

16:23

Liam McArthur: I started by exhibiting offending behaviour towards Jamie Greene and his amendment. Let me rectify that by commending Mr Greene and, indeed, his Criminal Justice Committee colleagues for an excellent piece of work. The analysis that is put forward in the report and the evidence that the committee heard covered a wide-ranging selection of issues. I very much enjoyed my time on the Justice Committee in the previous parliamentary session. Although it is clear that some of the issues have moved on, the Criminal Justice Committee covered a lot of familiar territory, and I wish Audrey Nicoll and her colleagues well in taking forward that work.

There is familiar territory, and it is fair to say that progress in some areas has been either glacially slow or non-existent. There is a difficulty for the Scottish Government in having built up a bit of a reputation for announcing and retreating—or, as

Audit Scotland points out from time to time, a mismatch between rhetoric and delivery. Nevertheless, it would be unfair to disregard the progress that has been made in a number of significant and important areas.

Members across the chamber have acknowledged that domestic abuse is a core focus of the work that the Parliament needs to do. Progress was made in the previous session of Parliament, particularly in relation to the provisions in the Domestic Abuse (Scotland) Act 2018 around coercive and controlling behaviour. Important steps forward were also made in relation to the prosecutorial services and the concentration of expertise to ensure that cases that came to the Crown Office and Procurator Fiscal Service were dealt with as professionally as possible. That goes some way towards explaining the level of convictions that we have seen in recent times, reflecting not necessarily an upsurge in the number of cases but the ability of our justice system to reflect what is happening in society.

That is not to say that there is not more to do: Pauline McNeill and others have talked about the issues in relation to civil legal aid, and I would certainly support efforts to make progress in those areas. Further, the number of debates that we have had recently on violence against women and girls exemplifies the amount of work that needs to be done in that regard, and the amount of work that needs to be done by men. Nevertheless, I think that progress has been made in that area.

On the debate around the not proven verdict, I echo the sentiments of Rona Mackay. However, as I have done previously, I voice a bit of anxiety about us marching down the route that we went down before on the abolition of corroboration.

Likewise, progress has been made on vulnerable witnesses and on the adoption of the barnahus model, although I want to see the progress of its roll-out to be accelerated.

On electronic monitoring, we avoided the risks in relation to up-tariffing. I think that there is an opportunity to expand that further, and I am interested to see developments in relation to the diversions on bail and away from incarceration at that point.

In passing, I support Colette Stevenson's call for an end to release from prison on Fridays, given all the problems that arise as a result of that.

I am pleased to see the presumption against short sentences in place, as it is something that I and others advocated consistently throughout the previous session. However, the benefits of that approach will be seen only if there is more investment in community measures and if work is done to give the judiciary the confidence that they need to refer to those methods. All the evidence

shows that, in the vast majority of cases, they are a far more effective way of reducing rates of reoffending.

As I touched on in my initial speech, the re-establishment of throughcare and purposeful activity in our prisons is essential. That was the focus of my amendment and of Maggie Chapman's comments.

In a situation in which we are dealing with a prison population that is much higher than prison populations anywhere else in Europe, we have to get serious about prison reform. Nobody could argue that Scots are more genetically predisposed to offending behaviour or to committing crimes than other people, yet our prison population is out of step with that in all other European countries.

Keith Brown: I have a great deal of sympathy with the member's amendment and the proposals that he makes in it. However, we cannot support it today because it would jump ahead of what we are doing with the forthcoming bill on the reform of bail and release from prison arrangements. I am sure that things such as the route map and the milestones that he talks about in relation to throughcare will be covered at that time. That is the only reason why we cannot support the amendment; we are supportive of the sentiments behind it.

Liam McArthur: I thank the cabinet secretary for those sentiments. I am disappointed that the amendment cannot be supported, but I am sure that the issues that it deals with will be the subject of further discussions.

I will finish on the subject of funding. There has been quite a bit of debate about that this afternoon. As I have said before, funding must be increased in relation to community sentences.

In policing, for some time Police Scotland and the Scottish Police Association have been arguing that capital spend in particular is insufficient at the moment. The mend-and-make-do approach is storing up big problems for the future.

We are seeing a similar approach to legal aid, where further crisis is brewing. I point again to the threat of legal deserts in places such as Orkney, which I represent.

On prison reform, as well as bringing down the population, we need to see the roll-out of the women's estate and, as Pauline McNeill suggested, progress needs to be made in relation to Barlinnie, too.

There is common agreement on the vision, although we will have our disagreements. It would be a risk to oversimplify the causes of crime, but it would also be a risk to oversimplify the remedies. Opposition MSPs—and, I would argue, the Government's back-bench members—have a

challenge function. However, let us move away from talk of soft justice and tough justice; we should all be talking about effective justice.

16:29

Katy Clark (West Scotland) (Lab): I welcome the debate and the strong contributions from all sides. I also warmly welcome the Government's motion. Like others, I suspect, I have not had the chance to read in detail all the documents that were published today, but I welcome the direction of travel that is outlined in the new vision for justice. It shows how far we have come that there is a consensus that services should be person centred and trauma informed, with a focus on prevention, early intervention and making communities safer.

However, it is important to debate the gap between the policy and aspirations set out by the Government and the reality on the ground, which a number of members referred to. It would be interesting to hear from the Government why it has not always been possible to deliver the types of changes that were outlined in previous policy documents, what the pressures are and what resistance to change there is. That is helpful for the Parliament in ensuring the delivery of what we discuss in the chamber.

It is clearly a matter of consensus not only that the pandemic has exacerbated long-standing problems but that the justice system needs significant reform. Some of the practices that have been developed during the pandemic, such as the use of virtual courts, might help to bring about some of the changes that are needed. No doubt we will debate that in great detail over the coming months.

Many of the challenges in the legal system are clearly a result of underfunding, but they are also a result of changes in society, an increase in the reporting of certain crimes—such as sexual offences, which include large numbers of historical cases—and, sometimes, a failure to deliver on Government policy.

Currently, 27 per cent of the prison population in Scotland is on remand. That is one of the highest figures in Europe. Scotland's use of remand is historically high and compares unfavourably with other countries. For example, in England, it is 15 per cent; in Spain, it is 16 per cent; and in Germany, it is 20 per cent.

Liam McArthur spoke in some detail about the high level of prison use overall in Scotland. That is a significant challenge and a cultural issue that we need to address. We need to consider why we have so many people in jail in Scotland who, in other countries, would be dealt with in another way. It is difficult to justify such large numbers of

people being in custody for offences of which they have not been convicted and might never be convicted. In many cases, they will either be acquitted or get a non-custodial sentence at the end of their period on remand.

Those are long-term challenges. We have a crisis in the number of people who are on remand, but we must understand that judges feel that they have little option but to use remand in certain situations, given the pressures on them and the fear that the accused will not attend court. However, the fact that remand is used to such an extent is causing massive problems for an ageing, overcrowded and ill-equipped prison service.

The huge number of people in prison in Scotland need to be addressed. It is not a simple issue and I do not suggest that it is an easy challenge to tackle, but the Scottish Government and all of us need to grapple with it. There are situations in which prison is the only option but, as the cabinet secretary said, community-based disposals are often highly effective—more effective than prison sentences—and better at preventing reoffending.

Another significant concern is the number of women who are in prison in Scotland. That number has also risen in recent decades, again despite a political consensus that prison is often the wrong disposal for women offenders.

Scotland has one of the largest female prison populations in northern Europe, with usually about 400 women in prison—about 315 are sentenced prisoners and 85 are on remand. It is estimated that about 65 per cent of those women are mothers.

New community justice legislation was enacted in 2016. I was not an MSP at that time, so I was not involved in the debates about that legislation, which is one of the actions that the Parliament has taken to shift sentences from prison to community service and other community-based disposals. However, the proportion who received a community sentence fell from 59 per cent in 2016-17 to 55 per cent in 2018-19, before rising back to the original 59 per cent in 2019-20. It would be interesting to look at previous initiatives that the Government has taken to deal with the challenges that we face from the large prison population and at why those initiatives have not been as effective as the Parliament would have hoped.

The debate raises serious challenges for all of us. I look forward to hearing the Government's response to members. Labour will support the Government motion and the Liberal Democrat amendment at decision time.

16:36

Russell Findlay (West Scotland) (Con): Justice is a subject that is close to my heart. Not only did I spend many years reporting on some of the most extreme and appalling crimes in Scotland, but I have been the victim of a targeted violent attack on my doorstep. My journalistic experience and that horrific attack have given me useful insight into Scotland's criminal justice system. That is enhanced by representing victims of crime as an MSP and being married to a front-line police officer, which serves as a daily reminder about the reality and the dangers of what happens on our streets.

Earlier in the debate, the Minister for Community Safety attempted to engage me in a private conversation about police numbers. There is lots of spin, claim and counterclaim, but it is worth putting it on the record, as my colleague Sharon Dowe did, that police numbers are at their lowest since 2009.

My colleague Jamie Greene eloquently articulated many of my party's concerns about the SNP Government motion. I agree with his observation that, although the Government talks a good game about justice and victims, those lofty words are rarely matched by meaningful actions.

Last night, I read the Scottish Government's newly published and grandly titled document "The Vision for Justice in Scotland", on which the debate is based. It certainly looks the part—there is the arty abstract cover, which includes a saltire of course, and it is packed with statistics and graphics.

I will read a brief excerpt:

"Achieving our vision requires a fundamental change. Iterative reforms and changes to our existing structures and processes will not take us far enough on the journey. We must transform our justice services, ensuring services are designed for and by those who need them.

Our justice services will be for you, with you at heart."

I mean, seriously—come on, who writes this stuff? It sounds like the marketing spiel of a Tenerife timeshare salesman. I often disagree with the Cabinet Secretary for Justice, but I do not think that he is guilty of this crime of jargon.

