



OFFICIAL REPORT  
AITHISG OIFIGEIL

# Meeting of the Parliament

Tuesday 7 February 2023

Session 6



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Pàrlamaid na h-Alba

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# Scottish Parliament

Tuesday 7 February 2023

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

## Time for Reflection

### **The Presiding Officer (Alison Johnstone):**

The first item of business is time for reflection, for which our leader is Carol Wilde, communication director Scotland, the Church of Jesus Christ of Latter-day Saints.

**Carol Wilde (Church of Jesus Christ of Latter-day Saints):** Presiding Officer and members of the Scottish Parliament, thank you for the opportunity to address you this afternoon.

In recent months, each of us has seen many people experiencing great challenges in life—from worldwide geopolitical challenges to challenges here, in our communities, our homes and the lives of our neighbours and friends.

The New Testament provides examples of Jesus Christ's compassion towards others. He stretched out his hands with love to heal the sick, give succour to the weary and comfort those who mourned. Taking inspiration from his example, we can stretch out our hands to those who are in our sphere of influence. We can stretch out our hands and meaningfully touch the lives of others. We can help to strengthen families, support friends and neighbours who are in need and develop a greater love for those we desire to serve and connect with.

Feeling overwhelmed is commonplace today, perhaps as a result of the many pressures and demands on our time and our physical and mental reserves. Jesus invites us to be

“willing to bear one another's burdens, that they may be light”.

Helping someone with their burden requires sacrifice and a liberal dose of love unfeigned. In seeking to lift the burden of another, we offer support, understanding and practical aid—but, most of all, kindness. We may not be able to alter the journey of another, but we can make sure that no one walks the path alone. I will share a short verse:

I met a stranger in the night  
Whose lamp had ceased to shine  
I paused and let him light  
His lamp from mine

A tempest sprang up later on  
And shook the world about  
And when the wind was gone  
It was my lamp that was out

But back to me the stranger came  
His lamp was glowing fine  
He held the precious flame aloft  
And lighted mine

We ought not to underestimate the difference we can make in the lives of others. Step forward, reach out and help. In the words of Charles Dickens,

“No one is useless in this world who lightens the burdens of another.”

My message today is one of consideration and concern for others. May God and our humanity prevail as we walk the path of life together with kindness and understanding to

“succour the weak, lift up the hands which hang down, and strengthen the feeble knee.”

In the name of Jesus Christ, amen.

## Business Motion

14:03

**The Presiding Officer (Alison Johnstone):**

The next item of business is consideration of business motion S6M-07834, in the name of George Adam, on behalf of the Parliamentary Bureau, on changes to this week's business.

*Motion moved,*

That the Parliament agrees to the following revisions to the programme of business

for—

(a) Tuesday 7 February 2023—

after

*followed by* Ministerial Statement: Scottish Government's Response to the Second Round of the Levelling Up Fund

insert

*followed by* Ministerial Statement: Protecting Teacher Numbers and Children's Learning Hours at School

(b) Wednesday 8 February 2023—

after

2.00 pm Portfolio Questions: Covid Recovery and Parliamentary Business; Finance and the Economy

insert

*followed by* Ministerial Statement: A9 Dualling Update

delete

5.10 pm Decision Time

and insert

5.40 pm Decision Time—[George Adam]

*Motion agreed to.*

## Topical Question Time

14:04

**The Presiding Officer (Alison Johnstone):**

The next item of business is topical question time. In order to get in as many questions as possible, short and succinct questions and responses would be appreciated.

### Teachers Strikes

1. **Stephen Kerr (Central Scotland) (Con):** To ask the Scottish Government whether it will provide an update on what steps it is taking to bring the strike action by teachers to an end. (S6T-01164)

**The Cabinet Secretary for Education and Skills (Shirley-Anne Somerville):** We remain in talks with unions, and recent dialogue has focused explicitly on the potential areas of compromise, with a view to reaching an agreement that is acceptable to all sides. Only the Convention of Scottish Local Authorities, as the employer, can make a formal offer to the teaching unions.

I met the general secretary of the Educational Institute of Scotland on Friday last week, and I had discussions with the other teaching unions on the same day. There remains a shared commitment to continuing that dialogue.

**Stephen Kerr:** Déjà vu. This is a mess of the cabinet secretary's own making. Shirley-Anne Somerville is the cabinet secretary and she is responsible, but she shows not one ounce of energy or urgency to resolve the dispute. There is now a clear threat to the exams timetable. After everything that our young people have been through, the cabinet secretary should be ashamed. On Sunday, she was on television, more interested in purging the Scottish National Party of dissidents than in settling the dispute with Scotland's teachers. She said that everyone should get around the table. However, two weeks ago, she made it clear that she was not even in the room, let alone at the table. Will she now take a place at the table and take an active part in the talks to end the teachers strikes?

Why has the Deputy First Minister been parachuted into the dispute? Is that an admission of Shirley-Anne Somerville's failure?

**Shirley-Anne Somerville:** Not for the first time, Mr Kerr's questioning suggests a lack of understanding of the workings of the Scottish Negotiating Committee for Teachers, in particular. I point out that the only way in which the issue could be resolved today would be by the Scottish Government and local government agreeing to the union pay demands. That is simply unaffordable

and unsustainable. If that is what Stephen Kerr is suggesting, perhaps it is just as well that he does not have responsibility for the public finances.

I said very clearly at the weekend—and I will do so again—that I am confident that the discussions that are being had involving the Scottish Government, councils and the Scottish Qualifications Authority will ensure that the exam diet will not be threatened, even if teaching unions choose to undertake industrial action during that time.

**Stephen Kerr:** I understand perfectly what the process looks like and how it should be conducted. While Nicola Sturgeon is happy to meet representatives of other public service unions, apparently the cabinet secretary is not prepared to get involved in speaking to Scotland's representatives of teachers.

We are 312 days in, and it is clear that the cabinet secretary's policy is to do nothing. Despite what we have just heard, there is now a very real threat to the exams timetable. The cabinet secretary has no intention of settling the pay dispute in this financial year. It is her deliberate policy to do nothing, and her inaction is letting down Scotland's children and young people. She is showing disdain for teachers. The cabinet secretary has no interest in negotiating a deal in this financial year. Can she tell me that I am wrong?

**Shirley-Anne Somerville:** I am not entirely sure that Mr Kerr listened to my original answer. If he had done so, he would have heard that I met the general secretary of the EIS on Friday—that is the latest of many meetings—and that I had discussions with the other trade unions on the same day. We have an on-going commitment that that dialogue will continue.

It does no one—not Scotland's children and young people, in particular—any use whatsoever to continue the scaremongering around the exams. I dealt with that in my previous answer.

I say once again that the Scottish Government, councils and teachers came together during the pandemic to do our utmost to support young people preparing for exams. I appreciate and respect the fact that unions have a mandate to take continuing action should they wish to do so, but there is a shared endeavour to support our children in the build-up to and during exams. That remains in place with the Scottish Government and our agencies, and I am confident that, working together, we will have contingencies in place so that the exam diet is not threatened.

**Jackie Dunbar (Aberdeen Donside) (SNP):** Only last month, the Tory education secretary at Westminster snubbed striking teachers down south by saying that

“We didn't negotiate the pay”

with teaching unions because

“that's not what we're there to do”,

while at the same time trying to crack down on collective action with draconian anti-strike legislation. Can the cabinet secretary provide a renewed commitment that no stone will be left unturned in Scotland to find a fair and sustainable agreement with the teaching unions?

**Shirley-Anne Somerville:** Jackie Dunbar is quite right to emphasise that the resolution must be fair, affordable and sustainable. The Government is absolutely committed to the continuation of the Scottish Negotiating Committee for Teachers, and we are resolutely opposed to the anti-trade union legislation that is being proposed by Stephen Kerr's colleagues in the United Kingdom Government—something that, I note, Stephen Kerr has not come out against today, and nor have other Tory MSPs, as far as I am aware.

**Michael Marra (North East Scotland) (Lab):** Yesterday the cabinet secretary took to the airwaves to warn unions not to disrupt exams. The Government has a brass neck to warn anyone about the conduct of exams. It is the teaching workforce that has bailed the Government out of its SQA disaster for the past three years. The response to that rhetoric today is more strike dates, and those who are unfortunate enough to have the cabinet secretary as their MSP are among the worst affected.

We are back in the 1980s, are we not? Michael Forsyth, George Younger, Peter Fraser and Malcolm Rifkind were all targeted by the teaching unions. How on earth did we end up here? When will the cabinet secretary do the job that taxpayers have sent her here to do? When will she sanction an offer, get it on the table and get a deal done?

**Shirley-Anne Somerville:** With the greatest respect to Michael Marra, I return to the point that I made earlier: if the pay dispute were to be resolved today, the Scottish Government and local government would have to agree to union pay demands that are unaffordable and unsustainable. Is that actually what Michael Marra is asking us to do? That is the reality of the situation that we are in.

We will continue to work very closely with councils and the SQA to ensure that contingencies are in place. There are, of course, the support mechanisms that were already in place through Education Scotland to provide support for the national e-learning offer, for example, as we work towards the exam diet and provide support for it.

I would say in response to the escalation of strikes that has been proposed by the EIS today

that, while it can choose to target action that impacts on some children and young people more than others, and while it can choose to escalate the strike, none of that changes the financial reality that we are operating in, and it does not change the need for all parties to compromise accordingly and find a settlement that is fair and affordable.

**Willie Rennie (North East Fife) (LD):** Week after week, no offer has been made to the teachers, and they have been insulted with claims that they are paid quite enough. Is the education secretary not even a little bit worried about the deep damage that she is inflicting on the special relationship between the teaching profession and the Government? Does she not understand that this situation could last for generations and that it could ultimately damage our pupils?

**Shirley-Anne Somerville:** I appreciate that the Scottish Government and trade union colleagues remain some distance apart on the matter of pay. However, I would point to the continued work that we are all doing on other issues, with the exception of pay. That is an important point. I pay tribute to the fact that, despite the fact that we have a dispute around pay, we are continuing to work together for the benefit of children and young people in other areas. That is the important and responsible thing for the Scottish Government to do. It is also the important and responsible thing for the teaching unions to do—which they continue to do, and I pay tribute to them for that.

**Alex Rowley (Mid Scotland and Fife) (Lab):** I listened to the cabinet secretary at the weekend with utter dismay, and I have to say that I did the same today. Does she not realise the damage that is being done to children's education across Scotland? What the cabinet secretary said at the weekend suggested that the Government is willing to allow the strike to run and run, doing more and more damage.

Does the cabinet secretary accept that, in the end, it is for the Government to resolve the dispute, which it will do only by taking a better pay deal to the table? The sooner it does that, the better it will be for all children across Scotland.

**Shirley-Anne Somerville:** We all—the Scottish Government, local government and the teaching unions—want to see the pay dispute resolved. I reiterate what I have said about the financial reality of the situation, which is the financial reality that we all have to deal with in trying to compromise and find a way forward. It is very important that, as a Government, we find a way through this situation that is fair and affordable for teachers and for other colleagues in the public sector who have already settled their pay disputes with the Scottish Government.

Every single day and every single week, we will continue to endeavour to ensure that the dispute is brought to an end. In the meantime, my work will also focus on protecting the education of children and young people in the run-up to their exams.

### **M&Co (Closure)**

**2. Neil Bibby (West Scotland) (Lab):** To ask the Scottish Government what its response is to reports that M&Co will close all of its 170 stores, resulting in almost 2,000 job losses. (S6T-01171)

**The Minister for Public Finance, Planning and Community Wealth (Tom Arthur):** The people affected by that development are our immediate priority. This is, of course, a difficult time for the company's staff, their families and the local areas that are affected. I met the administrators of M&Co on 19 January to discuss the situation and to consider what support the Scottish Government could offer. Regrettably, the company has not secured a buyer.

The Scottish Government is in contact with the administrators and stands ready to offer what support it can to those facing redundancy in Scotland, including through our partnership action for continuing employment—PACE—initiative for responding to redundancy situations.

**Neil Bibby:** M&Co has been an iconic Scottish brand and a welcome presence on our high streets for decades. Although I acknowledge that the brand will be retained by AK Retail Holdings, jobs in stores are set to go by Easter. That is a devastating blow for nearly 2,000 M&Co employees throughout the United Kingdom, which includes around 600 in Scotland and those at the headquarters in Renfrewshire, which is also set to close.

I know from my experience—and the minister will know from his experience—that those workers have provided a friendly and helpful service to their customers over many years. If any other industry was to lose that many jobs, the Scottish Government would rightly be all over it. Retail should not be any different. As my Labour colleague Katy Clark suggested, is the Government considering setting up a ministerial task force to support the workers in order to lessen the blow of this devastating news?

**Tom Arthur:** I echo Mr Bibby's sentiments in recognising the tremendous workforce at M&Co. I have given an undertaking, and I am happy, to consider any proposals for further action that the Scottish Government can take.

On the request for a task force, task forces often respond in a place-based manner. Given the disparate nature of the workforce across multiple sites, a task force might not be the best means by which to respond. However, I do not want to



preclude any options at this stage, and I am more than happy to meet the member and Ms Clark to discuss in further detail what action could be taken.

**Neil Bibby:** I have to disagree with the minister. I think that the disparate nature of the workforce across many communities in Scotland reinforces the need for a task force.

The workers at M&Co have demonstrated excellent customer care skills and they need our support to find other employment. Stores such as M&Co have been the lifeblood of our town centres for decades, but high street retailers are struggling to survive, given the unfair competition with online giants and rising energy costs, and their customers are struggling in a cost of living crisis.

There are nine M&Co stores alone in the west of Scotland. The minister will be well aware of the stores in Johnstone and Paisley.

**The Presiding Officer:** We must have a question, please.

**Neil Bibby:** In addition to helping the affected workers, what new action will the Scottish Government take to reverse the economic decline of our town centres?

**Tom Arthur:** Mr Bibby eloquently outlined many of the systemic challenges that our retail sector is facing, from changing consumer habits to the growth of online sales.

We are taking a range of action through our retail industry leadership group, which is taking forward our retail strategy. We are progressing our town centre action plan. Indeed, I am co-chairing the first meeting of the town centre action plan forum with the Convention of Scottish Local Authorities tomorrow. We are also progressing proposals around community wealth building. Next week, we will formally adopt national planning framework 4, which embeds the town centre first principle. That will help to ensure that we see a greater concentration of economic activity in our town centres. One way in which that will be supported is to have a bigger population in our town centres; increasing population density in our town centres is vital to secure the demand for local services, including retail.

In addition to extending an invitation to Neil Bibby and Katy Clark to discuss the specific challenges around M&Co and the immediate response to those, I am also happy to engage with them—and with any other member, for that matter—more generally on how we ensure that Scotland has a thriving retail sector for years to come.

**Jamie Halcro Johnston (Highlands and Islands) (Con):** The news is another devastating blow to our high streets and to those who work for

M&Co. There is real pressure on retail businesses and communities across the country. The Fraser of Allander Institute has reported that 75 per cent of firms expect weak growth in the coming years and just 5 per cent of Scottish firms feel more confident about the outlook of their business after the budget. Given that it is clear that the Scottish budget has provided little encouragement to Scotland's businesses, what new action is the Scottish Government now considering to prevent further closures on our high streets and the loss of more jobs and livelihoods?

**Tom Arthur:** The proposed budget, which the Parliament is considering, provides the most generous package of support in relation to non-domestic rates, with 95 per cent of subjects in Scotland liable to a lower tax rate than they would be liable to elsewhere in the UK. About 50 per cent of retail and hospitality subjects will pay no rates at all because we provide the UK's most generous small business bonus scheme.

I will not rehearse the points that I made in my response to Mr Bibby, but I refer Jamie Halcro Johnston to that answer, in which I highlighted the range of strategic and co-ordinated action that we are taking in partnership with local government and directly with the sector. That action is buttressed by significant funding, which is being delivered in partnership with local government through, for example, the place-based investment programme and the vacant and derelict land investment programme.

**Natalie Don (Renfrewshire North and West) (SNP):** This news will be of significant concern to many of my constituents who are employed at the M&Co headquarters, which is based in my Renfrewshire North and West constituency. I have requested a meeting with the employer to establish what support it is providing to those whose jobs are being cut.

Can the minister provide any further information at this stage regarding the steps that the Scottish Government can take to provide support to people who face redundancy and to help them to find similar employment locally?

**Tom Arthur:** At this time, there are no dates for when individual stores will close and redundancies—including at the distribution centre and among the remaining head office staff at the Renfrew site—will occur. However, the administrators have assured us that it is their aim to provide as much notice as possible to the Scottish Government and the impacted individuals.

The administrators have already notified PACE, Jobcentre Plus, the Insolvency Service and the redundancy payments service in order that they can provide support to people at the relevant time.

In December, the PACE national team met the administrators to discuss support for staff who are made redundant, and it has provided further information about the help and support available.

**Katy Clark (West Scotland) (Lab):** The administrators have confirmed that no offers have been made that would result in the transfer of the company's stores or staff. Of course, those job losses are in addition to the proposed job losses at the Amazon site in Gourrock, which is also in the west of Scotland.

I am very grateful to the minister for his offer to discuss the creation of a task force. Does he agree that, as well as ensuring that we provide every support to any staff affected, we must prevent more buildings from becoming empty in town centres in the west of Scotland?

**Tom Arthur:** Absolutely. I thank Katy Clark for the constructive way in which she has engaged on the issue. She makes a very important point about the cumulative effect in the west of Scotland of recent announcements.

I will not repeat the points that I have made, but we are taking a range of actions to address the issue of vacant shops. Shortly, I will publish the Government's response to phase 2 of the permitted development rights review. I will not anticipate what will be in that, but it is another strand of the action that we are taking to support our town centres. I look forward to picking up this conversation when we have the opportunity to meet.

## Levelling Up Fund

**The Presiding Officer (Alison Johnstone):** The next item of business is a statement by Richard Lochhead on the Scottish Government's response to the second round of the levelling up fund. The minister will take questions at the end of his statement, so there should be no interventions or interruptions.

14:23

**The Minister for Just Transition, Employment and Fair Work (Richard Lochhead):** The United Kingdom Government introduced levelling up in 2020, signalling it as the central agenda for making the UK a fairer place to live by reducing inequality. We were told that the lynchpin of that agenda—the levelling up fund—would seek to improve everyday life across the UK. However, after two rounds of funding, we see very little evidence that it is working.