One of the document's most striking aspects is the blurring of lines between criminals and their victims. No distinction is made between those who fall victim to crime and those who perpetrate it—they are all lumped together as equal participants in the justice system.

Since becoming an MSP, I have begun to appreciate how dominant that thinking has become. A lobby of middle-class professionals would have us believe that all thugs, thieves, sex offenders and other crooks are simply

misunderstood. In the world of such professionals, criminals are victims, and victims are of little interest. They believe that every criminal is a by-product of life experience, which has some truth, but only up to a point.

Rona Mackay: Will the member take an intervention?

Russell Findlay: I will plough on, thank you.

Personal responsibility seems to be an alien concept. That attitude risks making excuses for criminal behaviour and is offensive to those who did not get a good start in life but do not resort to crime.

Katy Clark: Will the member take an intervention?

Russell Findlay: I have to make some headway.

The report further states that

“people are the experts in their own lives”

and that

“People will be treated with empathy and kindness and provided with the support they need to thrive.”

You would not know it, but the people whom the report is talking about there are criminals: those who inflict misery and fear on our communities. I am all for rehabilitation, but has the balance shifted too far? In 36 pages, the word “criminals” does not feature once; in 36 pages, there is one reference to “punishment”; and in 36 pages, there is not a single mention of organised crime—not one. Yet we know that Scotland is infested with more than 100 high-level criminal gangs, most of which are based in the region that I represent. Most of them have access to firearms and deal in drugs, and many deal in the trafficking of broken and desperate people.

An estimated 2,500 criminals flood our streets with their pills and powders, and their dirty money is laundered through front businesses, creating a vast parallel economy. Last year, an organised-crime terror campaign forced a politician to flee his home and quit his job. We should remember that in 2020, a record 1,339 Scots were killed by drugs, yet those parasitical gangs do not merit a single mention in the document. It is called a vision for justice, but it is in fact completely blind to the misery that is caused by crime.

Another historical blind spot in the Scottish justice system has been its scandalous failing of victims of gender-based violence. Eleven years ago, Denise Clair was raped by two men, and she has never received a satisfactory explanation for why they were not prosecuted. To be frank, the case stinks. With immense bravery and

determination, Denise waived her anonymity and was forced to seek justice in the civil courts.

Since then, as Pauline McNeill and Rona Mackay mentioned, at least two other rape victims, Ms AB and Miss M, have had to take the same do-it-yourself route, and I commend each of them. Despite all the SNP rhetoric and hand-wringing, and weighty reports such as the vision for justice, victims of rape are still being betrayed every single day. For almost 15 years, this Government has been in charge of our justice system. It has spent more than a decade talking about the not proven verdict, which is used disproportionately in rape cases, but—as with so much else—it lacks the gumption to take action.

My party has put forward proposals for a victims bill, which would truly put victims at the heart of the justice system. It would scrap the not proven verdict and ensure that all crime victims like Denise are told why their cases have been dropped. I see that, according to the document, the Scottish Government does not intend to introduce any dedicated victims bill, so I hope that it will back our proposal instead, but that is for another day.

Jamie Greene’s amendment is common sense, and I am confident that most people across Scotland would agree. I therefore whole-heartedly urge members to support it today. As much as my party agrees with much of the Labour and Lib Dem amendments, we cannot support them, as they would simply add to, but not amend, the Scottish Government motion, which we do not support.

16:43

The Minister for Community Safety (Ash Regan): Today has been an opportunity to get up to the strategic level and debate the future direction of justice in Scotland because, after all, our choice of direction reflects us and reveals who we are as a society and what we believe in and value. Labour and the Liberal Democrats have engaged constructively with the discussion. The Conservatives, however—probably quite predictably—passed up on the opportunity, which reveals their lack of engagement with the substance of the debate that we are trying to have in the Parliament about the future of justice. Liam McArthur summed it up when he said the Conservatives were not making a contribution to the debate.

Jamie Greene: I am holding up a copy of my amendment—it is quite lengthy, and there is a lot of substance in there. Which bit of it does the minister disagree with? Which bit of putting victims at the heart of the justice system does she disagree with?

Ash Regan: I do not disagree with that at all. We absolutely want to have victims at the heart of our justice system, and we are making an immense contribution to making that so in all the work that we do. If the member read “The Vision for Justice”, he would see that that comes through in the whole document—it is an integral part of it.

I do not accept the Conservatives’ suggestion that the Government’s focus on rehabilitation and shifting the balance towards greater use of community-based justice poses a risk to safety, because victims’ safety and public protection have always been, and will always be, at the heart of any policy that the Government implements.

If we take a step back and think about it, if we want to make transformational change—and there is support for that, from what I am hearing—we must move towards a smart justice approach that is compassionate and includes evidence-based approaches that we know work to reduce reoffending. That is the way in which we will address those issues.

With a few exceptions, the debate was useful and there were some good speeches. I note Collette Stevenson’s contribution about the police. Audrey Nicoll’s metaphor about falling off the cliff and finding the ambulance has stayed with me, and I note Rona Mackay’s emphasis on women’s justice. In the time that I have, I will address as much as possible of what was raised in the debate. Pauline McNeill raised the issue of access to justice and rape convictions, which was also a focus of some other contributions. She mentioned the testimony of many survivors and campaigners, such as Miss M. I have also met Miss M and I listened carefully to what she had to say. I thought that she was very compelling in pursuing her goal.

I reiterate that the Government is committed to driving progress in that area.

Pauline McNeill: Will the minister take an intervention?

Ash Regan: I am probably about to answer the question that the member will ask.

We have reforms planned in a number of areas, including the management of sexual offences. Lady Dorrian’s review suggests a number of proposals for modernisation, with which we are moving forward. If that does not answer the member’s question, I will give way.

Pauline McNeill: Given that we have heard the testimony of women victims who said that they felt like criminals, will the Government give any thought to what reforms of the system could address that issue? I am not convinced that the victims commissioner is the answer. Will the Government give some thought to how we deal with that point?

Ash Regan: I will give that some further thought and come back to the member.

Remand was rightly mentioned by a number of members, including Jamie Greene, Pauline McNeill and Liam McArthur, and we recognise that it is an area in which change is urgently needed. We have consulted on reforms in that regard, and we intend to introduce legislation before summer recess. We have also increased funding for alternatives to remand.

Pauline McNeill and Liam McArthur asked about electronic monitoring. Over the coming months, we plan to extend the availability of electronic monitoring, which will be used as part of bail conditions, community payback orders and conditions for temporary release from prison.

Rona Mackay spoke about improving women’s experience of justice, which is really important, and the Government is committed to taking action to do that. I am determined that, in my role, I will strive to drive forward as much action on the matter as possible. The time to act is now, so I am pleased to be leading new work to develop a strategic approach to women in the justice system.

Last month, I held the first meeting of the women’s justice leadership panel. The panel brings together expert women from all aspects of the justice system to discuss the experience and the unique needs of women, and what that means for the criminal justice process. We know that, often, the system has not been designed with women in mind, and the panel is tasked with examining that further.

The work builds on a call for evidence that the Scottish Government commissioned at the end of last year. The evidence from the call found that women were more likely to experience victimisation and trauma, hold primary caring responsibilities and carry the weight of others’ imprisonment. It also raised key areas of interest, such as the lag between policy and practice, the blurred line between victimisation and offender status, stereotypes and biases in the justice system, and intersectionality. The work will be dedicated to exploring those themes in more detail in order to create a better understanding of the impacts on women and build the case for fundamental system change to better reflect their needs. Outputs from the panel will inform and complement the work that is being progressed under our justice vision.

I will move on briefly to legal aid. I refute Jamie Greene’s characterisation of the Government’s action in that area. We will be introducing a bill on legal aid to create a system that is flexible, is easy to access and meets the needs of those who use it, which is really important. I engage regularly with representatives of the legal aid profession, to

listen to all the concerns that are raised. The latest legal aid fee rise of 5 per cent will be in place shortly.

Setting out a vision is beneficial, because we need to know what our aspirations are, what our goals are, and where we as a country are trying to go and why. Moving forward as a country on some of the key issues in justice is bold. Incremental changes can be good, but the time is right for—and I believe that we have heard from Parliament today that there is support for—transformation and boldness in how we look again at some of our key challenges and how we go about addressing them.

Our vision for the justice system is for more effective justice, and for a system that is trauma informed and person centred.

Committee Announcement (Made Affirmative Procedure)

The Presiding Officer (Alison Johnstone):

The next item of business is an announcement by the Delegated Powers and Law Reform Committee, on an inquiry into the use of the made affirmative procedure during the coronavirus pandemic. I call Stuart McMillan, convener of the committee, to make the announcement.

16:51

Stuart McMillan (Greenock and Inverclyde) (SNP): Last November, I spoke in the chamber to highlight the Delegated Powers and Law Reform Committee's inquiry into the use of the made affirmative procedure during the pandemic. Today, the committee finalised its report, which will be published this week.

As members know, many of the public health measures that have been brought in to try to protect the people of Scotland from the full impact of the coronavirus were made using secondary legislation. The majority of those measures have been brought into law using the made affirmative procedure, which allows the Scottish Government to bring changes into force immediately. Although Parliament needs to approve the changes within 28 days for the regulations to stay in force, the law will often have been altered weeks before it does that.

Prior to the pandemic, use of the made affirmative procedure for laying Scottish statutory instruments was relatively rare, with perhaps one being laid a year. Since March 2020, we have considered more than 140.

As I said last November, the committee has recognised that the use of the procedure has allowed the Government to respond quickly to challenges presented by the coronavirus. However, the purpose of the inquiry was to ensure that there is an appropriate balance between flexibility for the Government in responding to an emergency and appropriate parliamentary scrutiny and oversight.

Although I cannot yet go into specifics of the committee's report, the recommendations will help form the basis of the committee's—and, I hope, the Parliament's—future scrutiny of both made affirmative instruments and proposed primary legislation that includes powers to lay such instruments. That will help to ensure that the made affirmative procedure continues to be used appropriately and only when necessary.

The report will be published on Thursday, and there will be an opportunity for all members to discuss its recommendations in our committee

debate in the chamber on Tuesday 22 February. I look forward to hearing from colleagues then.

Business Motion

16:53

The Presiding Officer (Alison Johnstone):

The next item of business is consideration of business motion S6M-03133, in the name of George Adam, on behalf of the Parliamentary Bureau, setting out revisions to this week's business.

Motion moved,

That the Parliament agrees to the following revision to the programme of business for Wednesday 9 February 2022—

delete

followed by Scottish Government Debate: Nationality and Borders Bill (UK Legislation)

and insert

followed by Ministerial Statement: ScotRail – A New Beginning

after

followed by Scottish Parliamentary Corporate Body Motion: Members' Expenses Scheme

insert

followed by Standards, Procedures and Public Appointments Committee Debate: Standing Orders.—[George Adam]

Motion agreed to.

The Presiding Officer: I am minded to accept a motion without notice, under rule 11.2.4 of standing orders, that decision time be brought forward to now.

Motion moved,

That, under Rule 11.2.4 of Standing Orders, Decision Time be brought forward to 4.54 pm.—[George Adam]

Motion agreed to.

Decision Time

16:54

The Presiding Officer (Alison Johnstone):

There are four questions to be put as a result of today's business. The first question is, that amendment S6M-03098.3, in the name of Jamie Greene, which seeks to amend motion S6M-03098, in the name of Keith Brown, on a new vision for justice, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

There will be a short suspension to allow members to access the digital voting system.

16:55

Meeting suspended.

17:01

On resuming—

The Presiding Officer: The question is, that amendment S6M-03098.3, in the name of Jamie Greene, which seeks to amend motion S6M-03098, in the name of Keith Brown, on a new vision for justice, be agreed to. Members should cast their votes now.

The vote is now closed.

For

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Dowey, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 Ross, Douglas (Highlands and Islands) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 O'Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (SNP)

Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division on amendment S6M-03098.3, in the name of Jamie Greene, which seeks to amend motion S6M-03098, in the name of Keith Brown, on a new vision for justice, is: For 29, Against 93, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The next question is, that amendment S6M-03098.1, in the name of Pauline McNeill, which seeks to amend motion S6M-03098, in the name of Keith Brown, on a new vision for justice, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

The vote is now closed.

For

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foyso (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)

Duncan-Glancy, Pam (Glasgow) (Lab)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 O'Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sweeney, Paul (Glasgow) (Lab)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Dowey, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 Ross, Douglas (Highlands and Islands) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

The Presiding Officer: The result of the division on amendment S6M-03098.1, in the name of Pauline McNeill, which seeks to amend motion S6M-03098, in the name of Keith Brown, on a new vision for justice, is: For 93, Against 29, Abstentions 0.

Amendment agreed to.

The Presiding Officer: The next question is, that amendment S6M-03098.2, in the name of Liam McArthur, which seeks to amend motion S6M-03098, in the name of Keith Brown, on a new vision for justice, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

The vote is now closed.

For

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Choudhury, Foyso (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Griffin, Mark (Central Scotland) (Lab)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Marra, Michael (North East Scotland) (Lab)
 McArthur, Liam (Orkney Islands) (LD)
 McNeill, Pauline (Glasgow) (Lab)
 Mochan, Carol (South Scotland) (Lab)
 O'Kane, Paul (West Scotland) (Lab)

Rennie, Willie (North East Fife) (LD)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Sarwar, Anas (Glasgow) (Lab)
 Smyth, Colin (South Scotland) (Lab)
 Sweeney, Paul (Glasgow) (Lab)
 Villalba, Mercedes (North East Scotland) (Lab)
 Whitfield, Martin (South Scotland) (Lab)
 Wishart, Beatrice (Shetland Islands) (LD)

Against

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Balfour, Jeremy (Lothian) (Con)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Briggs, Miles (Lothian) (Con)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Maggie (North East Scotland) (Green)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dowey, Sharon (South Scotland) (Con)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 Findlay, Russell (West Scotland) (Con)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greene, Jamie (West Scotland) (Con)
 Greer, Ross (West Scotland) (Green)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hoy, Craig (South Scotland) (Con)
 Hyslop, Fiona (Linlithgow) (SNP)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Lochhead, Richard (Moray) (SNP)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)

Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 Minto, Jenni (Argyll and Bute) (SNP)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Ross, Douglas (Highlands and Islands) (Con)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Simpson, Graham (Central Scotland) (Con)
 Slater, Lorna (Lothian) (Green)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Whittle, Brian (South Scotland) (Con)
 Yousaf, Humza (Glasgow Pollok) (SNP)

The Presiding Officer: The result of the division on amendment S6M-03098.2, in the name of Liam McArthur, which seeks to amend motion S6M-03098, in the name of Keith Brown, on a new vision for justice, is: For 25, Against 97, Abstentions 0.

Amendment disagreed to.

The Presiding Officer: The final question is, that motion S6M-03098, in the name of Keith Brown, on a new vision for justice, as amended, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adam, Karen (Banffshire and Buchan Coast) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Bibby, Neil (West Scotland) (Lab)
 Boyack, Sarah (Lothian) (Lab)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Brown, Siobhian (Ayr) (SNP)
 Burgess, Ariane (Highlands and Islands) (Green)

Callaghan, Stephanie (Uddingston and Bellshill) (SNP)
 Chapman, Maggie (North East Scotland) (Green)
 Choudhury, Foysol (Lothian) (Lab)
 Clark, Katy (West Scotland) (Lab)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Don, Natalie (Renfrewshire North and West) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Dunbar, Jackie (Aberdeen Donside) (SNP)
 Duncan-Glancy, Pam (Glasgow) (Lab)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Gougeon, Mairi (Angus North and Mearns) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Neil (Airdrie and Shotts) (SNP)
 Greer, Ross (West Scotland) (Green)
 Griffin, Mark (Central Scotland) (Lab)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnson, Daniel (Edinburgh Southern) (Lab)
 Kidd, Bill (Glasgow Anniesland) (SNP)
 Leonard, Richard (Central Scotland) (Lab)
 Lochhead, Richard (Moray) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Gillian (Central Scotland) (Green)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Marra, Michael (North East Scotland) (Lab)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAllan, Màiri (Clydesdale) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McKee, Ivan (Glasgow Provan) (SNP)
 McLennan, Paul (East Lothian) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 McNair, Marie (Clydebank and Milngavie) (SNP)
 McNeill, Pauline (Glasgow) (Lab)
 Minto, Jenni (Argyll and Bute) (SNP)
 Mochan, Carol (South Scotland) (Lab)
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)
 O'Kane, Paul (West Scotland) (Lab)
 Regan, Ash (Edinburgh Eastern) (SNP)
 Rennie, Willie (North East Fife) (LD)
 Robertson, Angus (Edinburgh Central) (SNP)
 Robison, Shona (Dundee City East) (SNP)
 Roddick, Emma (Highlands and Islands) (SNP)
 Rowley, Alex (Mid Scotland and Fife) (Lab)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Sarwar, Anas (Glasgow) (Lab)
 Slater, Lorna (Lothian) (Green)
 Smyth, Colin (South Scotland) (Lab)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Collette (East Kilbride) (SNP)
 Stewart, Kaukab (Glasgow Kelvin) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)

Sweeney, Paul (Glasgow) (Lab)
 Thomson, Michelle (Falkirk East) (SNP)
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)
 Torrance, David (Kirkcaldy) (SNP)
 Tweed, Evelyn (Stirling) (SNP)
 Villalba, Mercedes (North East Scotland) (Lab)
 Whitfield, Martin (South Scotland) (Lab)
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)
 Wishart, Beatrice (Shetland Islands) (LD)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Balfour, Jeremy (Lothian) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carlaw, Jackson (Eastwood) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Dowey, Sharon (South Scotland) (Con)
 Findlay, Russell (West Scotland) (Con)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Gallacher, Meghan (Central Scotland) (Con)
 Golden, Maurice (North East Scotland) (Con)
 Gosal, Pam (West Scotland) (Con)
 Greene, Jamie (West Scotland) (Con)
 Gulhane, Sandesh (Glasgow) (Con)
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)
 Hoy, Craig (South Scotland) (Con)
 Halcro Johnston, Jamie (Highlands and Islands) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Kerr, Stephen (Central Scotland) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Lumsden, Douglas (North East Scotland) (Con)
 Ross, Douglas (Highlands and Islands) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Webber, Sue (Lothian) (Con)
 Wells, Annie (Glasgow) (Con)
 White, Tess (North East Scotland) (Con)
 Whittle, Brian (South Scotland) (Con)

The Presiding Officer: The result of the division on motion S6M-03098, in the name of Keith Brown, on a new vision for justice, as amended, is: For 93, Against 29, Abstentions 0.