In fact, Bloomberg analysis that was released in January shows that only 3 per cent of Scotland has levelled up, according to the metrics involved. That means that 97 per cent of Scotland has felt little to no impact from the funding or the UK Government's interventions, so levelling up means losing out for many of Scotland's communities. I will lay out the evidence for why that is the case.

First, there is the inept delivery of the fund, which has left the most deprived areas without any award. Secondly, there is the constitutional issue at the core of all this. The Scottish ministers have raised that issue time and again, and it demonstrates the disrespect that the UK Government has for devolution. The fund also exemplifies the UK Government's tendency to shift the goalposts on stakeholders, making decisions without consultation or advance notice.

The first such decision occurred when the UK Government announced plans in its autumn 2020 spending review for a £4 billion levelling up fund exclusively for England, advising that consequential funding of £800 million would be provided for devolved Governments "in the usual way". The "usual way" is of course via the Barnett formula for consequentials to allow expenditure in devolved areas. Through that, the Scottish Government expected to receive around £430 million, which we would have used in a manner that met the needs of all Scottish regions and that supported work to promote core policies such as community wealth building, tackling child poverty and regional economic development.

However, the introduction of the infamous United Kingdom Internal Market Act 2020 allowed the UK Government to backtrack at the last minute and to announce in the 2021 spring budget,

without discussion with Scottish ministers, that the fund would be UK-wide. The UK Government then kept the consequentials and used them to increase the fund to £4.8 billion and apply it directly in devolved areas. It is unacceptable and undermines the devolution settlement for the UK Government to use powers that it has gifted itself through the United Kingdom Internal Market Act 2020 to bypass the Scottish Parliament and the Scottish Government in ways that could—and do—contradict Scotland’s devolved priorities.

It is concerning that, with approximately £80 million left for Scotland, just under half of all our local authorities have yet to receive any support from the fund. Think about that for a second. The UK Government has allocated £3.8 billion from the levelling up fund, and 14 councils in Scotland have not received a penny. It is the Scottish Government’s view that the remaining funding should be passed to the Scottish Parliament, as was initially intended, to enable targeted and focused support for the areas that are most in need of levelling up. Even though, as I have just said, most of the fund has now been allocated, we could at least make the best of a bad lot.

One of the most scathing criticisms of the levelling up fund came from the Conservative mayor for the West Midlands, Andy Street, who recently noted that

“this ... is just another example as to why Whitehall’s bidding and begging bowl culture is broken”.

He went on to say:

“the sooner we can decentralise and move to proper fiscal devolution the better.”

In Scotland, we could have used the funding in line with Scottish priorities. For instance, our recently published regional economic policy review sets out the trajectory for the future delivery of regional economic development and builds on the commitments made in the national strategy for economic transformation. We would seek to issue funding to our regional partners in line with all the recommendations that were made by the experts who led that review. Those would, for instance, deliver the core strategic projects that matter to our regions, build capacity in our local authorities, support sectoral strengths and create things such as the proposed intelligence hubs for every region.

The UK Government has not only shifted the goalposts for the Scottish Government by removing expected consequentials without consultation; it has treated our local authorities with the same disdain. A note on

“the assessment and decision-making process”,

which the UK Government produced months after bids were submitted, said that ministers had suddenly decided to take account of

“which local authorities had received funding in the first round, noting that this would help maximise the geographical spread of investment across rounds one and two”.

Put in plain English, that meant that anywhere that was successful in the first round would not get funding in the second round, regardless of the quality of the bid submitted. However, at no point did the UK Government think to tell the local authorities, which had invested time and effort in creating bids that were not even going to be considered. That lack of respect is astounding.

Susan Aitken, the leader of Glasgow City Council, confirmed in an article published in *The Herald* that

“bidders were not told about this in advance, resulting in huge expense to work up the detailed and labour intensive proposals.”

Councillor Aitken wrote to the Secretary of State for Levelling Up, Housing and Communities, Michael Gove, stating that, in the weeks leading up to the decision,

“your officials were in dialogue with ours and at no stage was there ever any suggestion that places successful in Round 1 would not be eligible for Round 2 funding.”

Because the UK Government did not make that clear from the outset, Scottish local authorities have wasted time, effort and money developing bids that were ultimately dismissed on the basis of geography rather than need. It is not for Scottish ministers to speak on the behalf of councils, but it is not unreasonable to suggest that many of them would have entered different projects into round 1, had they known from the outset that they would only get a single bite of the cherry.

Although Scottish projects have received 9 per cent of all awards from the fund, only 10 of the 29 Scottish local authorities that submitted bids in round 2 were successful. At a practical level, however, the social sector consultancy NPC noted last year that Scotland received only 3.5 per cent of levelling up funding, despite having 8.2 per cent of the population, and Scottish local authorities with the highest homelessness rates received less levelling up funding in 2022 than the areas with the lowest rates. The UK Government claims that the fund is about reducing inequality, but it has made it about geographical spread. As I said before, it has even failed to achieve that.

We know that it is not really about reducing inequality when we see the full picture of the awards. Rural and peripheral regions and areas of deprivation have not been prioritised or targeted by the UK fund. Although not all councils applied to the fund, possibly due to the convoluted processes involved, five of the least well-off council areas in Scotland received no award from round 2. Glasgow, North Ayrshire, Renfrewshire, South Lanarkshire and West Dunbartonshire are

all ranked in the top 10 most-deprived areas, according to the Scottish index of multiple deprivation, yet they were overlooked for funding in round 2. In comparison, nearly £40 million was awarded to some of Scotland's least-deprived areas.

It is difficult to reconcile the rhetoric of levelling up as the great reducer of inequality with the clip provided, for instance, by the *New Statesman*, in which the Prime Minister was captured last year telling Conservative activists that:

"I managed to start changing the funding formulas, to make sure that areas like"

Tunbridge Wells

"are getting the funding they deserve."

Funnily enough, Mr Sunak's wealthy Richmond constituency was awarded £19 million. How does that reduce inequality, when Glasgow's most deprived areas such as Maryhill and Possilpark had projects rejected, or my constituency of Moray did not receive investment for its bid involving a similar sum for a similar regeneration package to that for which the PM's back yard was successful in being given an award?

It is also worth noting that the biggest regional recipient was the north-west of England, which received £350 million. It just so happens to be the red wall where the Conservatives are most vulnerable to losing marginal seats to Labour. By comparison, the whole of Scotland was awarded £177 million—approximately half that amount.

Even a cursory analysis of the fund exposes that it is not about poorer communities being levelled up. It is clear that the fund is nothing more than a dash for cash, where political glad handing takes precedence over meaningful, strategic and targeted investment for our poorer communities.

Levelling up should not mean losing out, but it does. Recent Bloomberg analysis shows that, in 2019, 597 of the 650 constituencies were behind London and the south-east in at least six of the 12 levelling up metrics that were analysed. As I mentioned earlier, in Scotland, only 3 per cent of all constituencies were shown to be levelling up overall.

As we all know, levelling up cuts across many areas of devolved policy such as transport, justice, culture, skills and education. We fundamentally disagree with the principle of the UK Government making decisions in devolved areas. In 2021, as I said before, the UK Government changed its mind on plans to confine the fund to England and to deliver extra Barnett consequential to the Scottish Government. Instead, it kept all the funding and is issuing it in a manner that fails to reduce inequality in any meaningful way.

If we had control of that funding, we would do the right thing with it and support Scotland's priorities. We will now invite the Secretary of State for Levelling Up, Housing and Communities, Michael Gove, to a face-to-face meeting in order to discuss the future of the fund, setting out our intention to deliver true devolution through investment in accordance with our aim to create a wellbeing economy for Scotland.

The International Monetary Fund is forecasting that the UK will be the only major economy to contract in 2023, so the UK economy is fundamentally on the wrong path with no real alternative on offer within the current system. Communities have been damaged by UK policies such as Brexit and other UK budget decisions.

Therefore, the UK Government must devolve the remaining funding to the Scottish Government so that we can see meaningful support delivered to regions and regional stakeholders, bringing together public, private and third sector economic actors, so that we can tackle inequalities within and between their regions. That would be true and respectful partnership-working between all areas of Government, not the top-down, power-grabbing and ineffective fund that we see right now.

**The Presiding Officer:** The minister will now take questions on the issues raised in his statement. I intend to allow around 20 minutes for questions.

**Jamie Halcro Johnston (Highlands and Islands) (Con):** I thank the minister for advance sight of that statement, although I hoped, if not expected, that it might be a bit more than page after page of reheated grievance. It is certainly 11 minutes that none of us will get back.

Although the Scottish National Party might not be able to find anything positive to say, the levelling up funding has been welcomed in communities across Scotland. Councillor Emma Macdonald, the leader of the Shetland Islands Council, said:

"It is no exaggeration to say that this funding from the UK Government has saved Fair Isle as an inhabited island. There would have been no other way for us to sustainably fund such a project. This is a truly great day for Fair Isle, and for Shetland, and we are grateful for the honest, open and productive dialogue we have had both with the Scotland Office and the Department for Levelling Up, Housing and Communities throughout the process."

Councils across the country applied for support, including some run by the SNP. Many welcomed the fact that they applied directly for that additional funding on top of Barnett consequential that the Scottish Government already receives and that it was not funnelled through the Scottish Government's sticky coffers in Edinburgh. The minister failed to acknowledge that the percentage of the funding received by Scotland is higher than

Scotland's percentage of population. As a country, we are a net beneficiary of that UK support.

Does the minister recognise that the ministerial miserabilism from the SNP is in stark contrast to the welcome that the funding has received in communities across Scotland? Does he accept that communities across Scotland do not care where the funding comes from and that, if the UK Government is delivering support where the SNP ministers are not, it is for the Scottish Government to step up? Does he recognise that the Scottish public want to see their two Governments working together and working with local authorities on issues such as levelling up funding, city region deals and freeports? They do not want more nonsensical grievance mongering from SNP ministers.

**Richard Lochhead:** The member's question gets to the heart of the two key issues.

First, he mentioned the Shetland award. No one in the chamber or the Government blames local authorities for applying for funding that the UK Government makes available. However, Jamie Halcro Johnston will know that, in round 2, with the Highlands and Islands being identified by the UK Government as in the lowest level of need, only Shetland got an award. The rest of the Highlands and Islands did not get a penny. Argyll and Bute, the Western Isles and my constituency of Moray have not received a penny out of the £3.8 billion announced by the UK Government so far in both rounds. How on earth can he say that that is levelling up?

The second point is about the UK Government and the Scottish Government working together. The mess would not have happened had the UK Government been willing to work with the Scottish Government but the irony is that the UK Government used the United Kingdom Internal Market Act 2020 to change its mind on devolving the consequential to the Parliament and decided to directly allocate funding and ride roughshod over Scottish devolution. *[Interruption.]*

**The Presiding Officer:** Let us hear the minister.

**Richard Lochhead:** Unlike on the growth deals and the green freeports, the UK Government is not willing to work with the Scottish Government on levelling up funding. If it had, we might have got it right and not been in a position where 14 local authorities in Scotland in Scotland missed out on getting a penny from the £3.8 billion has been announced for so-called levelling up so far.

**Daniel Johnson (Edinburgh Southern) (Lab):** I thank the minister for advance sight of his statement.

Between the lowest and highest-performing cities in Scotland, there is a gap of around a third

in earnings per hour worked. Indeed, five local authorities in Scotland have seen a productivity decline in the past decade, so I agree that the levelling up fund is insufficient compared to the structural funds that it replaces. I also agree that it is not transparent and bypasses devolution. Indeed, my colleague Chris Bryant described it as corrupt, and I do not disagree with that assessment.

However, beyond city region deals, there is no relevant locus or structure in Scotland. I note that the report of 19 December from the regional economic policy advisory group states that there should be enhanced structures and autonomy for regional economic development. When will there be a formal response to the report, with clear regional economic plans and investment to back them up, so that we can close the gap between our lowest and highest-performing cities?

**Richard Lochhead:** In my opening statement, I mentioned that we have 11 recommendations from a recent review of working with regional partnerships and taking forward regional policy. If that money been devolved to the Scottish Parliament, that is the way in which we would have approached this issue: we would have worked with local partners and local authorities and got this right. We would have made strategic interventions to tackle inequalities and support local economic development in Scotland.

We are taking a number of measures. We have, for example, the £325 million place-based investment programme, which includes the regeneration capital grant fund. We have many other measures in place. We work with local partners to identify local priorities, as well.

However, many issues are reserved. There is the £349 million that we could have allocated in line with Scotland's priorities, if the UK Government had not overridden devolution and allocated it directly, missing targets and making a mess of the levelling up agenda.

**Emma Harper (South Scotland) (SNP):** I welcome the opportunity to ask about levelling up in the chamber. It seems that one of the UK Government's central tenets is that its fund should bypass the Scottish Parliament entirely and avoid the inconvenience of democratic oversight. That is in contrast with what happened with decades of European Union structural funding, which was allocated through co-ordination between the European Commission, the Scottish Government and local communities, and was delivered through the LEADER programme, for example. Does the minister share my concern that Westminster has encroached on devolved responsibilities and failed to engage with communities directly?

**Richard Lochhead:** Emma Harper is correct. This is another example of the UK Government's aggressive approach to the constitutional settlement in the UK and of it riding roughshod over Scottish devolution and showing utter disrespect to this Parliament and the Scottish Government. A prime example is the fact that European funding, which Emma Harper referred to, identified Scotland's rural and more remote areas as being areas of need, whereas the UK Government, in taking over the fund and changing its mind about devolving it to Scotland, decided that those areas are not in need and have the lowest need. That is an outrageous position. As a result, much of the funding has missed out areas in Scotland that are most in need.

**Jamie Greene (West Scotland) (Con):** I feel sorry for members of the Government party, who have clearly all got out of bed on the wrong side this morning, because not one of them has anything positive to say about the fund.

My constituents on the west coast are pleased that more than £100 million is being invested in Inverclyde, North Ayrshire, Renfrewshire and Dunbartonshire—but those are hardly Tory heartlands. The areas are still reeling from the lack of support for a freeport bid, and we lack a Scottish Government strategy on marine and port infrastructure. Over in the west we would like, apart from the welcome UK Government investment, a clear direction of travel from the Scottish Government on how it will properly invest in our marine infrastructure, which is underutilised by the Government. We want a strategy and we need it soon.

**Richard Lochhead:** As I have said in my previous answers, we will continue to work with regional partners in rolling out the funding that I have already mentioned is available from the Scottish Government. We will continue to make representations to the UK Government that its funds take into account our strategic priorities.

Jamie Greene mentioned the welcome that projects in his part of the world have been given. I reiterate that no one blames local authorities for applying for funding that is made available by the UK Government. What we are saying is that the funding was sold as part of the levelling up agenda, but Jamie Greene was not, when he asked his question, able to say how the awards support that agenda. There are many different funds with many different objectives, but the purpose of this fund was to tackle inequalities across the country, to target the areas that are most in need and to deliver the levelling up agenda, which, in most cases, it has failed to do.

**Kenneth Gibson (Cunninghame North) (SNP):** Not only is the UK providing less funding than Europe, but the Institute for Public Policy

Research has calculated that the UK Government's failure to inflation proof levelling up funding has cost communities more than half a billion pounds. Has the minister been advised whether the UK Government will rectify the shortfall and fill the inflation gap, which has been caused in part by the UK Government's economic incompetence?

**Richard Lochhead:** Kenneth Gibson has made an important point. We have had no feedback as yet from the UK Government about the future of the levelling up fund or about taking into account inflationary pressures or other factors.

As I said in my statement, we are asking the levelling up secretary for a face-to-face meeting to discuss the future of the fund, but I suspect that he will be so embarrassed by the negative response to the fund throughout the UK, including from prominent members of the Conservative Party, that there might be doubt about its future. We wait to hear formally from the UK Government about the fund's future.

**Pauline McNeill (Glasgow) (Lab):** The minister rightly laments the failure of Glasgow to receive funding in this round of awards, despite there being clear economic need. However, how much pleading does the Scottish Government need to hear from Glasgow business leaders, who are being let down by that failure and by rejection of the Clyde freeport bid, despite there being high levels of deprivation across the region? Does the minister agree with me and local business leaders that Glasgow is of strategic importance to the economy and should be compared to cities such as Manchester? Does the Scottish Government recognise the need for a plan to enhance existing funding and to support the failings of levelling up?

**Richard Lochhead:** Pauline McNeill is correct to talk about the strategic importance of the city of Glasgow to the whole of Scotland and the Scottish economy. I absolutely agree with that point.

She has made the Scottish Government's point for us. We would like to do more to help the city of Glasgow: £349 million was meant to be devolved to the Scottish Parliament and Government so that we could work with Glasgow City Council and others to help the city's future. However, the UK Government changed its mind and decided to allocate the money directly, thereby rejecting applications from areas in Glasgow that have the most need. I hope that Ms McNeill appreciates the challenges that we face in making sure that resources go to the right places.

**Clare Adamson (Motherwell and Wishaw) (SNP):** A significant proportion of the so-called levelling up money seems to have gone to wealthier areas in England, including the Prime Minister's constituency. Meanwhile, post-industrial

areas like Ravenscraig, in my constituency, which have been betrayed for decades by Conservative Governments, continue to be overlooked.

Does the minister share my belief that the situation represents a missed opportunity to right past wrongs, and will he join me in inviting Tory members, who have been talking all afternoon about grievance, to come and speak to my constituents in Motherwell and Wishaw and explain to them why they are yet again being let down by a Tory Government?

**Richard Lochhead:** I know that voters in that part of the world have for decades rejected the Conservative Party at the ballot box. I am in no doubt whatsoever that that rejection is set to continue in the years to come, given the Conservatives' track record there.

I reiterate that we would have liked the UK Government to have stuck to its word and devolved the funding so that we could have worked with Clare Adamson's local authority and regional partners to deliver funding where it would have been most effective, and to make strategic interventions to tackle inequality and support local economic development.

**Willie Rennie (North East Fife) (LD):** I understand that the minister is upset that he has been ignored by the Conservative Government, but is he not a little bit embarrassed that it has taken a UK Conservative Government to fund a lifeline ferry to Fair Isle when that should have been funded by the Scottish Government years ago?

Why should councils be stuck between two feuding Governments and their inability to agree with each other?

**Richard Lochhead:** The reason why the Shetland Islands and other communities have to deal with two Governments is that Scotland is not yet independent. If we were, we would be able to get on with things and to do the right thing for Scotland, with the powers of an independent country.

Willie Rennie mentioned and hailed one specific project. As I said before, the local authority had every right to apply for the available funding. Does he think that it is right that, under the levelling up agenda, a £27 million ferry and infrastructure for Fair Isle is the only project that has been supported in all the Highlands and Islands—an area that Europe, this Government and others think has some of the greatest need for economic development and for tackling of inequalities, although the UK Government deemed it to be the area with the lowest need?

**Alasdair Allan (Na h-Eileanan an Iar) (SNP):** The minister said something that is worth

mentioning again: only one of many bids from the Highlands and Islands was successful in this round of UK Government levelling up funding. My constituency previously—and rightly—benefited enormously from EU structural funding. Does the minister believe that the UK Government's watered-down replacement for EU funding is equitable and fit for purpose, or does he believe that it again demonstrates how far removed the UK Government is from the needs of rural and island communities?

**Richard Lochhead:** Alasdair Allan has highlighted how his constituents have been missed out and how his area has so far been deemed, by the UK Government, to have no need for levelling up funding. Out of £3.8 billion that has been allocated by the UK Government, not one penny has gone to Alasdair Allan's constituency. He is quite right to raise that point, because it is not the first example of his part of the world being missed out. European funding will, following Brexit, decline as the UK Government breaks its promise to match European funding. Now we see what is happening with the levelling up fund. According to the UK Government, there is no need for levelling up in Alasdair Allan's constituency.

That is why we will make representations to the UK Government that the remaining £80 million be forthcoming through consequentials, if the UK decides not to hold on to the money and not to allocate it under its warped formulas.

**Ariane Burgess (Highlands and Islands) (Green):** I welcome the minister's call to devolve the remaining levelling up funding to the Scottish Government so that we can spend it on our own priorities. Round 2 of the funding yielded nothing for Highland Council and there were very few successful bids in the wider region. Among the projects that missed out were plans to improve Portree harbour, and improvements to the north coast 500 and the harbours at Wick and Ullapool. Indeed, the vital area of transport connectivity is excluded from evaluation of Scottish projects. Does the minister agree that the current scheme is vulnerable to Tory cherry picking and that it fails to address rural inequality, especially in relation to transport links?

**Richard Lochhead:** Of course I agree with Ariane Burgess—and for a couple of reasons. First, the Scottish Government was cut out of the process of allocating the funding. Transport was one of the reasons that we gave the UK Government for why devolved responsibility should be taken into account and respected. Transport should feature heavily in the levelling up fund, but the UK Government refused to take into account or speak to the likes of Transport Scotland, or to look at its strategic priorities and the metrics that it uses for determining how to

allocate transport funding. As a result, the UK Government made many wrong decisions and the priorities of our communities, particularly our rural communities in the Highlands and Islands, were completely ignored.

**Alexander Stewart (Mid Scotland and Fife) (Con):** In his statement, the minister indicated that the funding would have had better impact if it had been delivered by the Scottish Government working with local government and communities. The reality is, however, that Scotland received 9.2 per cent of the levelling up fund, compared to its 8.2 per cent share of the UK population. Eighteen out of 32 Scottish local authorities benefited from the funds, and they have all welcomed the money that they will receive. How, therefore, can the Scottish Government maintain that Scotland is losing out when it is receiving more funding per head of population?

**Richard Lochhead:** The member would do well to remind himself that it is called the levelling up fund, and that it is not a dash for cash for the local authorities that could most quickly put together applications when they were given a limited window of time in which to apply for the money. As a result, we have the mess that we are dealing with now. The funding should have been a strategic intervention through work by the Scottish Government and local authority and regional partners, so that we could have tackled inequality and supported local economic development. The levelling up agenda has failed the whole of Scotland.

**Audrey Nicoll (Aberdeen South and North Kincardine) (SNP):** As the minister highlighted in his statement, many local authorities, including Aberdeen City Council, invested significant resources in preparing comprehensive bids for round 2 funding, only to be told at the very last minute that they were not eligible. Does the minister agree that that shambolic state of affairs should urgently be rectified by the UK Government refunding the significant costs that have been incurred by councils that prepared unsuccessful bids? Does he also agree that the UK Government must urgently provide clarification on the criteria that are to be set for future funding rounds?

**Richard Lochhead:** Yes. Local authorities not being informed about the change of rules showed utter disrespect to authorities, including Aberdeen City Council and others, that were unaware that those that had been successful in round 1 would not be considered for round 2. Given the tight financial constraints that face all local authorities in Scotland and the Scottish Government, at a time when every penny counts and public services are under so much pressure, it really was a terrible thing to do—to sit back and allow local authorities to waste hundreds of thousands of pounds, in

some cases, on applying for funds when the rules had been changed without their being told and they did not have a chance of being successful.

**Paul Sweeney (Glasgow) (Lab):** It is certainly the case that the way in which the funding has been managed is deeply regrettable and frustrating—in particular, for Glasgow. The people's palace remains derelict and there is no funding for Glasgow's museums, yet Edinburgh's museums are given national funding. The M8 is crumbling, although that project for levelling up funding remains as critical as ever. Those projects have had business cases developed and are ready to go: they are, to quote the Deputy First Minister, "shovel ready". Will the Scottish Government look to collaborate with Glasgow City Council to raise funding, perhaps through issuing local government bonds, or will it investigate other ways in which we could capitalise those projects, which are needed as badly as ever?

**Richard Lochhead:** I remember the people's palace from my youth, and I am interested in Paul Sweeney's question, but I suggest that he write to the Cabinet Secretary for the Constitution, External Affairs and Culture about what options the Scottish Government might have—or that it might not have, given the current financial constraints that we all face.

A lot of the investment decisions in Scotland are, quite simply, dependent on decisions that are taken in Westminster. The levelling up fund is yet another example of the wrong decisions being made, of the devolution settlement in Scotland and the other devolved Administrations being completely ignored, and of the UK Government choosing to ride roughshod over Scottish democracy.

**The Presiding Officer:** That concludes questions on the ministerial statement. There will be a brief pause before we move to the next item of business.



## Teacher Numbers and Children's Learning Hours

**The Deputy Presiding Officer (Annabelle Ewing):** The next item of business is a statement by Shirley-Anne Somerville on protecting teacher numbers and children's learning hours at school. The cabinet secretary will take questions at the end of her statement; therefore, there should be no interventions or interruptions.

I call Shirley-Anne Somerville to speak for up to 10 minutes.

14:57

**The Cabinet Secretary for Education and Skills (Shirley-Anne Somerville):** I am pleased to provide a statement on our commitment to protecting teacher and school support staff numbers and the current number of learning hours for children, and on the action that we will take to deliver that.

The Government's vision for education in Scotland remains the delivery of excellence and equity for all. These measures are critical to our aim, which is shared by local government, to raise attainment and to substantially eliminate the poverty-related attainment gap by 2026. As I reported two weeks ago, there are promising signs that the attainment gap is, once again, narrowing. However, there is no room for complacency and there remains much work to do to support education recovery and to accelerate progress in closing the attainment gap.

To be clear, I understand the difficult budgetary choices that local government faces. Such decisions are no less difficult for ministers. Time and again, we have acted to ensure that local government receives a fair settlement. We are making very difficult choices in order to support vital services, and it is essential that the funding that is allocated supports the outcomes for which it is intended.

The Government has a clear commitment to improving Scottish education. Maintaining increased teacher numbers is fundamental to that.

Before I go into detail, I place on record my thanks to our colleagues in local government for their dedication to the delivery of a first-class education for our children and young people. For example, we remain close to record levels of teacher numbers, and our pupil teacher ratio remains historically low, at 13.2. Last year, we witnessed the biggest single-year decrease in the attainment gap in primary numeracy and literacy levels since records began, in 2016-17. In addition, the 2022 exam results show an increase in pass rates for national 5s, highers and

advanced highers to record levels for any exam year since the current qualifications were introduced, while the gap between attainment levels in the least and most deprived areas has narrowed from the 2019 level.

To build on that, we have agreed with local government ambitious stretch aims, which set out each council's ambitions for its learners. For both overall attainment and the closing of the poverty-related attainment gap in literacy and numeracy in primary schools, the collective stretch aims of local authorities are an improvement of 6 to 7 percentage points. If that were achieved, it would amount to the biggest two-year improvement that has been recorded since the introduction of the challenge.

As we support this generation to recover from the disruption that the pandemic has caused to its education, I am grateful for those sustained efforts, and I recognise the importance of strong partnership working between local government, central Government and Education Scotland to achieve our ambitions.

I wish also to address the current pay dispute and the disruption that is being experienced by pupils, parents, carers and teachers across Scotland, and to provide reassurance as to my commitment to work with local government and teaching unions alike to reach a fair, sustainable settlement that is acceptable to all sides.

I pay tribute to the dedication, commitment and hard work of our teachers and school support staff, and all those who work alongside them. Delivering positive outcomes, including raising attainment and closing the attainment gap, is a shared endeavour in which we are making positive progress. A key element of continuing that progress is to ensure that there is no reduction in the fundamentals of education delivery, including the number of teachers or support staff and the amount of time that children spend on learning in schools. My immediate concern is the threat that the numbers of teachers and support staff may start to fall in the next financial year as a result of council budget decisions, and I wish to avoid such an outcome.

Local authorities have historically received funding every year to maintain the pupil teacher ratio and teacher numbers and to provide places on the teacher induction scheme for all probationers who need one. We also provide a further £145.5 million each financial year to fund teacher numbers and pupil support staff. That combined funding was made available to, and agreed with, local authorities to deliver on three specific aims: maintaining teacher numbers at their current levels in the year ahead; maintaining the number of school support staff at their current levels in the year ahead; and continuing to ensure

that there are places available on the teacher induction scheme for probationer teachers who need them.

In the year ahead, where those criteria are not met by a local authority, we will withhold or recoup funding that has been given to local authorities for those purposes. I know that that decision may not be welcomed by local government, but I have a clear commitment to improve Scottish education, on which we are making good progress, and I am firmly of the view that we will not do that by having fewer teachers or support staff, or having pupils spend less time in school.

It is vital that we can maintain increased teacher numbers in the context of the difficult budgetary choices that are currently faced by both local government and the Scottish Government, while we work towards the delivery of our commitment to increase teacher numbers by 3,500 by the end of the current session of Parliament. As I said, I understand the financial pressures that local authorities are facing, and I acknowledge that councils are wrestling with these decisions.

Councils have a range of responsibilities, and inflationary impacts mean, understandably, that difficult choices have to be made. That is why the Scottish Government is committed to delivering fairness in the budget settlement for next year, and a new deal for local government in the longer term. Ministers and the Convention of Scottish Local Authorities leadership continue to discuss how our legitimate and important aim of maintaining teacher numbers can be delivered while respecting local councils' wider priorities, which we share. Those discussions will continue as we finalise next year's budget and beyond.

The current pupil week of around 25 hours for primary pupils and 27.5 hours for secondary pupils is well established. It is the backbone of our education provision and benefits all our children and young people. School not only provides the vital learning that our children and young people need in order to succeed; it is also a safe and secure place that nurtures them. A reduction in the school week, as it has been reported in recent weeks some authorities are considering, would be expected to materially reduce pupil attainment and wellbeing.

That is why I will commence the provision in the Education (Scotland) Act 2016 that will enable Scottish ministers to set the minimum number of learning hours in a school year. Following thorough consultation, I will then bring forward regulations that will specify the minimum number of learning hours per annum and effectively provide a statutory basis for the pupil week.

There is currently some limited variation in delivery across Scotland, which has arisen for a

range of reasons. For example, variation may relate to rural transport requirements; to meeting the needs of our youngest pupils; or to ensuring that older pupils can access flexible options as part of their senior phase. The regulation-making power anticipates that there would need to be flexibility where pupils' wellbeing requires it, and where, for example, matters are outwith the control of the education authority or schools. That variation, and the need for flexibility, would be fully explored in a consultation and considered before regulations are laid. Those regulations will be subject to affirmative parliamentary procedure.

I am committed to ensuring that every child and young person in Scotland has the best opportunities through their education. I am determined that our efforts to accelerate progress on tackling the poverty-related attainment gap will continue. The measures that I have outlined today demonstrate the Government's unyielding commitment to closing the attainment gap and making Scotland the best place in the world in which to grow up. I will be writing to COSLA today, and to each individual council in the coming days, to set out the details on protecting teacher and support staff numbers, and the next steps on learning hours.

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

**Stephen Kerr (Central Scotland) (Con):** This announcement destroys what little good faith remains between councils and the Scottish Government. The cabinet secretary is threatening councils with sanctions and cutting their budgets even further for failing to deliver policies for which she has failed to provide funding. There has been a decade of underfunding. It is hardly surprising that the Educational Institute of Scotland has announced an escalation of strike action—brought about by the cabinet secretary's inaction—including targeting the constituencies of Nicola Sturgeon and Shirley-Anne Somerville.

The announcement will bring about deep cuts: swimming classes will end, youth clubs and playgroups will close, rural nurseries will close, school cleaning will be reduced, school crossing patrols will end, family support will be cut, school trips will be cancelled, libraries will be closed and services for children from playparks to school meals will get worse. The cabinet secretary is responsible for making our country a poorer place to be a child and a young person. She will not fight for them—all the evidence tells us that, in the Cabinet, she does not fight for the interests of children and young people.

Can the cabinet secretary honestly say that her announcement will have a positive impact on children in Scotland?

**Shirley-Anne Somerville:** In the context of the most challenging budget settlement since devolution, we have provided £13.2 billion in the local government settlement, which is an increase of £570 million, which represents a real-terms increase to local government. This probably will not be the last time that I say this, but if Mr Kerr is suggesting that more money should be given to local government, then, given that we are in the middle of the budget process, he or his party must come to us with a reasoned and costed way to do that—otherwise, it is just bluster in the chamber and of no benefit to children and young people.

I point to the work that is being done in the wider Scottish Government to protect children and young people: the Scottish child payment. We have put that in place because of the ineptitude and deliberate policies of the UK Government that target children and young people while failing to alleviate child poverty. We will tackle that at the same time as protecting teacher numbers and support staff.

**Michael Marra (North East Scotland) (Lab):** We have blind panic in the Government and chaos in council chambers. Labour has been warning the Scottish Government about teacher numbers for months. There was no mention of it in the red lines in Mr Swinney's budget circular. Now, with just days before budgets are set, we have fines instead of finance and an immediate ring fencing of more than one third of local authorities' budgets. Chief executives are telling councillors that it is simply not possible to redraw the budgets at this stage.

The statement is woeful. It offers zero clarity to parents, pupils, teachers and taxpayers. What is the date for the baseline of teacher numbers in councils? Why is there no clarity on when regulations will be in place? When will parents know whether the school week is going to change? Why did it take until the very last minute for the cabinet secretary to wake up to the problem?

**Shirley-Anne Somerville:** We have discussed with COSLA several times our concern that the £145.5 million that was put into the budget last year would not provide the numbers. Unfortunately, we were told that it was too difficult and costly to provide national Government with that information. When the teacher census came out, that situation was immediately apparent to us, action was taken and discussions continued from then.

**Michael Marra:** That was out in September.

**Shirley-Anne Somerville:** It was published in December. If Michael Marra wants another bite of the cherry because he did not ask a suitable question in the first place—

**The Deputy Presiding Officer:** That would be a matter for the Presiding Officer.

**Shirley-Anne Somerville:** The date that we will look at will be the date of the teacher census, because those are the official statistics. I am more than happy to discuss other ways to do that with COSLA.

I was very clear about the school week in my opening statement. The Government will move forward quickly with consultation. Local authorities will be in no doubts about the process that we will go through and the fact that we will protect the school week as it stands. I expect councils to pay close attention to the fact that those regulations will be coming into force in due course.

**Graeme Dey (Angus South) (SNP):** We are told that councils are signed up to the shared agenda of addressing the poverty-related attainment gap. Indeed, additional moneys have been made available via the proposed Scottish Government budget to support all local authorities in that Scotland-wide mission. Can the cabinet secretary advise how the Scottish Government assesses the impact that reducing the school week and teacher numbers would have on those endeavours? I presume that it would risk sending the progress that has been made into reverse.

**Shirley-Anne Somerville:** It is of great concern that any reduction in teacher numbers, support staff or the school week would have an impact on our ability to tackle the attainment gap. As I have said—but I will say it once again—our ambition is to substantially eliminate the poverty-related attainment gap by 2026. There is no evidence to suggest that reducing teacher numbers, pupil support staff or the time that children are in school would be anything but to the detriment of that policy. That is exactly why we have provided councils with £145.5 million on that basis.

**Meghan Gallacher (Central Scotland) (Con):** Last week, the cabinet secretary set out four red lines to councils: teacher numbers, the length of the school week, pupil support assistance, and probationary teachers. I hate to break it to the cabinet secretary, but councils have already made savings in those areas in previous years, and some have no choice but to look at making further savings to balance the books. As the cabinet secretary is keen to set red lines in education, perhaps she could outline what other savings councils should make in order to balance their budgets in the face of Scottish National Party cuts.

**Shirley-Anne Somerville:** We have previously seen an increase in teacher numbers, thanks in

great part to the investment that the Scottish Government has made in them. Indeed, we have recently seen increases in the number of pupil support assistants. It is very important that we recognise and appreciate that councils have difficult decisions to make—we all do, as we set these budgets. I simply say to Meghan Gallacher and others that, where we have a joint agreement—as we did on the issues of teacher numbers and pupil support staff numbers—and where money has been allocated on that basis, I do not think it surprising that the Scottish Government will then follow up to ensure that that is delivered. That is why the money was put in, and there was a shared expectation and understanding that that would happen. I do not think it surprising that we will continue to ensure that policy decisions are taken to support that approach.

**Bob Doris (Glasgow Maryhill and Springburn) (SNP):** The cabinet secretary has set out that, this year, additional funding is being provided that it was agreed with local authorities would be used to recruit teachers and teaching assistants. However, the picture will vary dramatically across the country. What analysis has the Scottish Government carried out of the extent to which the funding has been used for its intended purpose? Members will be watching carefully what happens in their local areas.

**Shirley-Anne Somerville:** The £145.5 million of funding was baselined to the local government settlement for 2022-23, therefore monitoring did not take place specifically on that. However, we did keep a close eye on the summary statistics for schools that were published in December, from the teacher census that took place earlier in the year. Those statistics are made available to ensure that we see an improved picture in the number of teachers. Unfortunately, as I have already mentioned, that did not happen. As Mr Doris would expect, the Scottish Government has therefore taken further action, because any further reduction would be wholly unacceptable.