Motion, as amended, agreed to,

That the Parliament recognises that the new Vision for Justice enables a programme of work to transform the justice system to ensure that services are person centred and trauma informed; further recognises the need to work across public services, taking a whole-government approach, to improve outcomes for individuals and focus on prevention and early intervention, and making communities safer; acknowledges that there must be urgent action to improve the experiences of women and children and ensure that the voices of victims and survivors are heard and acted upon; acknowledges that, to address the causes of crime, any action must tackle socio-economic inequalities such as gender inequality, child poverty, mental ill health and addictions, and support individuals at the earliest opportunity to improve their life chances and reduce offending and reoffending; acknowledges that, while there will always be a place for restricting people's liberty in society, there must be a safe and secure environment for those in custody, as well as those who work in prisons, and that the balance should be shifted to ensure that the role of custody is used only when no alternative is appropriate,

making greater use of alternative options in communities; understands that Scotland's prisons have been characterised by overcrowding; notes that 27% of the Scottish prison population are remand prisoners, and that this highlights the need for reform; believes that conditions in prisons must be improved for both prisoners and staff; considers that offering robust and credible alternatives to custody will be a key part of the solution; regrets that women and children continue to be disproportionately impacted by court delays, and considers that clearing the court backlog, which currently stands at over 40,000 cases, and improving support for victims should be among the Scottish Government's highest priorities for the justice system.

The Presiding Officer: That concludes decision time.

The BBC (Funding)

The Deputy Presiding Officer (Liam McArthur): The final item of business is a members' business debate on motion S6M-02995, in the name of Alex Cole-Hamilton, on the future of the BBC. The debate will be concluded without any question being put. As ever, I would appreciate it if members who wish to participate could press their request-to-speak buttons now, or as soon as possible, or place an R in the chat function.

Motion debated,

That the Parliament recognises what it sees as the uncertainty around the future funding model of the BBC, following recent UK Government remarks; understands that the people of Edinburgh West value the content and output of the Corporation, from educational resources to local radio, and what it sees as ground-breaking television production; recognises that the BBC employs over 1,200 people in Scotland, and notes the view that the principle of public service broadcasting should be defended.

17:12

Alex Cole-Hamilton (Edinburgh Western) (LD): It gives me great pleasure to speak to the motion in my name. From David Attenborough to "Doctor Who", from "Strictly Come Dancing" to CBBC and from Radio 1 to Radio Shetland, the BBC is a national institution of unparalleled quality that is respected in the United Kingdom and far beyond our shores for the scope and calibre of its journalism. The corporation was founded in 1922 with the stated aim to

"act in the public interest, serving all audiences through the provision of impartial, high-quality and distinctive output and services which inform, educate and entertain".

The BBC has been respected throughout its history for its content and probity. In the darkest days of Nazi occupation, refugees and resistance fighters across Europe would huddle around radio sets to listen to the voices of hope being broadcast from London. Hitler feared those voices. In the 1980s, images of famine in Ethiopia were first transmitted on the 6 o'clock news, sparking country-wide philanthropy that continues to this day.

It is important to acknowledge what has prompted the debate. The BBC has long been in the crosshairs of people at both ends of the political spectrum. The attacks on its independence and impartiality are commonplace, largely from people who just do not like, or would rather mask, the truth as the BBC finds it.

There is usually a rhythm to those attacks but, last month, while Westminster boiled with scandal and intrigue, seemingly out of the blue, the UK Secretary of State for Digital, Culture, Media and Sport, Nadine Dorries, announced that the BBC's

funding would be frozen for two years while the Government undertook a review into its funding structure. She suggested that the licence fee would be scrapped by 2027. It is abundantly clear that Boris Johnson's latest assault on the BBC is the action of a Government in disarray, trying to dissemble and distract attention away from its transgressions, incompetence and disunity. That is a wholly cynical gambit, and it will be remembered for what it is.

I put on record my respect for and gratitude to Conservative members of this Parliament who have already distanced themselves, and will do so tonight, from both the Prime Minister and his culture secretary. It is no wonder that Boris Johnson wants rid of the BBC—of course he does. He represents exactly the type of entitled politician who feels affronted whenever anyone dares to hold him to account or challenge his version of the truth. His Administration's attempt to undermine the broadcaster demonstrates precisely the purpose that it serves and why we need to protect it.

Nadine Dorries has claimed that freezing the licence fee would help with the soaring cost of living, but it would save families only a little more than £6 per year. That can be contrasted with the Prime Minister's increase to national insurance, which will cost the average worker an extra £225 per year. The UK Government must think that we button up the back.

Let us be clear: without the licence fee, the BBC would be hobbled in its ability to produce fair, unbiased and challenging content, free from the interference of advertisers, shareholders and political interests. Removing public funds would begin the slow and steady march towards the privatisation of our national broadcaster.

Nearly 90 per cent of all UK adults tune into some of the BBC's services at least once a week, and it is not hard to see why. It is because it caters to all tastes, viewpoints and demographics, and it more than earns its fee. We should not forget that it is also an employer—in Scotland alone, it employs more than 1,250 employees, some of whom work in this very building; they are our colleagues and our friends. We might not always like the BBC's reporting, and we might cringe at softball questions or the way that different presenters frame particular events, but in the main, and across the board, the depth and scrutiny that it provides in its reporting is world class and second to none.

Indeed, the controversies with which the BBC has been associated in the past stem from its fearless desire to get to the truth and to hold those in power to account. The 4,000 people who marched on the BBC headquarters in 2014 to demand Nick Robinson's dismissal did so because

he dared to challenge Alex Salmond on the facts during the independence referendum campaign. The antipathy from nationalist quarters continues—only last year, a number of Scottish National Party MPs threatened to boycott paying the licence fee after making a list of demands, which included scrapping the fee in Scotland. We can tell the measure of an organisation by the enemies that it keeps. [*Interruption.*]

I was just about to congratulate some of the SNP members in the chamber—if they give me the time to do so, I will. I recognise that there is cross-party support for the BBC, and I am grateful to SNP members including Ruth Maguire and Bill Kidd for backing the motion.

We must remember that the BBC's scope extends far beyond politics and beyond these islands. It plays an important role as an educator, and that has never been more important than it was during the months of lockdown. The BBC produces enlightening and challenging drama, and it provides countless radio stations up and down the country that give light to local issues in a way that would not happen otherwise.

There is room for improvement and for reform of the BBC—of course there is—but I ask members to show me an institution where that is not the case. We must remember and acknowledge that the BBC has a unique role, which only it can fulfil, in shining a light on what unites us and what we hold in common. It provides the glue that binds so many of us—people up and down the country—together, providing content that resonates widely, regardless of one's background or geographical location. It informs us, makes us laugh and entertains us, and sometimes it brings us together in times of national mourning. Who could forget the countless national moments that it has covered, such as its poignant marking of the 75th anniversary of victory in Europe day during the first lockdown, when the BBC's programming managed to provide a sense of togetherness amid unprecedented isolation?

It is during those times of important reflection, celebration or sadness—the times when we need to come together to commemorate or mourn, or simply to enjoy ourselves—that we turn to, and turn on, the BBC. It is a national beacon of togetherness that has stood the test of time. The question is: do we truly understand the importance of the service that it provides to us, and do we value it enough to preserve it? In a world where fact-based reporting and the very notion of truth itself are under threat, we diminish the BBC, and the principle of public service broadcasting, at our peril. If we lose it now, we will regret it for ever.

17:19

Jenni Minto (Argyll and Bute) (SNP): As a former employee of BBC Scotland I welcome the motion and congratulate Alex Cole-Hamilton on securing the debate.

The proposal to freeze the licence fee for the next two years, followed by inflationary rises until 2028 and then, possibly, abolition, has been described as cultural vandalism by some commentators.

I grew up watching “Swap Shop” and “Grange Hill” and listening to Radio 1 and “Sportsound”. Then, in the early 1990s, I joined BBC Scotland. My role was behind the camera or microphone. I worked with talented programme makers across the television and radio spectrum and across every programme genre on output that fell very much under the public sector remit: Gaelic broadcasting, Radio Scotland, education and the BBC Scottish symphony orchestra. I support the principle of public service broadcasting. It should be defended, but that does not mean that it should not be improved.

In its charter, the BBC has a public purpose to invest in the creative economies of the UK's nations and regions. However, there is no requirement that the BBC invests to the same extent in each of the UK nations or regions. Analysis of the past five years of the BBC's annual reports—members can tell that I was an accountant—shows how much of the licence fee is raised and spent in each of the four nations of the United Kingdom. Between 90 per cent and more than 100 per cent of what is raised in Wales is spent in Wales. In Northern Ireland, the figure is between 84 and 97 per cent. However, in Scotland, it is 67 to 75 per cent.

Scotland is consistently being short-changed. That is important, because an independent report from KPMG calculated that every £1 that is spent by the BBC generates £2.63 in the wider creative economy. In 2020-21, £101 million of the licence fee raised in Scotland was spent by the BBC elsewhere in the UK. That is a £265 million loss to Scotland's creative economy.

I ask members to imagine all the stories that could have been told from the Scottish perspective, to think about all the young people of Scotland who could have been on traineeships to work in the industry, and to picture how the lives and talent of those of us who live here could better have been reflected on screen and on the airwaves. BBC Scotland news has only one journalist based in my constituency, covering 22 inhabited islands, miles of coastline and five county towns, in English and Gaelic. Yes, that is value for money but, with lots of renewable energy, fantastic food and drink and amazing

communities, Argyll and Bute has many stories that it could tell.

I want to see and hear Scotland better represented on television and radio at local and network levels, but we face the danger of things getting worse. Tory attacks on the BBC are nothing new. Before Nadine Dorries's announcement, the previous three culture secretaries had raised the question whether public sector broadcasting and the licence fee were fit for purpose. The Tories have form in opposing the BBC and the very spirit of public service broadcasting.

Scottish ministers are supposed to have a role in any review of the BBC's charter. The provocative statements from the UK culture secretary, Nadine Dorries, on the future of the BBC had no input from devolved nations. That demonstrates a complete lack of interest in devolved views on public service broadcasting. Although the debate is about the BBC, I say to the UK Government that it should keep its hands off Channel 4, too.

There is, of course, a solution to any Westminster attempt to diminish public service broadcasting for Scotland: let us cherish the ethos of it and enshrine it in an independent Scottish broadcasting service for an independent Scotland.

17:24

Donald Cameron (Highlands and Islands) (Con): As I have advised the Deputy Presiding Officer, with his permission, I might have to leave the debate early, depending on its length.

I am grateful to Alex Cole-Hamilton for bringing the debate to the Parliament. There are some constitutional issues, but I hope to skirt around them, because it is important that we have a sensible and level-headed debate about how we fund the BBC and ensure that it can continue to produce high-quality output that meets the values of its consumers. I record the Scottish Conservatives' support for the BBC as an institution, an employer and a creator and broadcaster, with news, entertainment, drama and sports, to mention but a few items.

I too have had personal experience—I worked for the BBC bureau in Washington DC after I left university. It was a lowly role, but I saw at first hand the professionalism of the BBC's journalists.

We want to see the BBC thrive for another 100 years, as it has done in the preceding 100 years. It delivers exceptional content to UK audiences, but its global presence is significant too, in particular through the World Service. Similarly, BBC-led initiatives such as "BBC Music Introducing" have launched the careers of many young and

undiscovered musicians, and BBC Radio Scotland's young traditional musician of the year 2022 competition shines a light on all the talent that exists across Scotland beyond the mainstream music sector.

With regard to the Highlands and Islands, I have spoken on numerous occasions about the important work of BBC Alba and BBC Radio nan Gàidheal in promoting the Gaelic language and culture to audiences in and beyond the Gàidhealtachd, especially in the context of the support that Governments of the Conservative stripe provided for developing Gaelic-language media in the 1980s and 1990s.

Jamie Halcro Johnston (Highlands and Islands) (Con): Does Donald Cameron recognise that in our region, the Highlands and Islands, the BBC plays a particular role in supporting local radio? Stations such as BBC Radio Orkney and Radio Shetland play a role in supporting communities, providing local news and promoting local groups.

The Deputy Presiding Officer: I am glad that you took that intervention, Mr Cameron.

Donald Cameron: Thank you, Presiding Officer. I have fond memories of being interviewed in the BBC Radio Orkney studios when I was once a candidate in Orkney, and Jamie Halcro Johnston is right to acknowledge the BBC's role in that regard.

Nonetheless, we have to recognise that the way in which people consume media and news has changed radically since 1922, in particular during the past decade. On-demand and streaming services have grown exponentially, alongside thousands of media and news websites that people can access online at any time. That is why it is right to consider the model by which we fund the BBC, and the costs to the consumer that we attach to that model. I note, and understand, the decision to freeze the licence fee for two years until 1 April 2024, and to have it rise with inflation thereafter. We need to have a serious debate about the model that supports and funds the BBC in the future, and nothing is set in aspic.

At present, people are required to pay for a TV licence even if they do not consume BBC content. That means that a person who watches only live football on Sky Sports, for example, has to pay not only for their Sky subscription but for a TV licence, which funds a broadcaster whose content they might never watch. That model was created for an era in which the BBC was the only channel and radio broadcaster in town. There are now thousands of options for people to choose from, and we have to acknowledge that there are different funding options on the table. They include a subscription service, funding the BBC directly

from Government, allowing the BBC to carry advertising to reduce its dependency on the licence fee, and the status quo.

I have not personally reached a clear view as to which of those options, including the existing model, provides the best value for money, but, given that we are discussing taxpayers' funds, they should all be debated properly rather than being dismissed completely. I want the BBC to have another 100 years—and more—of delivering high-quality content, media and news, but we need to have a proper debate about how it can meet those needs in a landscape that is radically altered from when it was founded.

The Deputy Presiding Officer: Before I call Sarah Boyack, I advise members that the speaker after Ms Boyack will be Alasdair Allan, who is not only joining us remotely but will deliver his speech in Gaelic. Members should find headphones on their desks—I will advise on how to use them and how to access the English translation.

17:09

Sarah Boyack (Lothian) (Lab): I, too, thank Alex Cole-Hamilton for securing the debate, which is timely. The BBC ensures that we all have access to high-quality broadcasting, whether through our TVs, on our radios or, increasingly, on our phones or online. In response to Donald Cameron, I say: yes, the world is changing, but that makes the BBC more important than ever.

The BBC ensures that we have fantastic opportunities to access top-quality programming and diverse TV, film, news and web content, and it represents the best of what we in this country can create. It also provides the World Service, which is about not just the international soft power of the BBC, with its reputation for reliability and impartiality, but what we all can access around the globe.

The BBC is important to each and every part of the UK, particularly for us, with BBC Scotland, Radio Scotland, Radio nan Gàidheal and BBC Alba. It goes further into our communities, however, with regional news and programming and local radio stations for Orkney and Shetland and opt-out local news bulletins for the north-east, the Highlands and Islands, the Borders and Dumfries and Galloway.

There is targeted programming for people across the UK, wherever they live, on TV and radio, in Welsh and in Gaelic, and through the BBC Asian Network, which gives people access and accessibility that they did not previously have. There has also been innovation with podcasts, sports and weather coverage, and even free recipes written by experts. That is all available at our fingertips for 44p a day.

I want to reiterate some of the points that were made by Alex Cole-Hamilton. We have about 1,300 specialist jobs in media and production, developing Scottish talent with comedies such as “Scot Squad”, soaps such as “River City”, and dramas such as “Shetland” and, most recently, “Vigil”. There has also been a fantastic range of documentaries.

I hope that colleagues will agree that we need to do everything that we can to support the current model of the BBC. I am not saying that it is perfect—no organisation is—but let us not put at risk the quality and range of productions and programmes to score cheap points in tabloid papers. That is not acceptable. Access to public broadcasting is part of who we are, and knowing that we can rely on the news for accuracy and fairness is a critical part of our democracy. Whoever is in government will have moments of unhappiness. It is the nature of the work of a public broadcaster to ask difficult questions of ministers and Governments.

The Tory proposals are not about the public interest; they are about pandering to right-wing Tory MPs, who regard the BBC as being too liberal. To respond to the points that Donald Cameron made, I say that that is not where Nadine Dorries is coming from, with her real-terms cut of £3.2 billion to the BBC and her suggestion that the universal licence fee could be abolished by 2027, with no clarity on what it would be replaced by. Who would pay for the World Service, for example? It is a critical part of us.

I hope that we can work across the chamber. I know that SNP colleagues have critiques to make, and the BBC is not perfect, but let us keep the BBC and think about how it can be improved and how it can be better. Labour supports impartial public broadcasting, even when it is critical of us, because we live in a democracy. Politicians and political parties should not be above criticism, not just here but in countries across the world, which rely on the BBC for impartial journalism. That is why the World Service is so important.

I reiterate that we are not against change or innovation. We have a system of accountability in the UK, and let us consider how to improve it, but we get rid of the BBC at our peril. The proposed privatisation of Channel 4 also undermines broadcasting. I agree with Jenni Minto on what she said in her speech about “cultural vandalism”.

The BBC is incredible value for money—£159 for a licence fee that lasts a year. We should think about the different subscriptions that we would have to pay to get what we currently get from the BBC: that would cost a lot more, we would lose out on investment in our music and in our creative sectors, and we would lose out on jobs and innovation. Just this year, the award-winning BBC

Three is back—something that young people want. Let us not put all of that at risk. The BBC needs universal funding.

The Deputy Presiding Officer: I will now call Alasdair Allan, who will be followed by Mark Ruskell. As advised earlier, if members wish to listen to the English interpretation, they can plug in their headphones either side of the console. You have the touch-screen option of pressing “Menu” and then “Select audio”. You should select channel 1, and you should then be able to hear the interpreting.

17:34

Dr Alasdair Allan (Na h-Eileanan an Iar) (SNP): Taing do dh’Ailig Cole-Hamilton airson an deasbad seo a thoirt dhan Phàrlamaid an-diugh.

’S e seirbheis air leth luachmhor a tha anns a’ BhBC, agus tha e na phàirt chudromach den bheatha aig iomadach duine san dùthaich seo.

Le naidheachd brèige agus clioc-glacach fada ro chumanta air-loidhne san latha an-diugh, tha e fìor chudromach gu bheil companaidhean fhathast ann a tha a’ feuchainn ri bhith cothromach, urrasach agus fiosrachail a thaobh nan naidheachdan a bhios iad a’ sgaoileadh don phoball.

Gun phrothaid mar chnag na cùise, gu tric tha barrachd saorsa ann airson cruthachas anns na prògraman a thèid a dhèanamh leis a’ BhBC.

Chan eil am BBC idir gun mura-bhith ge-tà. Tha cunntasan beachd ag ràdh, mar eisimpleir, gun do chaill am BBC an earbsa aig deagh chuid den phoball ann an Alba ron reifreann ann an 2014. Bha seo air sgàth ’s nach robh na daoine sin den bheachd gun robh craoladh a’ BhBC uile gu lèir neo-phàirteach air a’ chuspair.

Tha ceistean cuideachd air nochdadh o chionn ghoirid mu chùmhachd geàrr-ùine a’ BhBC, na tuarastalan àrda aig diofar phreasantairean, agus mar a chaill seann-daoine na ceadaichean telebhisein saor an-asgaidh aca.

Ach, a’ cur nan rudan sin dhan dàrna taobh, tha mi airson beachdachadh airson greiseag air na meadhanan Gàidhlig gu sònraichte, agus cho cudromach ’s a tha seirbhis phoblach leithid a’ BhBC do mhion-chànain mar Ghàidhlig agus Cuimris.