**Martin Whitfield (South Scotland) (Lab):** The statement is challenging because of its lack of detail. The cabinet secretary has just said that the £145.5 million of funding was not monitored. Was that because it was not, in fact, agreed with COSLA how it would be monitored? Also, is there is a definition of school support staff, or are we now talking about pupil support staff? What date will the baseline be taken from? A significant number of questions arise, but I simply ask whether Glasgow will be allowed to cut the school week.

**Shirley-Anne Somerville:** We have committed to ensuring that the school week is maintained across Scotland. When it comes measuring the

number of teachers, only one level of national statistics looks at that, which is the teacher census. As I said, we asked COSLA to work with us in-year to provide further reassurance, but that was not possible. If COSLA is now saying that a different way of doing that is possible, my door is open to those discussions. COSLA has since suggested that there are more teachers in post than the census shows, but it does not say whether, or reassure us that, that is a net position. It is important that we have a shared understanding of those numbers, which is why the teacher census national statistics are the most sensible way to do that. The same is applicable to pupil support assistants, although they are not part of the teacher census. They are included in different statistics. We are still trying, at this late point, to work with COSLA, even if it does not agree with my decision to move forward with the protection of teacher and pupil support staff numbers, to see whether we can get some agreement on how those figures can be monitored and maintained during the year.

**Fulton MacGregor (Coatbridge and Chryston) (SNP):** Despite the damaging effect of inflation on the Scottish budget and the complete inaction from the Tories at Westminster, can the cabinet secretary outline how the Scottish Government is prioritising education in the 2023-24 budget?

**Shirley-Anne Somerville:** As I said, we have protected councils in the most challenging budget settlement since devolution. There is provision of £13.2 billion in the local government settlement, which is a real-terms increase of 1.3 per cent since the Budget (Scotland) Act 2022. We can now see that 2021, which is the last year for which we have statistics, was the sixth year in a row in which education gross revenue expenditure saw a real-terms increase. Those are two demonstrations of how we are attempting, in the most difficult of circumstances, to provide a fair settlement for local government and continue our investment in education.

**Willie Rennie (North East Fife) (LD):** She makes out that councils are desperate to cut teacher numbers because they want to damage our schools, but the reality is that her Government has cut councils' funding, which has forced them, as she admits, to make incredibly difficult choices. She lectures us every single day that we have to come up with identified funds to fund our spending asks. Where is she doing the same for local government? Will she spell out what they should cut? If not, will she withdraw this indictment?

**The Deputy Presiding Officer:** Before I ask the cabinet secretary to respond, I remind members that a bit of politesse does not go wrong. A subsequent referral to the pronoun might be okay,

but perhaps initially one could refer to “the cabinet secretary”. That would perhaps be a wee bit more polite.

**Shirley-Anne Somerville:** I presume that “she” means me, Presiding Officer. I will work on that basis.

It is important that I recognise—I did so in my statement—that councils have difficult decisions to make. I appreciate that we all have difficult decisions as we set our budgets. I will make my previous point again for Mr Rennie: where we have a joint agreement on how money should be spent, I do not think that it is unreasonable that the Scottish Government follows up to ensure that it is delivered. I appreciate that local government will have difficult decisions to make in areas where we do not have a joint agreement on how money should be spent and that that will be a difficult process for councils. However, where we have a shared understanding and a shared agenda, it is not surprising that the Scottish Government will follow up to ensure that the policy is delivered.

**John Mason (Glasgow Shettleston) (SNP):** The cabinet secretary emphasised her commitment to working in partnership with local government. Could she give more detail as to how they will work in partnership to reduce the poverty-related attainment gap?

**Shirley-Anne Somerville:** A great deal of work is going on in conjunction with local government on the poverty-related attainment gap, and that is a shared mission of national and local government. I point to the Scottish attainment challenge funding as an example of that. Another example is the important work that has been developed with local authorities, Education Scotland and national government on the stretch aims. We worked well together on that new and innovative partnership approach, and I look forward to continuing and building on that next year.

**Ross Greer (West Scotland) (Green):** Following on from Bob Doris’s line of questioning, I am struggling to reconcile the stated purpose of the £145 million that was provided this year with the results of the school staff census that the cabinet secretary outlines and COSLA’s statement in the briefing that it sent to MSPs that that money was spent on school staff. I cannot see how that happened when the number of school staff fell. What correspondence has the cabinet secretary had on the matter, and what explanation has COSLA provided on those two different positions being reconcilable?

**Shirley-Anne Somerville:** I note that the COSLA briefing that came out just before my statement seemed to suggest that the money has been spent on teacher support staff and pay.

There was an agreement to ensure that that money was spent on teachers and support staff. There is additional funding going into the historical pay settlements that have been made.

As I said, the COSLA briefing came out just before my statement. I would be more than happy to follow that up. I will, of course, do so with COSLA and ensure that local government provides further details to us about how that money has been spent, or vice versa. We should continue that dialogue.

**Rona Mackay (Strathkelvin and Bearsden) (SNP):** Teacher recruitment and retention is an issue in many rural areas across Scotland. Will the Scottish Government provide an update on how it will encourage teachers to work in areas in which there are difficulties in recruiting teachers?

**Shirley-Anne Somerville:** Rona Mackay has raised a really important point. Recruitment and retention are difficult, particularly in some of our rural areas, and that can lead to a real challenge in maintaining teacher numbers at a particular level.

Local authorities are, of course, responsible for the recruitment, retention and deployment of teachers. There are flexibilities in the Scottish Negotiating Committee for Teachers for pay arrangements, for example, so a local authority can provide an increase in teachers’ salaries if it is facing recruitment challenges. However, I recognise that there is also an important role for the Scottish Government in working with our local authorities to see whether anything more can be done on the issue. We have working groups that look at recruitment and retention, and we will come back to that particular issue this year.

**Pam Gosal (West Scotland) (Con):** Once again, here we are, debating a statement with no substance and no solutions. Fewer pupils in primary schools are achieving the expected curriculum for excellence levels in literacy, reading, writing, listening, talking and numeracy. The announcement will lead only to the other parts of the education budget being cut. Does the cabinet secretary accept that that will have a negative impact on attainment? If not, what impact does she expect the cuts to have?

**Shirley-Anne Somerville:** I go back to the point that we have seen an increase in attainment levels in numeracy and literacy at primary levels. That is a real testament to the hard work of our teachers and support staff to recover from the pandemic.

I ask Pam Gosal once again: if she does not like the approach and thinks that more money should be going to local government, where in the budget will that come from? The budget has already been set out, and there is an opportunity. We are in the middle of the budget process. Once again, a

member of the Conservative Party has demanded that more money be spent with absolutely no detail and no constructive offer to work with the Government on how that could be done.

**The Deputy Presiding Officer:** Thank you, cabinet secretary. That concludes the ministerial statement. There will be a very short pause before we move on to the next item of business, should the front-bench teams wish to change position.

## Social Security Programme Business Case

**The Deputy Presiding Officer (Annabelle Ewing):** The next item of business is a debate on motion S6M-07805, in the name of Ben Macpherson, on an update to the social security programme business case.

15:24

**The Minister for Social Security and Local Government (Ben Macpherson):** Since the passing of the United Kingdom Government's Scotland Act 2016 and the unanimous passing of the Social Security (Scotland) Act 2018 in the Scottish Parliament, establishing Scotland's social security system has been the biggest delivery programme since devolution, with new powers allowing us to better support the people of Scotland.

We have already achieved an extraordinary amount in that time, and I pay tribute to the many people who have been involved in this shared challenge and success, including people on our experience panels, stakeholders who have helped us to shape our benefits, the staff of Social Security Scotland, Scottish Government officials and our delivery partners in the UK Government. We have achieved it together.

Social security is a collective endeavour; it is a collective investment in people. That is one of the eight principles enshrined in the 2018 act, along with others such as the role of social security in reducing poverty and our system being designed with the people of Scotland on the basis of evidence, continuous improvement, efficient delivery and value for money.

Together, we can be proud of what we have already achieved, including the introduction, despite the pandemic, of 12 Scottish Government benefits—13 from later this month—seven of which are entirely new forms of financial support that are only available here in Scotland. Those are all delivered based on the agreed values of dignity, fairness and respect.

**Willie Rennie (North East Fife) (LD):** Does the minister think that it is fair or dignified to let people wait, sometimes for up to six months, to get their adult disability payment?

**Ben Macpherson:** I appreciate the point that Mr Rennie makes and the correspondence that we have had on the matter. Many people are receiving adult disability payment efficiently, but there have been a number of cases where people have waited too long. We are proactively putting changes into the system as it develops to ensure that waiting times go down. That is an important

point, and much of my focus is on that on a day-to-day basis.

As Audit Scotland said in its report last year,

“Successfully launching new benefits during the pandemic has been a significant achievement for the Scottish Government.”

Social Security Scotland has performed well, and its annual client surveys have been positive, showing, for example, that 94 per cent of people think that they have been treated with the kindness that they deserve. That is testament to the way that we deliberately take time to co-design our benefits with people who will receive them—one of the many things that we are doing differently in our system.

**Miles Briggs (Lothian) (Con):** Audit Scotland also made it clear that it had real concerns around the challenging timescales. Has the minister reflected on those concerns?

**Ben Macpherson:** That is another important point, which I will come to shortly.

Next year we will spend a record £5.2 billion through Scottish Government benefits—£776 million more than the funding that we are forecast to get from the UK Government through block grant adjustments—providing important support to more than 1 million people in Scotland. That will double to an expected 2 million people in 2024-25, which demonstrates the scale and pace of the expansion of our Scottish social security system.

By 2027-28, spending on Scottish Government benefits will rise to £7.3 billion, which is more than £1.4 billion over and above transfers from the UK Government. On top of that, we support people through discretionary housing payments, the Scottish welfare fund and the council tax reduction scheme.

Our significant investment demonstrates the political choices that we make in Scotland to prioritise support for the people who need it most, particularly during these challenging times. That includes delivering our Scottish child payment of £25 per week per child for 387,000 eligible children.

Last year, we launched the adult disability payment across Scotland: a major milestone allowing us to make a real difference to people’s lives, with no-one being subject to Department for Work and Pensions-style assessments or functional examinations.

Last week, we launched a public consultation on the eligibility criteria for the mobility component of the adult disability payment. That is the first step that will inform the independent review that we have committed to establish later this year.

**Pam Duncan-Glancy (Glasgow) (Lab):** Will the minister take an intervention?

**Ben Macpherson:** This is the last intervention that I will take.

**Pam Duncan-Glancy:** I thank the minister for taking the intervention. To say that the consultation has been underwhelming is an understatement. One organisation has described it to me as follows:

“it really is something... pages of notes about cost and numerous references to a ‘fixed budget’ and precious little about delivering the support disabled people need. They say outright at one point”—

this is quoting from the consultation document—

“Major changes which result in new, additional spending will therefore not be deliverable within this parliamentary term.’ Don’t think they could be much more clear that they are planning to do absolutely nothing with this consultation”.

How would the minister respond to that?

**Ben Macpherson:** That is an extremely negative position to take on an important consultation. I would hope that Pam Duncan-Glancy will be sharing the consultation among stakeholder groups and encouraging people to engage, because we genuinely want to hear from people.

We are also investing in automated payments, so that people get their benefits without needing to apply for them. We have made significant progress on that this year. That includes automatically awarding child winter heating assistance and carers allowance supplement.

I am pleased to confirm, again, that we have now received the data that we need from the Department for Work and Pensions for our 13th benefit—the winter heating payment—which will provide a reliable investment of more than £20 million each year to support eligible households. That is more than double the £8.3 million that, on average, the DWP provided through its cold weather payments during each of the past seven years. As we confirmed last week, work is now progressing as planned and payments will be made automatically this month or next to up to 415,000 people who are eligible.

Parliament will recall that, following the impact of the pandemic, three of Audit Scotland’s recommendations in its report last year were: conclude replanning activity; set out timelines for remaining benefits; and publish an updated programme business case, including refreshed estimates for implementation costs.

We have published that business case today. It is a detailed and evidence-based rationale for what we are doing and the costs of doing so. The business case includes an uplift in essential

implementation costs from £651 million in 2020 to the current estimate of £715 million this year, which is driven by the additional work resulting from the pandemic and the positive choices that we have made to support people, including creating, increasing and extending our Scottish child payment.

In setting out the timeline for delivery of the next phase of Scottish Government benefits, I would again like to pay tribute to stakeholders, experience panels, and officials and ministers in the Department for Work and Pensions with whom we work closely. It is no secret that the Scottish Government disagrees profoundly with the UK Government over several things, including its approach to many aspects of social security, but, by and large, those disagreements have not coloured co-operation on devolved social security matters. I welcome that.

I am pleased to report that we agreed at the meeting of the joint ministerial group on welfare on 25 January that the timeline as set out in the programme business case is appropriate and achievable, and that both Governments are committed to providing the resources that are required to ensure delivery.

It is hard to overstate the importance and complexity of case transfer. It is as challenging as launching new benefits, and it is made more complex by the age of the DWP systems from which we are transferring people. I am pleased to confirm that we continue to make steady progress on the safe and secure transfer of 700,000 disability and carer cases from the DWP to Social Security Scotland and that we remain on track to complete that work by December 2025.

Given some reports that we have seen today, I must clarify that we used to extend agency agreements annually, but we have now agreed to extend those to the end of 2025, which is when we intend to complete case transfer. However, we have also created a three-month contingency to March 2026—for safety reasons only, because, as I said, we remain on track to transfer those cases from the DWP to Social Security Scotland by December 2025. All that makes it really important that we continue with our measured approach, with the seamless, safe and secure transition of people's payments as a top priority.

Our 14th Scottish Government benefit, which will replace and improve on the UK Government's carers allowance, will be called the carer support payment. The benefit will be launched in pilot phase by the end of 2023, ahead of national launch in spring 2024. I will set out more detail of our approach to the carer support payment this spring, when we publish our response to the extensive consultation that was undertaken on carer benefits last year.

Our 15th benefit—the pension age winter heating payment—will launch in winter 2024 and will replace the winter fuel payment. I am glad to say that we have now agreed a two-year extension of the social fund with the DWP, which is required to enable that to happen.

In autumn 2024, we also plan to introduce the pilot of the pension age disability payment, which is our 16th Scottish Government benefit, which will replace the current UK Government attendance allowance. A national roll-out of the benefit is scheduled for 2025.

Finally on the timeline, I intend to consult on the subject of employment injuries assistance and on the replacement of the current UK Government industrial injuries disablement benefit in the next few months. I acknowledge the work of MSPs and organisations that have an interest in the matter. Employee injuries assistance is a very complex area, and it is important that we work with stakeholders to decide the right approach, recognising the limits on our devolved powers in relation to issues such as health and safety and employment law. We need to recognise the substantial costs and operational requirements of providing a new benefit and the challenges of moving from what is an antiquated and entirely paper-based UK benefit.

I am pleased to say that the DWP remains committed to working with us to agree an approach that is practicable, affordable and, of course, in the interests of people, including current recipients. It is right that we take appropriate time to consider all those matters thoroughly.

In relation to social security, Audit Scotland said:

“The Scottish Government is preparing well for the next stages of delivery and is managing the complex programme of work effectively.”

While doing so, we are ensuring continuous improvement of our systems and are building the capability of Social Security Scotland. Those are fundamental requirements to ensuring that we continue to deliver for the people of Scotland and keep to the principles of the 2018 act. That sort of work does not often capture public attention, and there is no reason why it should, but it is important that we recognise the huge amount of work that is required, day in, day out, to develop and build on the strong foundations that we have achieved so far.

We have limited powers over social security and a largely fixed budget, which has been shrinking in real terms due to rampant inflation. That, as well as the practical realities, obviously restricts what we are able to deliver. However, despite those limitations, we are, with pride and purpose, delivering real and meaningful change through Social Security Scotland, which is helping more



people in more ways and is significantly uplifting incomes. We are doing that by putting into practice our shared commitment to treat people with dignity, fairness and respect—to deliver social security not just as a public service but as a common good and human right. It is in that spirit of service that I am pleased to open today's debate.

I move,

That the Parliament notes the updated social security programme business case; recognises the delivery of 12 Scottish social security benefits, seven of which are new forms of support only available in Scotland, including the Scottish Child Payment, which is a vital part of the collective national mission to tackle child poverty; acknowledges the imminent payment of the Scottish Government's 13th benefit, the Winter Heating Payment, which, in 2022-23, will provide 415,000 low-income households with a reliable £50 payment, and thereafter an annual reliable payment, backed by approximately £20 million; acknowledges the UK Government's contribution to the joint programme of delivery of Scottish Government benefits, and that the commitment of both governments will be required to deliver the programme business case; looks forward to the introduction of further Scottish Government benefits; agrees that social security is an essential investment in the people of Scotland; appreciates the important financial support that Scottish Government benefits provide to people, particularly during the current cost of living crisis, and welcomes the record investment of £5.2 billion in benefit expenditure in 2023-24, which will provide meaningful support to over one million people, including low-income households, disabled people and carers.

15:36

**Jeremy Balfour (Lothian) (Con):** I am pleased to speak in this debate and will be happy to move the amendment in my name.

I would like to mention at the outset that I am disappointed that the Scottish Government chose not to furnish us with the updated programme business case until only one day ago. I think that we can all agree that it would have been much more preferable if we could have had a reasonable amount of time to fully scrutinise the document before coming to the chamber to discuss it. Accountability? Maybe not.

In 2016, the people of Scotland were told that the Scottish Government was embarking on a journey to create a uniquely Scottish social security system. They were promised that, in relatively short order and with relative ease, the Government would set up a system that would take over from the big, bad, scary DWP and provide benefits to all those who need them in a manner that demonstrates dignity, fairness and respect. It is clear that the years between then and now have not been kind. Far from the sunlit uplands that we were promised, devolved benefits have been a mess of missed deadlines, delayed payments and disappointed claimants.

Let us have a look at the story so far—a story that, as my amendment notes, shows that the Scottish Government has run over budget and over time and has woefully underdelivered.

Let us take things one by one. At every level, the Scottish Government has treated timelines that it committed to as though they were mere guidelines. The most recent example of that relates to the winter heating payment, which is fast becoming a spring heating payment. The payment was due to be made in February this year. However, as the minister has just confirmed, it will not be paid to some people until March, which means that many families will slip into need.