Tha pailteas fianais acadaimigeach a’ sealltainn cho cudromach ’s a tha na meadhanan airson mion-chànain a ghlèidheadh agus a leasachadh. ’S urrainn do na meadhanan urram a thoirt, neo a thoirt air ais, do chànan, is a’ deimhinneachadh gu bheil an cànan ud buntainneach don t-saoghal san latha an-diugh.

Tha cothroman eaconamach a’ nochdadh cuideachd, leis na meadhanan a’ cruthachadh àiteachan-obrach do mhion-chànain leithid Gàidhlig. Faodaidh na meadhanan deagh bhuidhe a thoirt air ionnsachadh le bhith a’ leasachadh ghoireasan, mar eisimpleir am pròiseact SpeakGaelic a chaidh a chur air bhog an-uiridh.

Nan robh e an urra ri companaidhean coimeirsealta a-mhàin, tha deagh theans nach biodh sianal neo stèisean rèidio Gàidhlig ann idir mar eisimpleir.

Tha na prògraman aig a’ BhBC a’ tarraing dhaoine aig nach eil Gàidhlig a-steach, gu tric mar chiad cheum dhaibhsan a tha airson barrachd ionnsachadh mu chànan agus cultar nan Gàidheal. Cha chreid mi gum biodh an aon àireamh de dhaoine a’ tachairt air Gàidhlig anns an aon dòigh nan robh e an urra ri luchd saor-thoileach a-mhàin stuth-mheadhanan Gàidhlig a chruthachadh.

A thuilleadh air a’ BhBC, tha mòran anns an sgìre-phàrlamaid agam fhèin—eadar companaidhean agus daoine ag obair air an ceann fhèin—a bhios a’ dèanamh phrògraman airson a’ BhBC, a’ cur ris na tha ann de sgilean ann an sgìre dhùthchail.

Tha na sgeulachdan aig na Gàidheil a cheart cho cudromach ris na sgeulachdan aig gach sluagh eile ann an Alba. Ach ann an saoghal às aonais seirbheis-craolaidh phoblach, agus prothaid an rud as cudromaiche, cha bhiodh an aon chothrom ann na guthan ud a sgaoileadh air feadh na dùthcha.

Mar sin, ge b’ e ’s a tha Boris Johnson a’ smaoineachadh mu dhèidhinn a’ chuspair seo, tha mise den bheachd gum bu chòir am BBC—no, aon latha, an SBC—a bhith air a dhìon airson an àm ri teachd.

Following is the simultaneous interpretation:

I thank Alex Cole-Hamilton for bringing the debate to the Parliament today. The BBC is a hugely valuable service and is an important part of the lives of many people in this country.

These days, with fake news and clickbait far too common, including online, it is immensely important that there are still companies that try to be fair, trustworthy and informative in the way that they broadcast the news. Without profit at the heart, there is often more freedom for creativity and for a focus on quality, in programmes that are made by the BBC.

However, the BBC is not without its faults. For example, opinion polls say that the BBC lost much of the trust of the public in Scotland before the 2014 referendum. That was due to their view that the BBC’s coverage of the topic was not completely impartial. Questions have also arisen

in recent years about the BBC's move towards short-term contracts, the high salaries of some of its presenters, and the way in which the elderly lost their free television licences.

However, to put all that to one side, I want to discuss Gaelic media in particular, and how important a public service such as the BBC is to minority languages such as Gaelic and Welsh.

A wealth of academic evidence shows how important the media are for maintaining and developing minority languages. The media can give or restore respect to the language and demonstrate the relevancy of that language to the modern world. It represents economic opportunities, too, with the media creating minority language workplaces, such as for those working in Gaelic. The media can also have a beneficial effect on language learning, by developing resources such as the SpeakGaelic project that was launched last year.

However, if it were up to commercial companies alone, there is a good chance that we would not have a Gaelic channel or radio station at all. Given the number of Gaelic speakers just now, after centuries of suppression, the BBC's programmes give opportunities to learn more about the language and culture of the Gaels. I doubt that the same number of people would be able to access Gaelic in same way if it were up to volunteers to create media content. In addition to the BBC, there are many in my own constituency—both in companies and as self-employed individuals—who make programmes for the BBC, which adds to the skills base in rural areas.

Presiding Officer, the stories of the Gaels are just as important as those of every other population in Scotland. However, in a world without public service broadcasting, in which profit is the most important thing, there would not be the same opportunity to share those voices across the country. Therefore, in contrast to Boris Johnson, I believe that the BBC—or, one day, the SBC—should be protected for the future.

17:38

Mark Ruskell (Mid Scotland and Fife) (Green): I thank Alex Cole-Hamilton for raising the topic for debate. The debate has shown that although, perhaps, we have different perspectives about the governance of the BBC, we all care deeply about what it represents and, as Jenni Minto said, we need to do everything that we can to prevent the cultural vandalism that will occur if we continue to see a drive towards privatisation and a cut in funding to the BBC.

Clearly, Nadine Dorries wants to grab the headlines, having announced on Twitter that the licence fee will first be frozen and then scrapped in

2027. Of course, Rishi Sunak later forced her to retract that statement about scrapping the fee. However, I think that that does not matter to the Westminster Government, because it is all about building a populist distraction and diversion from the chaos at number 10.

The two-year freeze of the licence fee is one of the worst settlements in decades for the BBC and constitutes a real-terms cut. Richard Sharp, the BBC chair, described the deal as

“disappointing ... for Licence Fee payers, but also for the cultural industries ... across the UK”.

He noted that

“The BBC's income for UK services is already 30 percent lower in real terms than it was 10 years ago”

and that the settlement would necessitate tougher choices.

It is not yet clear what those choices will be. Will they mean that valued channels such as BBC Four are scrapped? Will they lead to significant staff cuts or a retreat from certain types of programming? We have yet to find out. It has been estimated that the decision will create a shortfall of £871 million by 2027, which will add to the pressure of the two licence fee settlements that there have already been since 2010.

An increase in the licence fee in line with inflation would have added only roughly £10 per household per year. I ask members to contrast that with the average energy cost, which will increase by nearly £700 in April. Let us not pretend for one minute that the decision to freeze the licence fee is a serious attempt by the Westminster Government to control the cost of living for hard-pressed households. It is, instead, an ideological attack on a trusted institution.

Perhaps we finally stop taking the BBC's most valued output for granted when it is at its most threatened. When BBC Radio 6 Music was threatened with the axe in 2010, it led to a huge campaign from ordinary listeners and stars such as David Bowie who valued what the station was doing to provide a wide platform to nurture new musical talent, directly building on John Peel's inspiring legacy at the BBC.

It is also important that the BBC builds on its respected Scottish output. We have already heard about the impact of its Gaelic broadcasting and the local services that are needed by communities, which Jenni Minto and Dr Allan mentioned. The memorandum of understanding between Screen Scotland and the BBC should continue to strengthen studio-based production and develop our home-grown output but, when it is set against a declining licence fee, we must ensure that staffing, production and commissioning are retained in Scotland rather than leaking down to

London. In the Constitution, Europe, External Affairs and Culture Committee, we have heard concerns that that drain down to London is already starting to happen.

Members have spoken about the corporation's news output as a critical public service. The UK Government itself has hailed the BBC as being the most trusted broadcaster worldwide. According to the BBC's latest annual report, eight out of 10 British adults continue to use at least one of its news services every week and it is rated as trustworthy by the majority of the population.

In a populist world where trust is in short supply, where fake news grows exponentially across social media and where propaganda machines such as Russia Today stalk the airways, a reputable public sector broadcaster is needed more than ever. As Brexit Britain looks inward on itself, it is more important than ever that the BBC reaches out to the world. That means that we must protect its funding and build, rather than dismantle, its legacy.

17:42

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): I congratulate Alex Cole-Hamilton on securing the debate, particularly as this is the centenary year of the BBC, which first broadcast on 14 November 1922. Although that is before my time, I predate television. My early childhood involved gathering around the family wireless—that is the radio, to members—listening to “Dan Dare”, “Life with the Lyons” and “Two-Way Family Favourites”. Somewhere out there, somebody remembers them. My mother would recount how she listened to Winston Churchill's broadcast that said

“We shall fight on the beaches”,

which resonated through family homes throughout the country. The radio was the communicator by the fire. It was the entertainer and educator, and it still is.

TV came into our home in 1952, with a screen that was no bigger than that of my Surface encased in a clumsy large wooden structure. It was black and white TV with received pronunciation Queen's English and newsreaders in evening dress, and broadcasts were for a few hours a day. We invited neighbours in to watch, with the accompaniment of Shippam's paste sandwiches and the luxury of a glass of lemonade.

In later years, the BBC pioneered “Play for Today”, in which upcoming writers could exercise their literary muscles with a 30-minute slot. That is where Dennis Potter cut his teeth and progressed to writing the absolutely magnificent TV miniseries “The Singing Detective”.

The BBC has produced the most extraordinary drama documentaries, such as “Cathy Come Home” by Ken Loach, which led to the establishing of Shelter and was the beginning for a renowned director. It has produced period adaptations, such as “Pride and Prejudice”. Such productions make lots of money for it. It has produced documentaries such as “Natural World”. Its current production “The Green Planet”, which is narrated by David Attenborough, educates and engages. That was preceded by documentaries such as “Civilisation” by Kenneth Clark in the 1960s. Those are just a few examples. I also highlight the BBC World Service, which others have mentioned.

There are too many game shows on some BBC channels, so I switch to BBC Four and Channel 4. I also listen to BBC Radio 4, where people can find short dramas that are missed from television now. I listen to the “Last Word”, to political satire and even, I confess, to “The Archers”.

To be frank, sometimes, the BBC appears to be close to the establishment. Only now is it beginning to respond to the fact that we have devolution, because Covid has meant that it has had to distinguish between legislation in England and that in the other nations. That has been some time coming. However, the BBC is a public service, whose accountability is important and precious and must not be eroded.

I suggest that the BBC should reintroduce the sponsoring of new writers and documentary makers. That should not be through—heaven forbid—another competition or game show, which I am fed up to the back teeth with, but by giving them space to exhibit and develop their skills. The investment in that should be fairly distributed across the four nations. The licence fee should be invested in that way. That will pay back not only in quality but in returns, as the BBC sells the developed products abroad. Such creators can contribute to the public service. However, they are missing now, which they were not in previous decades.

I hope that somebody from the BBC is listening to my plea for support for writers and documentary makers. They might make mistakes in their 30-minute slot, but we can remember what came from Dennis Potter and Ken Loach's programmes.

17:46

Stephen Kerr (Central Scotland) (Con): I want to say how much I enjoyed Christine Grahame's speech. I hope that she has discovered the joy of BBC Radio 4 Extra, where she will find many of the programmes from yesteryear that she mentioned.

I, too, thank Alex Cole-Hamilton for securing this important debate. It is because the BBC is one of

Britain's finest institutions that the United Kingdom Government has a responsibility not only to protect the BBC but to create the conditions so that it can prosper.

One of the BBC's greatest strengths is that it adds to the United Kingdom's global soft power. By broadcasting British art, culture and news around the world, the BBC helps the UK to punch above our weight on the world stage. The BBC also adds to the lives of people across these islands through educating, entertaining or informing.

When discussing the BBC's future, we must seek to preserve such benefits. Such is the reputation and standing of BBC output around the world that the BBC should be looking to the future with confidence. However, like all institutions, it is absolutely right for the BBC to take time—especially on the auspicious occasion of its centenary—to make a strategic check and to adjust so that it is in the best possible place to continue to be the global broadcast leader. To do otherwise would be an act of gross negligence.

If the BBC does not adapt to the 21st century, rather than being a world-leading public service broadcaster, it will run the risk of being outpaced by the rapid change that is happening all around us and of being consigned to the past. As a Conservative who wants to defend great British institutions, I do not want that to happen.

Martin Whitfield (South Scotland) (Lab): Does the member agree that such consideration should take place when the charter comes up for renewal? That would mean that, between charter renewals, the BBC had confidence about what its financial future held.

Stephen Kerr: I understand the point that my friend makes. However, the centenary provides us with a welcome opportunity not only to celebrate the 100-year history of the BBC, which many members have touched on, but to talk about how it gets through the next century.

In 2017, data showed that almost a third of all female convictions were because of a failure to pay the TV licence fee and that women were almost 10 times more likely to be convicted for not paying than men were. Surely nobody in the chamber believes that it is right to criminalise people for not paying a TV licence.

In 2018, James Purnell, director of strategy and digital and a former director of radio at the BBC, said that streaming services were “an existential threat” to the BBC. Although the focus on streaming services tends to be on Netflix and Prime, Purnell also stressed that young people are more likely to listen to podcasts and Spotify than to BBC radio.

With the massive expansion of online streaming services, I fear that the BBC licence fee is putting young people off the BBC. If the BBC is to survive, it must attract young people to its services, which is why the UK Government is correct to launch an inquiry into and have a debate about the BBC's future funding model. Surely we do not want a future in which the majority of people are forced by statute to pay for programming and output that they do not value or consume. That would present an existential threat to the future of the BBC. My message to the BBC is not to be afraid of change but to be confident about embracing change. There is a world of opportunity ahead for the BBC in its second century.

I will point out two ironies from the debate. The first is the SNP's staunch defence of a British institution, which I welcome. I hope that that is proof that members of the nationalist party see the benefits of our union in the BBC as an institution.

The second irony is, soberingly, more serious. In 2014, the then SNP leader accused the BBC reporter Nick Robinson of bias, thereby triggering a protest from the nationalist movement outside the Pacific Quay studios in Glasgow. Those protests have been described as “bullying” and “intimidation”, and the treatment of BBC journalists that day has been compared to what is seen in Putin's Russia. I will therefore take no lectures from the SNP about defending the BBC.

I want not only to protect the BBC but to see it flourish. Rather than having it stand still, we must update and improve the BBC, while preserving the values that make it the great British institution of which we are all proud.

The Deputy Presiding Officer: Given the number of members who still wish to contribute, I am minded to accept a motion without notice under rule 8.14.3, to extend the debate by up to 30 minutes. I invite Mr Cole-Hamilton to move such a motion.

Motion moved,

That, under Rule 8.14.3, the debate be extended by up to 30 minutes.—[*Alex Cole-Hamilton*]

Motion agreed to.

17:52

Beatrice Wishart (Shetland Islands) (LD): I thank my colleague Alex Cole-Hamilton for bringing this important debate to the chamber.

The BBC belongs to us all. That is the theme of a new BBC promotional video, which stitches together some of the hundreds of thousands of hours of BBC material to embody the central mission of the BBC to inform, educate and entertain. Everyone will be able to name at least one of the shows that the clips come from, which

is proof, if it was needed, of the BBC's impact on our lives. As Mark Ruskell said, it is a trusted institution.

During the pandemic, the BBC stepped up to the challenge. Cooking shows adapted from showing us fancy Saturday night showpieces to taking everyday ingredients to help us to prepare a meal that was fit for a weeknight after work. Our young people were taught by guest teachers to help them through tricky maths questions, and we were entertained by past comedy hits and replayed sporting events.

We saw something similar from other public service broadcasters, but simply not on the same scale due to the BBC's vast library of content, its production capabilities and the trust of viewers. Liberal Democrats want to protect that cultural impact and the independence of the BBC, which is being threatened by the UK Government's discussion on changes to the funding model. Changes could result in a cut to the BBC's budget, and the BBC director general has stated that

"Everything is on the agenda"

when it comes to BBC budget discussions.

I will talk about BBC local radio stations, which others have mentioned, and their value to communities, including the one that I am privileged to represent. For half an hour each evening, BBC Radio Shetland's magazine programme broadcasts a mixture of local news and current affairs; updates on local events; music; and the all-important weather forecast. Radio Shetland and its sister station, Radio Orkney, began broadcasting 45 years ago, and they allow our island groups space to gather and experience our shared culture. The stations are well respected for their impartial coverage of island events.

We all know about the impact of storm Arwen and the length of time that it took to restore power. Many households in the north-east of Scotland were without access to phones, the internet and links to local news and community help. In Shetland, we were lucky to escape the worst damage from Arwen, but we might not always be so lucky with future extreme weather events. A few batteries and a hand-held radio can provide vital information from a local radio station, especially for communities that live on the fringes and, in the best circumstances, still struggle to get broadband—let alone high-speed broadband. Local radio stations are truly a lifeline public community service.

It would be remiss of me not to mention, before I conclude, the now iconic BBC TV show "Shetland", which Sarah Boyack mentioned. That has showcased Shetland, shown off our beautiful landscapes and reinforced in viewers' minds the different challenges that our islands face. Viewers

also wanted to know more about our cake fridges. With a smaller population and the greater distance from mainland Scotland, it is important to reflect that life on the isles is different. Without the investment and the risk that was taken by the BBC to dramatise Ann Cleeves's excellent novels, the opportunity for a crime drama set in Shetland might have been missed. Where the BBC goes, others follow. The risk that it has taken proves that it is possible to film and produce successful programmes in rural and remote island areas.

The BBC belongs to all of us. It informs, educates, entertains and challenges us, and it enriches our lives through not only its outputs but its cultural impact. Changing the payment model could limit all of that. Is that really something that we want to risk?

17:56

Clare Adamson (Motherwell and Wishaw) (SNP): I thank Alex Cole-Hamilton for securing the debate. I apologise to Dr Allan if I cover anything that he has already spoken about, as I was unable to access the interpretation from my console.

Back in 1979, when I was 12 years old, I watched the very first episodes of "Life on Earth". I can still remember seeing the crude drawings and animations of trilobites. The programme sparked my lifelong love of biology, evolution, dinosaurs and everything scientific. I still find myself, tens of decades since then, glued to the BBC watching "The Green Planet" and being captivated by the totally inspiring and passionate David Attenborough. In the intervening years, the crude drawings have gone, and so did the brontosaurus, which was usurped by the apatosaurus, only for the brontosaurus to return once again as a real dinosaur. I fear that there will not be such a scenario for the BBC and that its defunding and the threat to the licence fee will lead to the extinction of what is the jewel in the crown of public broadcasting in this country.

We have the most incredible award-winning film making to watch, such as "The Green Planet" and other BBC documentaries. Members have spoken about their favourites in the debate.

In 2020, Simon Pitts, the chief executive of STV and a defender of public sector broadcasting, said:

"free to air, high quality impartial local news must be safeguarded ... Decisive action is needed to ensure"

that public service broadcasting

"content is easy for viewers to find on all platforms ... A level regulatory playing field is required with online competitors, particularly in advertising regulation",

and that

“Stimulus measures are important to ensure a diverse range of programming from the nations and regions, including tax relief for unscripted production”.

Simon Pitts was being interviewed by Krishnan Guru-Murthy, who is, of course, one of Channel 4’s excellent journalists. This week, he took apart Nadine Dorries in the halls of Westminster, and he might well take her apart again on her views on the future of the BBC and public sector broadcasting.

In his interview, Simon Pitts pointed out the importance of

“high quality, impartial, universally-available Scottish journalism”,

in order to create

“stimulus for production in the nations and regions”

and to deliver

“a level regulatory playing field ... with online competitors”.

It is very important that we not only recognise the global change in how we consume and watch programmes but secure the future of public sector broadcasting in all its forms, which includes Channel 4, the BBC and STV.