**Ben Macpherson:** I want to give Mr Balfour an opportunity to correct the record. Does he agree that I have always said that we will pay the winter heating payment from February? The reason for that is that we were able to acquire the scan from the DWP only on 31 January, despite requesting it at an earlier date. However, we understood the pressures on our DWP colleagues, and we are working together to deliver that important payment to more than 415,000 people in Scotland.

**Jeremy Balfour:** I am afraid that I do not agree with the minister. He said:

"To ensure that payments can begin in February"—

**Ben Macpherson:** It was "from February".

**Jeremy Balfour:** No, it was "in February". He went on:

"it is critical that the DWP maintains its commitment to providing data to Social Security Scotland by 31 January, to allow us to conclude our internal assurance of the 400,000 records."—[*Official Report, Social Justice and Social Security Committee*, 15 December 2022; c 3.]

The Scottish Government once again tried to blame the DWP for the delay. However, the minister cannot hide from the fact that the DWP handed over the required data in the way that he negotiated. When he came to the committee in December, he said that he was happy with that and that it was a fine time in which to get the payments delivered. He is now rewriting history.

When did the DWP hand over the data? It was 31 January. The blame for the delay lies squarely at the feet of the Scottish Government. For the minister to simply put two sentences about the issue—or even two words—in his speech today shows how little he cares about the most vulnerable people in Scotland.

On a larger scale, we are seeing further delays in the handover of devolved benefits, with the BBC reporting today that the DWP will be delivering benefits in Scotland until 2026, which is six years after the original projected handover date. This mess has been created by the same people who claim that they could set up a fully independent

country in 18 months. The people of Scotland will not forgive them for the promises that they have broken.

The Government not only has a problem with timescales but seems to be incapable of sticking to a budget. The projected costs of setting up and running Social Security Scotland have ballooned over the years. Running costs rose by 33 per cent or £65 million year on year between 2020 and 2021-22. The figure will only go up as more benefits are, at some point, devolved. In fact, Audit Scotland has estimated that the Scottish Government will have to find £760 million by 2026 if it continues on the current spending course. That is not a small amount of money.

Finally, the Scottish Government's social security programme has chronically underdelivered for the people of Scotland. The number of complaints received by Social Security Scotland has increased by more than 400 per cent since 2018. Claimants are unable to reach help and chatlines have broken down. People have given up because the system is simply too backed up. People are having to wait four months for their disability payment application to be processed, and some have waited six months for a decision. That is six months without vital aid for some of the most vulnerable people in our country, which is simply unacceptable.

Many Scots who live in the coldest places have missed out on cash this year to heat their homes. As Mr Macpherson admitted to the Social Justice and Social Security Committee, that is the case for those in the north of Scotland.

It has also become clear from evidence that the committee has taken that Social Security Scotland is not gathering the required data to properly evaluate its performance in providing benefits. Without the necessary data, how can the Parliament and other scrutiny bodies properly understand whether the agency is fulfilling its duties?

The programme is over time and over budget and has underdelivered. The Scottish Government has made a mess and simply has to get its act together. The people of Scotland deserve better, and if the minister cannot provide that, he should step aside and let someone else have a go.

I move amendment S6M-07805.1, to insert at end:

“; acknowledges that the Parliament was only given sight of the updated social security programme business case one day before it was debated; notes that the Winter Heating Payment will not be paid to many households until March 2023, which will likely be after the worst of the winter weather is over, and affirms that the Scottish Government's social security programme has run over budget and over time and, in many cases, has underdelivered for the people of Scotland.”

15:43

**Pam Duncan-Glancy (Glasgow) (Lab):** I, too, thank the minister for the advance sight of the business case. The cost of living crisis is getting increasingly worse, which makes a functioning, fast and effective social security system more important than ever. However, the updated business case that has been published today reaffirms that people in Scotland are dealing with a system that is not those things.

We can see that that is the case in the handling of the new winter heating payment. The 415,000 people across Scotland who are eligible for the payment were told that they might be paid this month, but we now hear that it could be next month. The Scottish National Party negotiated the deadline with the DWP for the transfer of the necessary data for payments to be made in February. That deadline was met, but now the minister says that the payments could be made in March.

When people are struggling, every penny counts. When they are freezing and expecting money that does not come, that can throw everything up in the air. That is what the Government has done to hundreds of thousands of people who were relying on the payments. Saying that they would be paid this month or next is no use for people whose bills are piling up now. They cannot tell their energy supplier that they will pay in February or March.

The Government has lacked urgency on the payment from the offset, when people really needed it to act fast. The benefit that it replaces recognised the urgency of action in cold weather and was paid within 14 days. Social security in Scotland was supposed to be fairer: paying in March for heating that is needed in the cold winter is not fair.

**Ben Macpherson:** Does Pam Duncan-Glancy acknowledge that, under the UK Government's cold weather payments system, on average about 185,000 people received that benefit, whereas the Scottish Government's winter heating payment is projected to support around 415,000 people, including many people in Glasgow who often would not have received cold weather payments at all?

**Pam Duncan-Glancy:** As the minister will know, and as I responded in committee, I am sure that people will be grateful for the £1 a week, although it is not going to scratch the surface. However, the bottom line is that, on the basis of temperatures in 2021-22, 65,000 people will lose out under the Scottish Government's process and proposed benefit.

The devolution of that payment, as with others, was an opportunity to develop something new that

would have a more significant impact on poverty and create a fairer system. Instead, the Government has created a payment that Energy Action Scotland has said is worse for fuel poverty than the one that it has replaced. Poor planning, disjointed communications and a lack of pace are common themes. The Scottish Government has done well to create a more positive narrative, but that is not enough. Under the surface, payments are delayed, processes are failing and social security in Scotland is being propped up by the DWP, because three quarters of benefits are still administered by it, due to the Scottish Government delays.

Last week, the UK Government agreed to extend existing agency agreements for carers allowance and the personal independence payment until 2025 and for other benefits including the industrial injuries payment—I appreciate the update given today—until 2026. In so doing, it made clear that any further slippage would create significant delivery risk. That means that, for many people, it will be nearly eight years after the devolution of benefits that they get the new and improved system that devolution could offer and that they were promised.

Even where the roll-out of a benefit has begun, such as the adult disability payment, there are problems. Devolution of social security could have consigned to history degrading and arbitrary measures such as the 20m and 50 per cent rules, developed indicators that reflect the real experience of disabled people and delivered a rate of payment that reflects the real living cost for disabled people. Instead, the adequacy and eligibility criteria are a mirror copy of the DWP's and the consultation on it says that nothing about it will change in this parliamentary session.

In the meantime, disabled people across the country are struggling to afford to charge essential medical equipment. They are being let down not just by the lack of ambition but by the lack of effectiveness. They are facing additional barriers when making claims because the system is not supporting them in the way that it was designed to do. In an answer to my parliamentary question in January, the Government told me that only 23 people had been referred from Social Security Scotland to VoiceAbility, which holds a £20 million contract to provide independent advocacy. VoiceAbility told the Social Justice and Social Security Committee that work to embed

“the offer of advocacy ... in the agency's information, systems, process and training”

now needs to

“gather pace.”—[*Official Report, Social Justice and Social Security Committee*, 24 November 2022; c 11.]

Embedding that offer and equipping people with the support that they need when making applications might reduce the redetermination rates, which last year saw 86 per cent of child disability payment applications awarded after decisions were overturned by review, in a system that we were told would get the decision right first time.

We were also told that the system would be dignified and fair, yet social Security Scotland is spending an undisclosed amount on a counter-surveillance team. One of the worst aspects of the DWP system is that people believe that it is spying on them—most likely, on those who are struggling the most in society.

**Ben Macpherson:** Will the member take an intervention?

**Pam Duncan-Glancy:** Will I get the time back, Presiding Officer?

**The Deputy Presiding Officer:** Yes.

**Pam Duncan-Glancy:** Then I will.

**Ben Macpherson:** Does Pam Duncan-Glancy recall the session with Social Security Scotland at committee in December, where it was made clear that we are taking the counter-fraud measures to make sure that Social Security Scotland is not a victim of organised crime? Does she not think that that is important?

**Pam Duncan-Glancy:** We pressed on that question. I would be keen to understand more about the evidence that the minister has of international organised criminals trying to claim benefits from the Scottish social security system that makes it a significant enough risk to put money into a counter-surveillance team. I would appreciate any information that we can have on that. That is one of the worst aspects of the DWP system and now it is being used here.

Social security spend should be going as directly as possible into people's pockets, but, unfortunately, a lot is being spent on fixing systems, including the information technology system. Delays and poor planning by ministers have created a system that is slow and not functioning as it should, which is leading to operational costs that far exceed the Government's initial spending commitment. Even worse, the Scottish Fiscal Commission has said that, without proper tools and techniques to publish data, Social Security Scotland is limiting its ability to accurately forecast spend.

What we do with the money that we have is crucial. Because we are not managing it properly, money that should be going to people is not going to them. People are being led up a hill on a false promise of better security, while other budgets are being raided to cover the shortfall, which strips

resources from other areas that can help to keep people off benefits.

I am afraid that the Scottish National Party has missed opportunities and wasted resources. It cannot account for how it will pay for things in a few years' time. It is overspending on projects, underdelivering on services and overseeing a system of chaos. That is not fast, functioning or effective, which is what people were promised. Now, in an unprecedented cost of living crisis, the Government must do better and give people in Scotland the social security system for which they have waited for too long and which they deserve.

I move amendment S6M-07805.2, to leave out from "recognises" to end and insert:

"notes that the Scottish Government has ceded control of vital benefits to the Department for Work and Pensions until the second half of the decade, creating a further year's delay for hundreds of thousands of potential recipients of Scottish benefits; further notes that costs for delivering the social security programme are spiralling out of control, with higher than predicted estimates for IT and staffing; acknowledges that the Scottish Government's changes to the winter payment will leave many people in Scotland out of pocket over winter, during a cost of living crisis; calls on the Scottish Government to commit to no one losing out financially from its new Winter Heating Payment, and notes that the lack of transparency on plans to fund increased costs of Social Security Scotland's implementation have led to the inability of key organisations such as Audit Scotland to properly scrutinise Scottish Government policy."

15:50

**Willie Rennie (North East Fife) (LD):** The transfer of the social security powers in the Smith agreement after the referendum was a significant moment. It was the first time that powers had been disentangled from the UK apparatus into the Scottish Government scene, unlike other devolved powers, which were already devolved within the Scottish Office. That was a significant step. It was ambitious. It was the first time that that had happened and it represented up to a £3 billion budget with several different benefits involved.

We supported that. We wanted to work in partnership with the Government on dignity, fairness and respect. We thought that it was important that, when we set up a new welfare system, all parties worked together to try to achieve something better for the country.

I have to say that expectations were high partly because of the expectations that the Government set. They contrasted quite starkly—no unreasonably so—with those of the UK Government system, and the Scottish Government tried to make those significant ambitions a reality. Then, reality struck about how difficult those things would be. First, there was the delay in the transfer of the powers. As the minister said at the time, that was necessary in order to get it right. However, as

Pam Duncan-Glancy said, we are coming up to eight years after it was promised that some of the powers would be transferred.

I am afraid to say that the system has not been managed well. It is unacceptable for people to wait for up to six months for their adult disability payment no matter how complex the case is. I got a message this week from Social Security Scotland that said:

"some disability benefits decisions are taking longer than we would like ... The majority of people will receive a decision within four months".

Originally, the promise was that it would be two to two and a half months. Now, the majority will receive a decision within four months.

**Ben Macpherson:** To build on my answer to Mr Rennie's intervention on me on that point, it is important to recognise that that piece of correspondence would also have said:

"although processing times vary from a few weeks ... a small proportion of very complex cases",

in which additional evidence is required, have taken longer. We are working to improve that.

**Willie Rennie:** It is still a majority who will have to wait four months, when it was expected that it would be two to two and a half months. The minister should not brush it aside too quickly, because I am worried about what other benefits will be impacted in that way.

The child payment will be incredibly important, as the Government has rightly said, for tackling child poverty. Those ambitions are set out, the targets are clear and the dates are not far away. If there is any slippage in that payment, it will be difficult to achieve those targets. Therefore, it would be helpful to have absolute assurances from the minister that he has learnt the lesson from the adult disability payment and that we will not have a repeat with the roll-out of the child payment, because it will go to significant numbers of people and we do not want to be back here.

We have seen the problems and I have heard the explanation for the winter heating payment. I understand what the minister said about it being paid from February—I get that, but there was an expectation that it would be in February. If we raise expectations among people who are paying their bills now, many of whom have prepayment meters and are desperate for the money right now, people's confidence will be crushed when those expectations are not met.

I hope that the minister is able to deal with that in his closing speech and that we will not be back here with the child payment. There are consequences not just for Government priorities and targets but for the reality for people who are in poverty.

15:55

**Paul McLennan (East Lothian) (SNP):** The first words of the Social Security (Scotland) Act 2018 lay out that the Scottish social security principles are that

“social security is an investment in the people of Scotland, ... social security is itself a human right and essential to the realisation of other human rights, ... the delivery of social security is a public service, ... respect for the dignity of individuals is to be at the heart of ... the system, ... the Scottish social security system is to contribute to reducing poverty in Scotland,”

and it is

“designed with the people of Scotland on the basis of evidence.”

The principles go on to say that

“opportunities are to be sought to continuously improve the Scottish social security system in ways which ... put the needs of those who require assistance first, and ... advance equality and non-discrimination”

and

“the Scottish social security system is to be efficient and deliver value for money.”

Everything that we do in our Parliament in regard to social security should be guided by those principles.

Social security is a demand-led service, and Scotland does not have the fiscal flexibilities that other countries have, which is a built-in disadvantage. I remember Labour members of the committee voting against the principle of additional borrowing powers for social security in Scotland.

**Pam Duncan-Glancy:** Will Paul McLennan take an intervention?

**Paul McLennan:** I have only four minutes, so I will not take an intervention. I am sorry.

In February 2020, the social security programme business case provided a view on the whole-life costs and benefits of the Scottish Government’s social security programme over a 30-year timeframe to 2050. The five-case model clearly explains the strategic context, rationale, socioeconomic considerations, commercial considerations, financial information and management structures that are necessary to deliver social security benefits for the people of Scotland. The PBC ensures that decision making is robust and that value for money is assured, which I will touch on later. The update that we are talking about today is based on those practices.

Since the unanimous passing of the Social Security (Scotland) Act 2018, the Scottish Government has introduced 12 benefits, seven of which are entirely new forms of financial support that are available only in Scotland. We should remember that context in this debate.

The Scottish Government is doing all that it can with limited powers and a fixed budget. The UK Government must do more to fix the deeply flawed and inadequate UK social security system.

I will talk a little about the Scottish social security system living up to the principles that I mentioned earlier. The social security budget allocation shows the strength of commitment to building a future-proofed Scottish social security system that has dignity, fairness, and respect at its heart.

In line with Scottish Fiscal Commission forecasts, the Scottish Government is set to invest £5.2 billion in benefits expenditure in 2023-24, providing support to more than 1 million people. In 2027-28, that figure is forecast to increase to £7.3 billion, which is money that will go directly to the people who need it most.

Thanks to Scottish Government decisions, people living in Scotland have access to a range of social security benefits that go significantly beyond what is provided in other parts of the UK. It has not been mentioned today that, in April 2023, all benefits will be uprated by 10.1 per cent—the September 2022 rate of the consumer price index—at a cost of £430 million.

The Scottish child payment is the most ambitious poverty reduction measure in the UK. The payment is now £25 per week, which is a rise of 150 per cent in less than eight months, with a cost of £442 million.

I heard Jeremy Balfour’s speech, which took me back to the time when I watched Tory MSPs sitting in silence when we discussed cuts to universal credit and the impact that that would have on every constituency in Scotland. They sat in silence.

The Scottish Government has a clear and achievable delivery timetable for future benefits that is based on what has been learned so far, including during the pandemic. In May 2022, Audit Scotland found that the Scottish Government had

“responded well to the challenges presented by the Covid-19 pandemic”

and adapted ways of working, including replanning, to deliver major new benefits despite the unprecedented disruption of the pandemic.

This is the largest delivery programme and transfer of powers under devolution. The Scottish Government does not underestimate the scale of the work that needs to be done next. The Scottish Government is working jointly across the social security programme and with Social Security Scotland to address the remainder of recommendations, with clear actions developed and under way, which will be a key factor for its plans for the remaining benefits.

15:59

**Oliver Mundell (Dumfriesshire) (Con):** I have sat through far too many debates and speeches from members on the Government benches in which it has been suggested that all aspects of welfare policy and its delivery are easy, that there are no difficult decisions to be made and that more money must be found. As my colleague Jeremy Balfour and other members have already said, who can forget the promises that were made to the people of Scotland back in 2016?

We were led to believe that, if only those powers were in the hands of SNP ministers, all would be well. As is so often the case from this nationalist Government, the reality does not even come close to matching the rhetoric, and today's tone, whether from the minister or from SNP back benchers, shows exactly what the problem is. Rather than admit that they have failed, they tell us that everything is still all right, that there is no problem and that people should just be patient.

**Ben Macpherson:** Will the member take an intervention?

**Oliver Mundell:** I am not going to take an intervention: as the minister's own back benchers have shown, four minutes is very tight.

The Government is not delivering a radical departure from the culture and practices of the DWP, a point well made by Pam Duncan-Glancy, whom I might otherwise disagree with. There is a mismatch between rhetoric and reality. At best, we have seen more of the same, under a different logo; at worst, we have seen completely avoidable delays. Real people are being let down by a Government that is more interested in grabbing the headlines with flagship policies than delivering in a real and meaningful way.

Today's debate is an example of that. A Government minister or a Government that is serious about having a grown-up debate would have sought to work across Parliament to give a reasonable amount of time for the programme business case to be tested and scrutinised. Today comes from the same, SNP knows best until it doesn't, approach that I have already touched on. The Government does not want to be questioned and it believes in its own hype. If the shoe was on the other foot and the same practices came from the UK Government, I can guarantee that SNP members would not be so accepting, nor would they believe the excuses, especially those about data.

There are many areas of concern. Perhaps the minister can, in his closing speech, start by explaining to me and my constituents where the SNP will find the £760 million needed by 2026 to fund its welfare policies. Audit Scotland is right to sound alarm bells and many of my constituents

will see that as the inevitable consequence of the SNP's failure to be honest with people about the cost of its welfare policies or about who will end up funding them. We all want to see support for those who need it most, but we cannot pretend that funds are unlimited.