I will give an example of that local broadcasting. Many members might have signed my motion on the paupers graveyard at Hartwood hospital, which has been reclaimed by the locals, who have done a historical investigation to identify the unmarked graves of people from that hospital. That was highlighted in the BBC Scotland broadcast “My Kind of Town”, which looks at the lesser-known histories of our towns across Scotland. That is like the old collection of the history and culture of our towns. If we do not have public sector broadcasting at a local level, we will lose our oral history and the experiences of our people. That is why such broadcasting is so important.

Jenni Minto was absolutely right: we need production in Scotland that is proportionate to the contribution that Scotland makes and a fairer deal from the BBC. As she said, we need improvements, not cultural vandalism.

The Deputy Presiding Officer: Thank you, Ms Adamson. I apologise for the problems that you had in hearing Dr Allan’s contribution. I assure you that there was little crossover; he showed a wanton disregard for apatosauruses and brontosauruses.

The final speaker in the open debate is Martin Whitfield.

18:01

Martin Whitfield (South Scotland) (Lab): It is a great pleasure to follow Clare Adamson and her

memories of David Attenborough all those years ago. In 1975, he presented “Fabulous Animals”, a series for children about extraordinary animals, and I had the great pleasure of discovering that a book accompanied the series.

I, too, thank Alex Cole-Hamilton for bringing this important motion to the chamber. In particular, I thank him for mentioning educational resources, and, in the time that I have, I will concentrate on the educational role that the BBC has played.

Of course, we hope that we are coming to the end of Covid, but during the first lockdown, we witnessed the BBC at its very best when BBC Bitesize provided education to children who sometimes struggled to speak to their class teacher. During the second lockdown, the BBC stepped up by using CBBC, CBeebies and BBC Two to transmit programmes that were aimed at primary and high school children in the morning and afternoon, not only to give support with the difficult maths questions that we have heard about but, in a much wider way, to remind young people of what was happening around the world, and tying that in to why they are educated in the way that they are. The programmes looked at history, invited authors to come into the studio or to join remotely by Zoom to talk about their books, and provided something that children found very difficult to achieve—a bit of fun, because learning should be fun.

From its original mission, the BBC has had a requirement to educate. I remind those who talk about a change in funding—so that only people who take things from the BBC should contribute to it—that children are not in a position to contribute financially to the BBC. However, as a representation of our community and the culture of the United Kingdom, the BBC is able to give those children a great start in their lives—perhaps not in the way that their boring teachers do, but in colourful pictures of sperm whales and blue whales. I still remember the first time that—again, through David Attenborough—I saw moving pictures of a blue whale. I remember how enormous that creature was and being told that it was possibly the largest living creature that has ever been on earth.

Education is one of the pillars of the BBC. Everyone deserves a bit of a history lesson, so I will explain that it all goes back to 1924, when special broadcasts for schools went out on the wireless, before moving to television in 1957. That allows me to mention one of my great heroes, Mary Somerville. As the first director of schools broadcasting, she was a woman at the heart of the BBC, defining what education should be for the children outside. She also happens to be the woman who forced the BBC to make maternity

payments—so that she could return to work after the birth of her first child.

I celebrate the transmissions on CBBC and BBC Two and the work of the BBC education department in delivering that public purpose to promote education. They are central to fulfilling the BBC's mission to inform, educate and entertain; one of the great pillars of our BBC is its ability to do that, not just for children but for adults. At a moment when we are being asked to think about what the future holds for the BBC and how it should be funded, we need to consider all that it did for us when we were young, all that it is doing for the young of today and all that it will do for the young of tomorrow. For that, it deserves certainty of funding, independence and our support.

18:05

The Cabinet Secretary for the Constitution, External Affairs and Culture (Angus Robertson): I commend the member for Edinburgh Western for securing this debate. I also commend other members from across the chamber for their speeches, including Sarah Boyack, who highlighted the range of services provided by the BBC; Jenni Minto, who pointed out that the BBC is neither perfect nor above criticism, particularly with regard to the unacceptable underspend on television production in Scotland; Dr Alasdair Allan, who made clear its importance to Gaelic-medium broadcasting; and Martin Whitfield, who highlighted its importance to education and children's programming. Any parent in this chamber will attest to the fact that the BBC is worth its licence fee for CBBC alone.

I welcome the opportunity to close this debate on the crucial matter of how we celebrate, protect and develop public service broadcasting and the BBC in the face of UK Government actions that risk doing the very opposite. At this stage I should declare an interest, as I worked for the BBC for nearly a decade as its Vienna correspondent.

As cabinet secretary with responsibility for external affairs, when I meet leaders and diplomats from other countries, I am reminded almost daily of the exceptionally high regard in which the BBC and public service broadcasting in the UK is held across the world. It is hard to overstate its significance, which comes from its core principles of providing impartial news and information, of supporting education, creativity and our creative economy, and of representing us with high-quality compelling content.

Alex Cole-Hamilton: Dr Allan very clearly said that public confidence in the BBC in Scotland had been eroded as a result of the 2014 referendum. Does the cabinet secretary share that view? Does he regard the reporting of the referendum as

biased, and will he condemn the actions of the nationalist movement in hounding Nick Robinson and other members of the BBC?

The Deputy Presiding Officer: I will give you the time back, cabinet secretary.

Angus Robertson: I find it disappointing that the member for Edinburgh Western is not seeking to build compromise in the chamber, but I look forward to debating these issues in the future.

Nick Robinson has reflected on his part in reporting the 2014 referendum and has said that he has regretted it in part. The member for Edinburgh Western should reflect on the fact that there was highly contentious reporting during the independence referendum. As someone who is an incredibly strong supporter of the BBC, I am sorry to say that it did not come up to its high standards of impartiality during that time. As a result of that, the level of public confidence in the broadcaster is lower in Scotland, and I think that everybody, not least the BBC, should reflect on that.

When Covid hit, we got a further reminder of why broadcasting matters. The BBC in particular became our school, our place of worship, our social escape and our source of crucial public information in those long weeks when we could not see our families and friends. As has been mentioned, we need look only at the enormous impact of David Attenborough's "Blue Planet" in waking us up to the danger of climate change. That is what real public service broadcasting looks like and is doing today.

Stephen Kerr: Will the cabinet secretary give way?

Angus Robertson: The member will forgive me, but I am running out of time.

Alarming, the UK Government seems blind to that. I wrote to the Secretary of State for Digital, Culture, Media and Sport, Nadine Dorries, just over a week ago to raise my concern about the UK Government's actions and intentions. I am sad to say that, instead of recognising what we have and supporting the BBC and other public service broadcasters in delivering more value for everyone in the UK, she seems intent on dismantling them, one bit at a time.

First, the UK Government shifted responsibility for the welfare policy of free licences for the over-75s to the BBC. At the time, the cost to the UK Government was £608 million, or about a fifth of the BBC budget. Caring for older people must be the Government's job, not the BBC's. I urge the UK Government to stop diverting blame for the consequences of its decision to the broadcaster and to take back that social responsibility.

After that, the Government announced that it would consult on privatising Channel 4, putting at

risk the distinct role that it plays by making programmes in the public interest and helping to grow the independent production sector. That came at a time when the channel was showing its resilience, having weathered the pandemic and increased its focus on content spend and investment in Scotland.

Now Ms Dorries has announced that she is freezing the licence fee at £159 for two years, and has suggested a review that could result in the funding model being scrapped altogether in 2027. The cumulative effect of those announcements is to weaken the BBC and public broadcasting and to make it harder for them to do what they do best.

The BBC is not perfect, but we have to recognise its importance to Scotland in so many ways, including for the role that it plays in promoting the Gaelic language and successful Gaelic productions—such as “Bannan”—through BBC Alba, and in bringing communities together across Scotland with TV and local radio services.

Although we have been critical of the level of BBC spend in Scotland and of how that compares unfavourably to that in the other devolved nations, given the proportion of licence fee that is raised here, there are signs of improvement. Underpinned by a memorandum of understanding between Screen Scotland and the BBC, more new original content is being made in Scotland and Scotland-based talent is being developed. New series, such as the Scotland-written and Scotland-produced comedy “Guilt”, are being shown on network television. More content that is made in Scotland, by Scottish writers, directors and producers, is to come.

To be frank, the BBC should locate network commissioning in Scotland. We want it to do more, not less. However, the actions of the UK Government will make any improvements hard to sustain. BBC director general Tim Davie has warned that the licence fee freeze will leave the BBC with a shortfall of £285 million by 2027-28 and have a direct impact on output. Far from levelling up, it looks more like grinding down.

Returning to the motion, I reiterate my support for the BBC and public service broadcasting and recognise the importance of its original content and public service. I agree that its value stems from the principles of universality and diversity and that we should defend those. Although the landscape is changing for media, it is still fair to say that the public service broadcasters remain the cornerstones of creativity in our production sector. Audiences in Scotland are still spending, on average, eight hours and 44 minutes every week watching the BBC.

It is clear from the speeches from across the chamber what our renowned system of public

service broadcasting means to so many people in Scotland. We have long argued that broadcasting policy should be devolved to ensure that we can take the right decisions for our creative economy and for Scottish viewers and listeners. The latest signs from the UK Government that it is prepared to put public service broadcasting and the BBC at risk of instability only strengthens my view that the future of public broadcasting would be much safer in Scotland’s hands.

Meeting closed at 18:13.

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

Published in Edinburgh by the Scottish Parliamentary Corporate Body, the Scottish Parliament, Edinburgh, EH99 1SP

All documents are available on
the Scottish Parliament website at:

www.parliament.scot

Information on non-endorsed print suppliers
is available here:

www.parliament.scot/documents

For information on the Scottish Parliament contact
Public Information on:

Telephone: 0131 348 5000

Textphone: 0800 092 7100

Email: sp.info@parliament.scot



The Scottish Parliament
Pàrlamaid na h-Alba