It would also be good to hear the minister's thoughts about the rising running costs of Social Security Scotland. Where will that end? Does he really believe that the organisation is providing value for money?

People across Scotland deserve a Government that makes good on its promises. They expect a Government that is, at the very least, willing to hold its hands up and admit that things have not gone as well as it hoped. They want a Government that not only believes in dignity and fairness and speaks up for those ideals in this chamber but lives up to them in practice.

At present, we cannot say with any confidence that that is what we have. Instead, we have a Scottish Government that brushes off concerns and makes excuses. After years of hiding behind the DWP, the Government itself has been found wanting. It has massively underdelivered, while at the same time, it has overspent.

16:03

**Natalie Don (Renfrewshire North and West) (SNP):** I welcome the chance to contribute to this debate on the social security programme business case, which will provide record investment of £5.2 billion in benefit expenditure in 2023-24. That is an investment in our people, and the Scottish Government should be proud of that. It was also great to hear the minister set out the next steps in building our social security programme.

I have no doubt that the steps that we are taking in Scotland are making an impact on our aim of tackling poverty. However, we are doing that in the most difficult circumstances: a global pandemic, which has been followed by one of the hardest cost of living crises that we have ever seen. Energy bills are through the roof, the price of everyday items is eye watering and interest rates are soaring. People who were struggling before are finding life even harder, and a rise in in-work poverty means that many have found themselves in a position that they might never have thought that they would be in.

The creation of Scotland's social security system was a mammoth task, and one that I do not underestimate. Breaking away from the DWP system was always going to be difficult, but Scotland has made great progress, and I am proud of the way that it has been carried out. Members in this chamber might have differing views, but it cannot be denied that the Scottish

welfare system is a fairer system and an investment in our people.

**Jeremy Balfour:** Will the member take an intervention?

**Natalie Don:** No, thank you. I would like to make a bit of headway.

The Scottish child payment has been groundbreaking, and we know from speaking to friends and family or constituents, and from evidence to the Social Justice and Social Security Committee, that it is making a real difference to people's lives. We would, of course, like it to go further, but I am acutely aware of the limitations on the Scottish budget, and it is a testament to our priorities that the payment was raised to £25 a week. The Scottish child payment is putting food in the mouths of children and taking stress away from parents, and if that is not a success of the Scottish welfare system, I do not know what is.

Of course, we could always do more. Under the current circumstances, it would take putting hundreds of extra pounds into people's pockets to truly tackle the issues that people are facing. In Scotland, though, at least we can say that that is what we are trying to do—seven of the 12 new Scottish benefits are entirely new forms of financial support that are available only in Scotland.

I note the comments that have been made about the winter heating payment, which I find really disappointing. I will admit—the minister is certainly aware of this—that I had my concerns about that new payment. However, we should be clear about the fact that, in winter 2021-22, only 11,000 people benefited from the DWP's unreliable cold weather payment. In Scotland, 415,000 people are set to benefit this year. As I said earlier about the Scottish child payment, of course I would like to see us go further, but where can the money be taken from?

**Jeremy Balfour:** Does the member agree that there was at least a perception among the people we talked to that the benefit would be paid in February and not after February? That was what people expected to happen.

**Natalie Don:** I understand that some people will receive the money in February, and the minister was pretty clear that it would be paid from February.

I find some of the arguments that we have heard today quite disingenuous. The Opposition knows about the difficulties that we face and the lack of fiscal flexibilities that the Government has. The projected costs for social security are set to rise in the coming years; we will have to deal with that, but it was always going to happen. The Opposition cannot, on one hand, welcome the Scottish child

payment and then, on the other, criticise the Government for the increase in expenditure in the coming years.

I am proud of the system that we have built in Scotland.

**Pam Duncan-Glancy:** Will the member take an intervention?

**Natalie Don:** I am sorry, but I do not have any more time.

Charities, organisations and local people are all extremely positive about the way in which social security is being rolled out, whether that is the ethos of the whole delivery, the priority of ensuring that people receive everything that they are entitled to, or the ambition to make the system work for people.

The Tory UK Government can charge on with bumping up energy bills while food prices continue to soar, and debt, pain, misery and anxiety all rack up for the people in Scotland who need our help the most, but I believe that the system that we have created so far is good evidence of the priorities and aims of an independent Scotland. While I hear the sighs from the Opposition when we raise the issue of independence, it cannot be denied that our having full borrowing powers and control over our own affairs could benefit this country.

16:08

**Rhoda Grant (Highlands and Islands) (Lab):** That speech finished, again, with a call for more powers, but when the Scottish Government gets such powers, it hands them straight back. It is truly unbelievable that, today, we are again hearing about further delays in the implementation of the Scottish social security system, which was devolved in 2018. We will now wait until at least 2026 for it to be fully delivered by the Scottish Government. That is almost a decade late.

The winter heating payment, which the Scottish Government claims is "imminent", was intended to be rolled out for 2022-23. We are in February 2023. The worst of winter is, we hope, behind us, but people are still waiting for that payment. That new benefit will pay a fixed sum of £50 instead of paying out £25 for every week of cold weather, which was the amount that was paid out by the benefit that it replaces.

I am particularly concerned about the effect that that policy will have on rural areas. We know that the rate of fuel poverty is significantly higher in rural areas, which are largely off gas grid, compared with more urban areas of Scotland.

**Emma Roddick (Highlands and Islands) (SNP):** What is Rhoda Grant's view on the fact

that, last time around, Orkney, Shetland and Wick did not receive cold weather payments at all, and areas such as the Western Isles have very rarely received anything, given that those areas, which both of us represent, have the highest levels of fuel poverty?

**Rhoda Grant:** Those are the very areas that are going to lose out under the new payment. Whereas they would have received £25 for each week of cold weather, they are going to receive £50 as a whole, regardless of the weather.

Even before the cost of living crisis, people who lived in rural areas faced up to 30 per cent higher costs of living. That figure will be much greater now, because of heating costs; it was based on the situation back in 2021, when 40 per cent of people in the Western Isles lived in fuel poverty, compared with 13 per cent in East Renfrewshire.

An average of 24 per cent of all households in Scotland suffer fuel poverty. When we compare the figure of 40 per cent in the Western Isles with that of 24 per cent in the rest of Scotland, we can see the difference, yet under the new policy, everyone will receive £50 towards their fuel bill. That policy will cost my constituents, who are the people who are most in need, hundreds of pounds a year. Our weather is inclement and temperatures drop lower in the north of Scotland, so the very places that have the highest fuel poverty will lose the most.

Energy Action Scotland has warned that “lives will be lost” due to the inadequate level of support that is provided. We have already experienced a period of unseasonably early snow and ice over a number of weeks. My constituents are already losing out in the face of soaring fuel prices. As Pam Duncan-Glancy said, Energy Action Scotland also raised the concern that the new payment will have less impact on fuel poverty than the benefit that it replaces. It is desperately sad that the Tories’ cold weather payment is more socially just than the SNP-Green Government’s low-income winter heating assistance.

In addition, it is ridiculous that the SNP-Green Scottish Government took money from the home insulation schemes to cover the cost of a social security system that is failing to deliver adequate winter heating payments to those in fuel poverty. Again, that is down to incompetence. The only scheme that the Scottish Government has ever been able to devise is based on one simple tick box. It is incapable of developing schemes that work.

We look back at the agricultural payments scheme and shake our heads at the mess that the Scottish Government made of that, yet it has learned nothing. The poor design of its social security system has led to a 400 per cent increase

in complaints from the public. Due to the Scottish Government’s incompetence, it has had to hand back numerous benefits to the UK Government to run on its behalf, but it has no say in how those benefits will be delivered. In this brave new world of the SNP-Green Government, our disabled people are still left with the discredited 20m test under the Scottish Government’s agency agreement, which will run until 2025.

**Ben Macpherson:** If things are going so badly—I disagree with Rhoda Grant on that—why did the social security directorate and Social Security Scotland win the Campbell Christie Holyrood award last year?

**Rhoda Grant:** I am not blaming the civil servants; I am blaming the Government for its mismanagement. It seems very unfair that the Government points the finger at others. If the civil servants are winning prizes in the face of the Government, I can only pay tribute to them.

Of course, the costs are out of control. The Government cannot build a ferry on budget, so how could we expect it to deliver a social security system on budget? That should not be a surprise. Its track record speaks for itself. For example, the fiscal framework, which does not work for Scotland, was negotiated by the SNP. The health service has record waiting times. Under this Government, our world educational rankings are toppling. The Government is failing Scotland and it is doubly failing our most vulnerable people.

It is long past time that the Government focused on the needs of the Scottish people but, sadly, it is letting down the most vulnerable.

**The Deputy Presiding Officer (Liam McArthur):** I call James Dornan, who joins us remotely.

16:14

**James Dornan (Glasgow Cathcart) (SNP):** I thank all the staff, officials and ministers involved for their hard work and dedication in establishing Social Security Scotland, and for their continuing commitment to the development and roll-out of existing and new benefits for the people of Scotland. Today’s motion reflects their hard work.

I echo the balanced tone of the motion, which recognises

“the UK Government’s contribution to the joint programme of delivery of Scottish Government benefits, and that the commitment of both governments will be required to deliver the programme business case”.

Unfortunately, I am disappointed, if not surprised, at the Labour and Tory amendments, which show no recognition of the staff who are working tirelessly to ensure successful delivery, or of the



many successes of those elements that are bespoke to Scotland.

I have just heard a rant from Rhoda Grant about how the SNP is to blame for everything that has happened. However, there is no recognition from the unionist parties of the Scottish Government's acknowledgement that future delivery will require continued close working between the Scottish and UK Governments. I would have imagined that Rhoda Grant, and other members, would surely want to highlight that, but no—we have heard none of that, and nothing constructive as to future delivery.

What a day it is when both the Scottish and UK Governments understand the need to work together, but here in the Scottish Parliament, as usual, the Opposition parties offer nothing. If those parties cannot or will not remember, I remind them that the Social Security Scotland agency was established only in 2018 and has since delivered a number of benefits successfully, despite the complexities involved in decoupling existing UK-wide benefits and the introduction of a new benefit.

First, there was an increase of 13 per cent in the carers allowance supplement from the UK equivalent—that is surely a success. The agency then introduced the best start grant pregnancy and baby payment, offering £600 on the birth of a first child and £300 for any subsequent children, as an improved and increased benefit to replace the UK's sure start maternity grant. That is another success.

There was also the most ambitious poverty reduction measure in the UK: the Scottish child payment, which is likely to lift 50,000 children out of poverty in 2023-24. In the city of Glasgow alone, more than 22,000 children have benefited from it. In any other world, that would be a huge success, but in the eyes of the Opposition, it is either "Not good enough" or "Where is the money coming from?"

Those are only a few examples of the benefits that have been successfully delivered since 2018. We should be proud of those achievements and give credit where credit is due, rather than continuing to talk Scotland down, as the Opposition seems to be intent on doing.

Of course, we cannot rest here. We must continue to develop the system for the benefit of the people of Scotland, and we will. It is a complex process, however, and ensuring successful delivery must remain a priority. It is surely far better to take our time than to rush forward before we are ready. That is only practical, and I would have thought—or hoped, to be honest—that Opposition parties would both recognise and support that.

Despite the complexities involved, and disruptions such as the Covid-19 pandemic, it is important to recognise how positively the Scottish Government has responded to those challenges. The Audit Scotland report has been mentioned but, as I said, the Scottish Government has responded well to the challenges that the Covid-19 pandemic presented, and has adapted ways of working, including replanning, to deliver major new benefits, despite the unprecedented disruption as a result of the pandemic.

In addition, the Scottish Government has worked closely with the DWP and other delivery stakeholders to agree an ambitious but deliverable timetable for launching the remaining devolved benefits and completing case transfer, including ensuring time for the development and scrutiny of necessary legislation. That is a sensible approach, and the right one.

My memory of—[*Inaudible.*—]—the aim was to get things out in February, but that some of the payments might not be out until March because of the late delivery, which was understandable, from the DWP. Committee members should not mislead the Parliament in the statements that they make today.

The benefits of today's delivery programmes will be felt for generations, so we need to get them right. I believe that we are doing that, which is why I support today's motion and reject the amendments, which fail to recognise that, and fail to recognise the hard work of everyone involved and the ambition for the future.

16:19

**Maggie Chapman (North East Scotland) (Green):** The old adage "You wouldn't start from here" applies to the social security system that we are trying to create in Scotland. We have had more than a decade of austerity; the two-child limit, also known as the rape clause; the benefits cap; and cuts to universal credit. Each of those decisions or policies, and so many more, were taken or implemented by the UK Government, and they make for a pretty bleak foundation on which to build our social security system.

We would not choose to start with the uncertain foundation that the UK Government has created. That is because we want our social security system to support individuals and build the common good, to help to create strong communities, thriving families and healthy, confident, informed and compassionate children.

However, we are where we are and in such circumstances it is right to acknowledge the level of investment in our Scottish social security system and how it is interacting with and mitigating some of the worst effects of the UK Government's

austerity regime. That regime goes way beyond social security and includes the cost crisis, high inflation and increasing wealth inequalities. I acknowledge the significant changes—improvements—that we have in Scotland today, as outlined by the motion. Is it perfect? Of course not. Do we still have work to do? Of course we do.

It is also important to highlight what the motion does not say, which is that the increase in total expenditure is mostly—81 per cent—comprised of uprated payments to older people and disabled adults, which are increasing by £642 million, and the Scottish child payment, which is increasing by £216 million. The increase in Scottish child payment spending reflects the increase in the weekly payment from £20 to £25 and the extension of the age limit. Modelling suggests that the payment could lift around 50,000 children out of poverty in 2023-24.

Do I wish that we could do more and that we could do it more quickly? Yes, I do. However, I am proud of the role that the Scottish Greens have played in ensuring that we mitigate some of the worst excesses of the UK Government's cruel targeting of those in need, such as through the uplift to the Scottish child payment and the benefits cap mitigation measures.

On the adult disability payment and the personal independence payment, there is considerable uncertainty about how much the transfer of recipients from the DWP to SSS—and the elimination of exclusionary, eligibility-proving processes—will cost in total. The Scottish Fiscal Commission forecasts that in 2023-24, spending on child and adult disability payments will be at least £171 million above the funding received from the UK Government for the devolution of PIP and ADP.

There are other issues that make it harder to deliver what we would wish to deliver. The double onslaught of a UK-driven cost of living crisis and the failure of the UK Government to adequately fund staffing in health and social care are both key drivers of the estimated difference between the money that we get from the UK Government and how much the Scottish Government is choosing to spend, given the number of people who depend on social security.

That translates into a pressure on our budget that is forecast to intensify significantly over time. In 2023-24, the total social security block grant adjustment is forecast to increase by £657 million. At the same time, spending on new payments and benefits with a BGA will increase by £1,057 million. So, the difference between the spending and BGA funding is forecast to increase from £374 million in 2022-23 to £776 million in 2023-24. That reflects the difference between the inclusive Scottish approach and the exclusionary UK

approach; it also further highlights the double onslaught that I mentioned earlier. Pressure on public services is intensifying across the board, in large part because of a UK-driven cost crisis and austerity.

**The Deputy Presiding Officer:** You need to conclude, Ms Chapman.

**Maggie Chapman:** So, we are making progress with Scottish social security despite those profound pressures. Of course, we still have work to do to deliver what I and others want: a social security system that is an integral feature of a welfare state contributing to the sustaining of a wellbeing economy.

**The Deputy Presiding Officer:** You must conclude, Ms Chapman.

**Maggie Chapman:** I thank all those who are helping us to deliver that.

**The Deputy Presiding Officer:** We are short of time, so I ask members to stick to their speaking time allocations.

16:23

**Emma Roddick (Highlands and Islands) (SNP):** Earlier, Jeremy Balfour invited us to look at the story so far, so I will do just that. Twelve benefits have been introduced—it will be 13 later this month—by a new, progressive social security agency, which treats benefit claimants with dignity and respect, instead of suspicion and disdain. Seven of those benefits are available only in Scotland. The Scottish child payment and best start grants are already playing a huge part in tackling child poverty by providing parents with financial support over which they have complete control. Those unique benefits clearly show the Scottish Government's priorities: tackling child poverty and tackling the cost of living crisis.

I would say that it takes longer to do things properly but, given the DWP's efforts on universal credit—which is still being rolled out, full of faults, more than 10 years after the introduction of the legislation that brought it in—that is possibly not true. However, it is worth doing this properly. It is worth listening to the disabled people who said that they would rather be treated with respect and be able to rely on payments. They would also rather that the system that administers benefits was compatible with the Government later deciding to uprate them, instead of having the archaic DWP system, which, according to the claims of UK Government ministers, does not allow them to increase payments if they want to.

**Pam Duncan-Glancy:** Will the member take an intervention on that point?

**Emma Roddick:** I am sorry—I do not have time.

It is worth noting that many of the long processing times are due to the fact that Social Security Scotland has taken a lot of the life admin burden from applicants and seeks to gather evidence when applicants have not been able to get it by themselves. That is going above and beyond, and I am sure that it is appreciated by those who are making use of that system, who would previously have been completely precluded from accessing such benefits.

Of course, we must look forward to what is yet to be achieved as well as back at what has been achieved already. I know that many of my constituents will be reassured by the update on both carer support payment and pension age disability timescales. I have already been contacted by multiple people who do not want to face dealing with the DWP and applying for attendance allowance—a position that I sincerely understand, as someone who has experienced humiliating and degrading assessment by external assessors that the DWP contracted. Having seen how welcome the changes that were brought in with the child and adult disability payments have been, and what a difference it makes to have disability benefits administered by an agency that values the dignity, lives and experiences of applicants, the people who have been speaking to me are looking forward to the 14th and 15th benefits being delivered.

At the end of last year I had the pleasure of visiting my local delivery team for the Highlands and was really pleased to hear about the culture in which its staff are working. People at all levels of the organisation told me that they felt that their concerns were listened to and that their suggestions were valued by the leadership. There are, of course, things to be worked on and improved, but what a difference it makes to be able to address issues when everyone involved is willing to listen and make changes where needed.

A lot of issues have been aired in the debate, and I am sure that we will discuss those that need attention both in meetings of the Social Justice and Social Security Committee and probably here in the chamber. However, I hope that the message that our constituents hear loud and clear from the debate is that the Scottish Government and Social Security Scotland are both working hard to make their experience of claiming benefits as easy and painless as possible. I hope that my constituents will hear the minister say that he wants people to feel the dignity, fairness and respect that have been built into our social security system. I hope that that is the takeaway, and that my colleagues from all parties will work with their local delivery teams to spread information to their constituents

about what is available to them and how they can access it.

16:28

**Meghan Gallacher (Central Scotland) (Con):** During the lead-up to the 2014 independence referendum, the SNP boasted that it could set up a fully independent state within a mere 18 months. Following that referendum, in which a clear majority voted to remain in the United Kingdom, the Scotland Act 2016 set out a route map to devolving more powers to Holyrood. Those changes included administering an additional 11 welfare powers worth £3 billion, which accounted for roughly 15 per cent of social security spending in Scotland. Considering the SNP's highly critical stance on the current system for administering benefits in the United Kingdom, it had a big opportunity to look at a new approach when it set up Social Security Scotland.

However, it seems as though the Scottish Government has one talent, which is for making an absolute mess of every single area of devolved competence—or, in this case, devolved incompetence. The SNP was full of grand promises that the Scottish benefits system would be fully operational by the end of the 2020-21 parliamentary term, but that did not happen. Instead, Scotland has had to endure years during which benefits have been kicked backwards and forwards between Holyrood and Westminster.

**Ben Macpherson:** Will the member take an intervention?

**Meghan Gallacher:** No—sorry. I have only four minutes.

To its further embarrassment, the SNP Government has now handed back the administration of the severe disablement allowance to the DWP because, according to the former Cabinet Secretary for Social Security, there would be “no advantage” to Social Security Scotland delivering it. It is clear to everyone that the Scottish Government did not have the right mechanisms in place. To me that is a scary thought, considering that the SNP thought that it would win in 2014.

At one point during the independence referendum campaign, Alex Salmond boldly claimed that it would cost only £200 million to set up an independent Scotland. Setting up Social Security Scotland has already cost the public purse £651 million. It is obvious that the Scottish Government's claims about a fully independent Scotland in 18 months were pie-in-the-sky thinking, just like its current plans to hold another referendum.

It is not only the handover of devolved powers that has led to another failure of the SNP Government; since its implementation, Social Security Scotland has performed poorly, with waiting times for applications increasing and payments not being made on time. Whether it is less than half of people aided by the fair start Scotland scheme sustaining employment, or application processing times for best start foods increasing year on year, it is concerning that the SNP seems totally incapable of getting to grips with the new welfare systems.

More recently, MSPs were told that the winter heating payment could now be delayed until March. I must ask: what on earth is the Government doing? It is certainly not focusing on the creation of a benefits system that supports Scots. The SNP needs to urgently explain how it intends to fix the mess that it has created, and how new and expanded benefits will be funded on top of increasing demand.

I believe in devolution. I was only seven years old when the Parliament opened, and I grew up in a country that has the advantages of having two Parliaments. However, the SNP is making a mockery of devolved government by not being able to get the basics right. I believe that the ability to support those in need is a vital role for any Government. If the SNP continues to make a mess of the roll-out of Social Security Scotland, it will make a mockery of the Scotland Act 1998 and this Parliament.

Crucially, the SNP's failure to get this right will have let down the thousands of Scots who rely on those benefits, and that would be shameful.

16:31

**Bob Doris (Glasgow Maryhill and Springburn) (SNP):** One of my most memorable experiences as convener of the Social Security Committee was a visit to meet the civil service team that was tasked with delivering the IT and wider systems that underpin Scotland's ambition to embed a nimble, modern and progressive social security system. I was left in no doubt about the complexities involved or the competence of the team that delivered those tasks—something that we have not heard about often in the debate from Opposition speakers.

In the first sentence of its report from May last year on social security in Scotland, Audit Scotland said:

"The Scottish Government has continued to successfully deliver new and complex social security benefits in challenging circumstances."

Listening to Opposition speakers this afternoon, you would not know that. They are detached from reality.

With 12 social security benefits now up and running, and with a 13th—the Scottish winter heating payment—imminent, I congratulate the delivery team who have brought us to this stage; I do not disparage it, as some members have done. We should remember that our social security act was passed in 2018. The pace of delivery and achievement has been remarkable, as we look set to deliver £5.2 billion in benefits expenditure in 2023-23 to more than 1 million citizens.

The Scottish social security payment that has, understandably, attracted the most attention is the Scottish child payment. Let us not forget that campaigners' ask—I remember it—when the payment was first discussed was £5 per week. Our SNP Scottish Government is now delivering £25 per week to 387,000 eligible children, which is an annual investment of £442 million. In doing so, we could lift up to 50,000 children out of poverty, as Willie Rennie noted.

I have no doubt that the UK Tory cost of living crisis would have pushed even more families deep into poverty if not for Scotland's groundbreaking Scottish child payment. However, we are currently in the process of undertaking one of the most challenging aspects of our new social security system, which is the safe, secure and reliable transfer of adults on PIP over to Scottish adult disability payments. Of course, new claimants can currently apply directly for that payment. We are open for applications. The process will be more dignified and humane, but we have to speed it up as best we can.

I want to talk about a constituent who is in the process of transferring from PIP to the new Scottish disability benefit. In December 2022, he decided to contact the DWP because his mobility had deteriorated significantly and he wanted to be assessed for the mobility component. Until that point, he had not applied for that. The DWP informed my constituent that, as his benefit was to be transferred to the new Scottish system, he could not apply. My constituent has been informed that the transfer will take place on 13 April this year and that, given that there is a wait of up to 18 weeks for the DWP to assess for a mobility component, he will not be given a reassessment under the DWP. He will have to wait until he is transferred.

My constituent must apply for the mobility component after his PIP has been transferred successfully and securely to Social Security Scotland on 13 April 2023. If there are another three months after that before he can be reassessed, we could be looking at six, seven or eight months from when he first said to the DWP that his mobility was deteriorating and he would like to be considered for the mobility component. I have no idea whether Social Security Scotland is

able to flag that up on its systems or whether that will be passed from the DWP to ensure that the benefit can be backdated to December last year.

My constituent should not lose out because of the safe, secure and stable transition of benefits. In the minister's summing up, I would welcome his taking account of my constituent's case, so that I can update him on the best way forward.

16:36

**Pam Duncan-Glancy:** I thank members across the chamber for their contributions.

I understand the concerns that have been raised and the heaviness of heart among some SNP members when they hear criticism of what is happening, because I believe that, when the Parliament set out to devolve social security benefits, they believed that we could create a system here that would work for the people of Scotland. I say a massive "Thank you" to the organisations that work tirelessly across Scotland to campaign for a better social security system.

Willie Rennie's contribution was spot on in highlighting that everyone's expectations were high when we devolved social security to Scotland—and I have to say that they still are. The situation that has been outlined can be turned around. I will not apologise for pressing the Government to do more faster and to plan properly, because this is about lives. It is about paying bills, meeting extra costs and lifting people out of poverty. We have an opportunity to do that in Scotland, and we should seize it.

Members have noted the difference between the Scottish Government's approach and that of the Tories. I acknowledge the differences in the language and the narrative, the differing options for assessment, and better roles for recipients' doctors and supports. There are other differences that we have heard about, including from Bob Doris. The approach contrasts with the increasingly hostile benefits environment created by the Tory Government, of course. Most colleagues—even Tory members—would probably not wish to associate themselves with that too closely. The bar for a benefits system cannot and should not be the one that we see from the Tory Government.

I understand the frustrations of Bob Doris, James Dornan and others in highlighting Government successes and challenging those of us who want things to be better. However, I would press them on the examples that they used. I am not sure that carers thought that not getting their carers allowance assistance doubled after being told that they would was a success or that waiting until halfway through the next decade for changes to the rules for that benefit is a success. I do not

think that families with children over six years old who had to wait for two years for their payments will think that the system is a huge success either.

It is possible that two things can be true. An intervention can be well intentioned but it can also be not well delivered, and that is what is happening here. That is not talking Scotland down; it is talking the truth. I care so much about getting it right because I want to talk Scotland up.

Emma Roddick and other members have mentioned safe and secure transfers. Members of the Social Justice and Social Security Committee will remember hearing from civil society organisations that disabled people might not have prioritised safe and secure transfers if they thought that that would mean getting no more money or being left to the DWP until halfway through the next decade.

Labour members and others across the chamber can recognise success, and I have said several times where I think the Government has got it right. I, too, pay tribute to the civil servants who are working tirelessly on the matter. However, they, too, are fed up. I know that because I have spoken to some of them in recent days.

Natalie Don expressed disappointment at concern from our benches about spend. I say to her that, if the money was going directly into people's pockets, I would not be complaining about it—but it is not. Significant sums are going to an IT system that is overspent and underdelivering and to an advocacy project that is not reaching the people it should be reaching. Those are my concerns. People want and expect more, and so they should. I believe that we all believe that.

**Natalie Don:** When I made that point, I was referring specifically to the Scottish child payment, which, I would argue, is money going directly into people's pockets. Would the member not agree?

**Pam Duncan-Glancy:** I would agree, and I welcome that. Along with activists and campaigners across Scotland, we called on the Government to double it, increasing the payment so that it could help to mitigate the poverty that children experience. I have said in the past that we welcome that payment. My argument about the money that we are spending—with £39 million of additional expenditure on an IT system, because we had a minimum viable product rather than a fully functioning IT system—is that it could have been going into people's pockets, but it is not. That is the concern that I have.

The minister said that it is with pride and purpose that the Government will continue with its programme. I hope so—I really do—because I believe that, for the most part, the minister's intentions are good. We must make them a reality,

and I hope that that will come sooner rather than later for the people of Scotland.

16:41

**Miles Briggs (Lothian) (Con):** Like Pam Duncan-Glancy, I will start my closing speech by referring to Willie Rennie's speech, as he made a fair and honest assessment of where we find ourselves today. I believe that the Minister for Social Security and Local Government is one of the more thoughtful ministers in the Government, but it has been in office for 16 years and what we have heard today has been the usual SNP and Green press office lines—same difference, I suppose—of blaming Westminster and the DWP. We have also heard the line “Everyone is talking Scotland down” and the claim that we are using Social Security Scotland staff, not praising them—in this case, SNP and Green members want to use them as a human shield. We need to rise above that, however, and to look towards what needs to be a system that delivers for the people of Scotland.

As I have said in every single debate since being given my present role in the Parliament, it is in all our interests to ensure that Social Security Scotland is a success and is able to deliver for the people of Scotland and for future Governments, which will want it to do that, too. Parliament has a crucial role to play in holding both the institution of Social Security Scotland and the SNP-Green Government to account in ensuring that transparency is delivered. It is concerning that Parliament was only given sight of the updated social security programme and business case just one day before the debate. That has not given us time to be able to play that role.

Looking at the motion that ministers have brought today, I think that we need a more honest discussion over the many and increasing number of challenges, which the Scottish Government acknowledges, facing Social Security Scotland.

Oliver Mundell gave an excellent speech: it is important to understand that MSPs from across the chamber will be hearing complaints from constituents about the service that they are receiving, about the delay to payments and about the fact that ministers have not kept their promises about what Social Security Scotland would deliver for people across Scotland.

Despite claims by SNP and Green ministers that all is well, the transitional arrangements are not going well. The fact that DWP and UK ministers are now having to provide contingencies and extensions to agency agreements to support the on-going delivery of welfare payments in Scotland demonstrates where we are and the fact that ministers have not delivered. Promises made by

SNP ministers on the establishment and capabilities of Social Security Scotland have come and gone, often with elections, when they have said that those promises would be kept.

Rhoda Grant made a number of good points. It is clear that the days of virtue signalling by the SNP-Green Government have been replaced with the cold reality of having to deliver on a plan that will now have to run until 2025 to fulfil the agreements that have been made.

Meghan Gallacher and other members have stated the honest fact that ministers told the people of Scotland that they would establish an independent country in 18 months, yet they have failed to deliver a social security system more than a decade since having the powers to do so. That is despite promises that the new system would be in place by 2021. I was on many panels with members of the Government who said that that would happen.

Audit Scotland has been clear—this is an important part of today's debate—about the concern that it continues to express around the “challenging” delivery timescales. I think that that is still the case today—I doubt that it thinks that things will be delivered by 2025.

Any Government body or quango must be fully transparent. The Scottish people rightly expect us as a Parliament to make sure that resources that are being spent on social security are managed effectively and that, ultimately, they deliver value for money for the Scottish taxpayer. That is important. However, this Government's record is not good in that area.

Let us look at the facts. The number of complaints against Social Security Scotland has increased by more than 400 per cent since 2018; the SNP Government has missed deadlines for transferring benefits since 2020; and—this is one of the points that has been missed in the debate—it has handed back the severe disablement allowance to the DWP because it sees no advantage in Social Security Scotland delivering it.

We should have been looking at those issues in more detail. Why has the organisation been unable to deliver benefits on time? That is a crucial issue. Without robust data, it will become more and more difficult to make comparisons, and for the Parliament and its committees to carry out the critical role of effectively scrutinising Social Security Scotland and, indeed, whether the new welfare payments, which all parties have supported, are delivering the key outcomes that we all want to see achieved. The key one, as a number of members have mentioned, is lifting children out of poverty.

As I said, no doubt MSPs across the chamber are receiving complaints. Just this morning, I dealt

with constituents who have become tired of their phone calls not being answered. They are giving up. Therefore, I do not think that we even have a real estimate of the extent to which people are giving up on the system. That is concerning—ministers have acknowledged the issue in committee—and we need to see things improve.

The future financial sustainability of new benefit payments is another critical issue that has been raised by a number of members. By the end of this session of Parliament, more than £700 million will be spent on new welfare payments. Where will that come from? How will it be paid for? We need to find that out.

I hope that the debate has presented Scottish Government ministers with a bit of a reality check. They probably hoped that the debate would be an opportunity to pat themselves on the back. Their pledges around Social Security Scotland delivery timescales have been broken. Making sure that Social Security Scotland can deliver should be the focus of everyone's attention in Parliament.

Ministers say that they want a system that delivers dignity, fairness and respect. I agree. However, members on the Conservative benches also want a system that delivers on time. I support the amendment in the name of Jeremy Balfour.

**The Deputy Presiding Officer:** I call Ben Macpherson to wind up the debate. I would be very obliged if you could take us up to just before decision time, which is at 5 o'clock.

16:48

**Ben Macpherson:** I thank colleagues for the constructive points that have been made. It has been important throughout the debate to remember that we passed the Social Security (Scotland) Bill unanimously in 2018, and that we are trying to achieve a collective investment in people and to improve the circumstances of all our constituents. In that spirit, we have made remarkable progress since the legislation was passed. As others have said, there is more to do. I have set out what we will do next.

First, I will respond to questions that were put to me. Willie Rennie, who made a very constructive speech, asked me about delivery of the Scottish child payment. I emphasise that applications for the Scottish child payment that have been made since the benefit was extended on 14 November 2022 have now all been processed and many have been paid. We expect everyone who is waiting for a payment—payments will, of course, be backdated to the date on which they applied—to get a decision before the end of February. New applications that are made thereafter will be processed as quickly as possible.

Oliver Mundell was unfairly critical; he asked about value for money and costs. I clarify that the implementation estimates remain within 10 per cent of the 2020 programme business case figures. That is a good outcome, given the replanning that we undertook during the pandemic and our additional work on delivery of the Scottish child payment. It is expected that once all benefits have been introduced and case transfers have been completed, Social Security Scotland's running costs will be comparable with those of the Department for Work and Pensions. The updated total investment costs across Social Security Scotland, the social security programme and the social security directorate are broadly similar to the costs that were outlined in the 2020 programme business case, although they will drop slightly overall, by about 0.5 per cent, over the nine years from 2017-18 to 2025-26.

I thought that it was unfair of Mr Mundell to say that there has almost been just a rebranding and that no difference is being made. I encourage him to engage with constituents who have received the Scottish child payment because, if he does so, he will understand the difference that the money makes.

We are prioritising investment in social security in a period in which, as Paul McLennan emphasised, there has been a reduction in social security investment by the UK Government, which has cut universal credit. In comparison, I note that we have chosen to invest in social security and will continue to do so.

**Miles Briggs:** Ministers were clear that no one in Scotland would lose out in relation to the winter fuel payment, but it is now clear that rural communities across Scotland are losing out. Communities including Braemar and Aboyne, which Maggie Chapman represents but did not mention, will now be out of pocket. Does the minister regret that?

**Ben Macpherson:** As I said to the committee, about 12,000 people in some areas of Scotland might have received more payments under the cold weather payment scheme, but that scheme is completely unreliable, so we are replacing it with a reliable payment. We have doubled the fuel insecurity fund to £20 million, and we have engaged with local authorities in encouraging them to utilise the fund.

**Jeremy Balfour:** Will the minister take an intervention on that point?

**Ben Macpherson:** No. I have listened to colleagues and tried to respond, but I have some important things to say in my remaining time. I would be grateful if colleagues could take that into consideration.

I cannot accept the two amendments that have been lodged. I urge members to reject them on the basis that they—unfortunately—contain a combination of unhelpful overnegativity and unrealistic wishful thinking. The difference between we who stand here in Government and those who sit in other parts of the chamber is that we have to balance what is desirable with what is possible. We have a responsibility to take things forward for the benefit of all constituents across the country. Since taking on the role of social security minister, I have sought to do that.

I am driven by the four values that have always driven me—they are a bit like the Parliament's four values. For me, this is about determination, imagination, courage and honesty. With Government colleagues, I have sought to develop a social security system that not only delivers well now, but has strong foundations for the years to come. Miles Briggs emphasised that that is important. Such a system can be utilised to good effect by whoever governs Scotland in whatever constitutional situation the Scottish people choose as their future.

Through using our social security powers, we have realised that, with determination and imagination, we can build effective modern systems in just a few years. I appreciate that those systems are not performing perfectly for everyone. I encourage Bob Doris to write to me about the case that he raised. It would not be appropriate for me to comment on the individual case right now, but if he writes to me, I will definitely respond. Other members mentioned individual cases. I encourage them, too, to write to me, because every piece of feedback that I receive on the case-transfer process or on operational matters helps us to build as perfect a system as we can build. However, the system is performing well.

Whatever our views on which powers the Parliament should have, I strongly believe that we all need to have the courage to accept honestly, and to be candid and transparent about, the realities of change. I have sought to do that in my role.

The truth is that home rule for Scotland, continued devolution and independence have, for me, always been more evolution than events. The next phase of the social security programme is part of that journey. The Government will do it well, as we have done up to this point. I encourage members of other parties to be constructive and positive in their service to the constituents whom they seek to represent, and to work in Parliament in a way that allows us, whatever our position on the constitution, to build the social security system together.

Social security staff make a huge impact every day. I absolutely salute their commitment and the

contribution that they are making to building a better Scotland. That is the reason why 89 per cent of people who have engaged with Social Security Scotland rated their overall experience with the agency as being very good or good. That is the reality.

The truth matters. In recent days, somebody posted on Social Security Scotland's social media to say:

"I honestly think we are so lucky in Scotland to get the amount of help we do."

That is because of the changes that have been made and the delivery that is being undertaken by dedicated civil servants in the agency.

The truth matters, and the truth is that we are delivering more support in Scotland than is being delivered elsewhere in the UK, because we know that that is the right thing to do.

The truth is that more disabled people in Scotland feel empowered to get the support to which they are entitled, which is why projected spending on the adult disability payment is set to increase. We know that that is the right thing to do. Our changes are making a difference.

The truth, as Audit Scotland has said, is that

"Despite the challenges of the pandemic, complex new benefits—including Scottish Child Payment and Child Disability Payment—have been delivered",

and that

"This is a significant achievement."

The truth, as the Joseph Rowntree Foundation has said, is that

"The full rollout of the Scottish Child Payment is a watershed moment for tackling poverty in Scotland".

Across communities, the parents and guardians of the 387,000 eligible children are benefiting from the payment; they are welcoming it and feeling it.

The truth is that 133,000 carers have benefited from more than £200 million since we launched the carers allowance supplement in 2018, and will benefit more next year when we launch the carers support payment. That is the truth, and the truth matters.

The truth is that there is more to do to deliver with our social security powers, as I and others have set out. However, we can, based on what has already been achieved, move forward with confidence, and with humility about the challenge, but with a sense of common purpose about the further positive difference that we can and will make, especially if we work together constructively.

I therefore ask Parliament to vote for the positive delivery that we can and should achieve. Let us work together and continue to develop a



social security system that not only benefits the people who need help, but makes Scotland better for us all.

I urge Parliament to vote for the motion and to vote down the amendments.

**The Presiding Officer (Alison Johnstone):** That concludes the debate. It is now time to move on to the next item of business.

## Motion without Notice

16:58

**The Presiding Officer (Alison Johnstone):** 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. I invite the Minister for Parliamentary Business to move such a motion.

*Motion moved,*

That, under Rule 11.2.4, Decision Time be brought forward to 4.58 pm.—[*George Adam*]

*Motion agreed to.*

## Decision Time

16:59

**The Presiding Officer (Alison Johnstone):**

There are three questions to be put as a result of today's business. The first question is, that amendment S6M-07805.1, in the name of Jeremy Balfour, which seeks to amend motion S6M-07805, in the name of Ben Macpherson, on an update to the social security programme business case, 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.

16:59

*Meeting suspended.*

17:02

*On resuming—*

**The Presiding Officer:** The question is, that amendment S6M-07805.1, in the name of Jeremy Balfour, be agreed to. Members should cast their votes now.

**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)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 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)  
 Lumsden, Douglas (North East Scotland) (Con)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Rennie, Willie (North East Fife) (LD)  
 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)  
 Wishart, Beatrice (Shetland Islands) (LD)

**Against**

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (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)  
 Clark, Katy (West Scotland) (Lab)  
 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)  
 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)  
 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)  
 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, 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)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (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)  
 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)  
 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)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the division on amendment S6M-07805.1, in the name of Jeremy Balfour, is: For 35, Against 84, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The next question is, that amendment S6M-07805.2, in the name of Pam Duncan-Glancy, which seeks to amend motion S6M-07805, in the name of Ben Macpherson, on an update to the social security programme business case, be agreed to. Are we agreed?

**Members:** No.

**The Presiding Officer:** There will be a division.

#### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Cameron, Donald (Highlands and Islands) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Clark, Katy (West Scotland) (Lab)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Dowey, Sharon (South Scotland) (Con)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 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)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Greene, Jamie (West Scotland) (Con)  
 Griffin, Mark (Central Scotland) (Lab)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Hoy, Craig (South Scotland) (Con)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lumsden, Douglas (North East Scotland) (Con)

Marra, Michael (North East Scotland) (Lab)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 O'Kane, Paul (West Scotland) (Lab)  
 Rennie, Willie (North East Fife) (LD)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Sweeney, Paul (Glasgow) (Lab)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)

#### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 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)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (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)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the division on amendment S6M-07805.2, in the name of Pam Duncan-Glancy, is: For 54, Against 64, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The final question is, that motion S6M-07805, in the name of Ben Macpherson, on an update to the social security programme business case, 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, 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)  
 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)  
 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)  
 Hoy, Craig (South Scotland) (Con)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 Lumsden, Douglas (North East Scotland) (Con)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 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)  
 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)

**Against**

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)

Bibby, Neil (West Scotland) (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) (Lab)  
 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)

**The Presiding Officer:** The result of the division on motion S6M-07805, in the name of Ben Macpherson, on an update to the social security programme business case, is: For 94, Against 23, Abstentions 0.

*Motion agreed to,*

That the Parliament notes the updated social security programme business case; recognises the delivery of 12 Scottish social security benefits, seven of which are new forms of support only available in Scotland, including the Scottish Child Payment, which is a vital part of the collective national mission to tackle child poverty; acknowledges the imminent payment of the Scottish Government’s 13th benefit, the Winter Heating Payment, which, in 2022-23, will provide 415,000 low-income households with a reliable £50 payment, and thereafter an annual reliable payment, backed by approximately £20 million; acknowledges the UK Government’s contribution to the joint programme of delivery of Scottish Government benefits, and that the commitment of both governments will be required to deliver the programme business case; looks forward to the introduction of further Scottish Government benefits; agrees that social security is an essential investment in the people of Scotland; appreciates the important financial support that Scottish Government benefits provide to people, particularly during the current cost of living crisis, and welcomes the record investment of £5.2 billion in benefit expenditure in 2023-24, which will provide meaningful support to over one million people, including low-income households, disabled people and carers.

**The Presiding Officer:** That concludes decision time.

## United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill

**The Deputy Presiding Officer (Annabelle Ewing):** The final item of business is a members’ business debate on motion S6M-07485, in the name of Martin Whitfield, on the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill. The debate will be concluded without any question being put.

*Motion debated,*

That the Parliament notes that 16 March 2023 will mark two years since, it considers, the Scottish Parliament committed to delivering a “revolution in children’s rights”, by unanimously passing the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill; believes that, by taking what it sees as a maximalist approach to incorporating children’s rights into Scots law, Scotland would deliver a fundamental cultural shift that would transform the life chances and outcomes for children and young people, including in the South Scotland region; understands that the Bill was passed after over 10 years of campaigning by children, young people and their families, and was supported by children’s organisations across Scotland; acknowledges reports that the passage of the Bill was celebrated widely by children and young people through to teachers, social workers, the police, MSPs across all political parties and members of UN committees; accepts that the Supreme Court of the United Kingdom ruled that the Bill needs to be amended to bring it within the competence of the Scottish Parliament; welcomes the Deputy First Minister’s commitment to address the Supreme Court judgment through the Scottish Parliament’s reconsideration process; acknowledges the view that children and young people still do not know what timescale the Scottish Government is working to, or how long this process will take, and understands that, as the second anniversary of the Bill being passed approaches, charities are urging MSPs to set out to children their continued commitment to the incorporation of the United Nations Convention on the Rights of the Child (UNCRC) into Scots law and to supporting reconsideration of the Bill that brings it within the Parliament’s competence, and are requesting that the Scottish Government sets out a timescale for the reconsideration process so that children and young people know when UNCRC incorporation will be a reality in their lives.

17:10

**Martin Whitfield (South Scotland) (Lab):** Presiding Officer, it is a pleasure that you are in the chair for the debate on the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill. I thank all those members on all sides of the chamber who supported my motion in order to make the debate possible.

I am conscious that members may be concerned about the political element in the context of a members’ business debate, but I make no apology for that, because the bill was passed unanimously by the chamber. In reality,

therefore, the concerns are not of a political nature, but relate instead to process.

The bill was introduced to the Scottish Parliament on 1 September 2020 and passed unanimously on 16 March 2021. In 37 days, therefore, we should be celebrating its second birthday—a birthday that could, if the bill was a person, potentially have opened up childcare funding for it.

On 6 October 2021, however, the United Kingdom Supreme Court gave its judgment on the UNCRC bill: the judges unanimously decided that four sections of the bill go beyond the powers of the Scottish Parliament. That risk was warned about, both prior to stage 3, in correspondence from the UK Government, and at stage 3, in the debate that took place in the chamber, in which members pointed out—

**Alex Cole-Hamilton (Edinburgh Western) (LD):** Martin Whitfield rightly reminds members about the correspondence that the Scottish Government received from the UK Government instructing it of the illegality, or potential illegality, of sections of the bill. Had this Parliament been made aware of the correspondence at that time, it might have acted differently at stage 3. Does Mr Whitfield share my concern that we did not learn of that correspondence until after the bill had been passed?

**Martin Whitfield:** I am grateful for that intervention, and 20:20 hindsight is always strong, but it is right to say that members were aware of concerns regarding the bill both during its stage 3 voyage and before that. Whether the conclusion would have changed with the publication of the correspondence from the UK Government, I cannot say; I did not have the pleasure of serving in the Parliament during session 5. Nevertheless, we were aware of the potential for overreach.

However, let us move forward. What has happened since October 2021? In March 2022, the Scottish Government was, we were told, “carefully considering” the effect of the Supreme Court decision. On 24 May 2021, the Deputy First Minister came to the chamber and gave a statement in which he set out the theory behind the proposed changes to sections 6, 19 and 21. There was also “targeted engagement” with the third sector. We know that by June that year, all stakeholders who had responded were supportive of the proposed fixes for the bill.

By August, amendments were being drafted and committee time was being sought to deal with the bill. By 25 August, stakeholders were being told that the aim was to return the bill to Parliament and have it

“passed before the end of”

the

“calendar year”.

On 27 September, that timetable was “still on track”; ministers were content with final amendments, and a motion would be lodged in the Parliament.

We know, from published minutes, that the Scottish Government had drafted amendments and that those were being discussed in detail with the UK Government, and that, at the end of September, the bill was “still on track” for end-of-year implementation.

By October, however, that message was starting to change. The Scottish Government was engaging

“with the Scottish Parliament over the admissibility of ... amendments”,

and the Scottish Parliament information centre was “preparing a leaflet”. In fact, SPICe has prepared a briefing, which was published on 27 January 2023, regarding the reconsideration stage, which is a procedural stage in the Parliament that is required to amend the bill.

At a minuted meeting, in response to a question about whether there was any

“parallel ... process, should ... reconsideration ... not be agreed”,

it was confirmed that,

“We don’t have another approach at present.”

The minutes show that by November, the Scottish Government could not say whether the amended bill would be presented before the end of the year.

So, where are we? On 30 January 2023, a question to the UK Government was tabled, seeking its position on the matter. That question was answered on 6 February 2023. The UK Government, through Alister Jack, said:

“It has always been the responsibility of the Scottish Government to determine how they will comply with the requirements of the Supreme Court judgement. The Scottish Government have yet to formally set out how they plan to proceed.”

I raise those questions as a background to where we are. This week, children, young people and adult human rights defenders from Scotland who make up the hashtag #TeamScotlandUN are joining their partners from across the UK to give evidence to the United Nations Committee on the Rights of the Child in Geneva.

Beau Johnston MSYP and Daisy Stewart Henderson MSYP are joining members of the Children’s Parliament, Arden and Omima, who are 13 and 14 years old, in raising children’s and young people’s rights issues with the UN committee. They are doing so because the UN is

reviewing the human rights record of the UK. Incorporation of the UNCRC, and the urgency of action from both the Scottish Government and the UK Government, is one of the most important issues that they will raise. I salute Beau, Daisy and all members of #TeamScotlandUN for raising, on an international stage, the failure of this Government.

So, where are we? The legislation was heralded as “world-leading”; it was supported by this Parliament and by the third sector; and, most importantly, it was a promise to our young people that they would be not simply listened to but respected with regard to their views and their human rights.

Will the Scottish Government publish the draft amendments that are being discussed with the UK Government, and publish the deadline that was given to the UK Government to agree those amendments? Will the Scottish Government confirm, and publish formally, its plan to proceed to make good the bill, and confirm that that plan has been shared with the UK Government? Finally, will the Scottish Government publish its timetable to rectify the bill?

Those are my asks tonight, not from a political or ideological position, but because the children of Scotland deserve to know the answers.

17:17

**Bill Kidd (Glasgow Anniesland) (SNP):** I thank Martin Whitfield for lodging the motion. I am pleased to be able to contribute to this important debate today.

The bill will, with some amendments and, I expect, with broad cross-party support, pass through its reconsideration stage, and its enforcement will provide an umbrella of critical protections for children across Scotland. The intention of the bill is to embed a culture that prioritises children’s rights in such a way that when those rights are not upheld in practice, MSPs will be equipped—indeed, compelled—to take action to remedy incompatible laws.

The movement to reconcile children’s rights in international law with their realisation on the ground will, I believe, foster the development of a radical change in how children are treated in Scotland.

**Stephen Kerr (Central Scotland) (Con):** Bill Kidd speaks very positively about the possibility of the bill coming back to this Parliament. Does he know what the timetable is for that to happen?

**Bill Kidd:** Strangely enough, I have not been made a minister of any description, so I do not actually know. However, I believe that the bill will be coming back—I know that there is genuine

enthusiasm for it to be brought back as soon as it can be, and I will support that.

We know from cases of historical child abuse, such as the sports abuse scandals stretching from the 1970s to the 1990s, that, in relatively recent years, some people in Scotland have turned a blind eye to child abuse and sexual exploitation. I believe that times are changing. However, child abuse still goes on today, and we must make every effort to erode structures or gaps in safeguarding that allow for perpetrators to continue their abuse of children.

In the previous debate on ending violence against women and girls, I highlighted the story of Emily, a survivor of sex trafficking. At the age of 11, Emily was forced by a friend’s father to move drugs for a gang. She was then trafficked by the gang into prostitution. She is not the only child from across the UK who has been forced into prostitution and trafficking for sexual exploitation; there are sadly many cases of such exploitation. Often, however, we are not aware of such stories happening in our own towns and cities, as the disappearance of 200 unaccompanied asylum-seeking refugees and children has evidenced.

Trafficking and exploitation of children across the UK is very much a present reality. Of the UNCRC provisions relating to those areas of serious concern, article 35 obliges Governments to protect children from trafficking, in or outside of their country, for the purposes of exploitation; article 19 protects children from abuse or neglect; article 34 enshrines the right of children to freedom from sexual exploitation and abuse.

It is also worth noting the protocol on the sale of children, child prostitution and child pornography, which will be incorporated under the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill. I believe that, once it is amended, the bill will help protect children at risk of trafficking and exploitation. It will also reinforce the legal rights, protections and duty of care of children who have been forced into various illegal activities at the hands of their traffickers. The UNCRC and the UN Committee on the Rights of the Child are clear that

“victims of trafficking and sexual exploitation should be recognised as such, provided with appropriate support and benefit from protection against arrest, charge, detention and prosecution.”

Unfortunately, it is often the case that child trafficking victims are charged for crimes that they were forced to commit. The office of the Children and Young People’s Commissioner Scotland has explained that, in Scotland, trafficked children can still be prosecuted in the adult justice system and, moreover, that gaps in Scotland’s legal and policy protections for child trafficking victims have

resulted in a number of child victims being detained.

I have to wonder what steps would have stopped Emily, at the age of 11, from being sex trafficked as a child. Who saw the red flags, and did fear of prosecution stop her from reaching out for help as a child? While Emily's abuse began in the early 2000s, the same vulnerabilities continue, and people who seek to exploit children still exist. The full incorporation of the UN Convention on the Rights of the Child is required to offer real protection for children, who are most vulnerable to exploitation and abuse. On top of the bill, children must have adult champions who can identify when something is wrong, know when to investigate further and act to stop the abuse.

**The Deputy Presiding Officer:** Mr Kidd, you are over time. Could you please your remarks to a close?

**Bill Kidd:** I will do so.

Adult champions can also raise policy and legal issues with the Parliament.

In recognition of our duty of care, as parliamentarians, for children, we must remain committed to the passage bills such as the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill and to the fullest possible implementation of children's rights in Scots law.

17:22

**Stephen Kerr (Central Scotland) (Con):** I commend my friend Martin Whitfield for lodging the motion, and I congratulate Bill Kidd on what was an excellent speech, dealing with what is a serious and sobering matter.

When we consider any statement of rights, it is always interesting to give consideration to the rights of a small number of people, or even of a single individual, against the rights of the majority or larger group. Balancing those competing forces is essential in any consideration of rights.

In Scotland today, we have a growing epidemic of disruption, violence and threat in our classrooms. Research by the Scottish Conservatives found that there had been more than 70,000 assaults on teachers in Scotland over the past five years. That is a remarkable and horrifying statistic, which is made worse when we realise that that includes the Covid years, when children were learning remotely. Understanding the importance that atmosphere plays in a child's education and monitoring what is happening in Scotland's classrooms should be a top priority of those involved in education. That is currently not happening.

In Falkirk Council, Scottish Conservative councillor James Bundy asked in November for the rates of assaults and violence against teachers in Falkirk, and he was told by the director of children's services that there had not been "any significant increase" and that there had just been "the odd incident". Last week, however, Councillor Bundy revealed that he had received the information from a freedom of information request that there had been a 989 per cent increase in the rate of assaults against teachers and staff in Falkirk in the past five years and that, on average, there are 4.95 assaults per day. That is not an "odd incident"; it is a significant increase.

People might ask what that says about our approach to children's rights. Does the UNCRC have anything to say to us on the ability of children to enjoy their schooling free from the threat of violence, bullying and misconduct? Last week, *The Herald* led on a story about a whistleblower—a teacher in Glasgow's east end—who spoke about a culture of "toxic positivity" in schools, where school bullies and violent pupils are not challenged on their behaviour, and where the focus on individual rights eclipses the right of a class to learn. Articles 28 and 29 of the UNCRC provide help and direction in that respect.

We have a responsibility to provide education for our children; historically, we would not have needed a UN charter to remind us of that responsibility. We also have a responsibility to ensure that children have respect for the charter of rights itself. We have come to understand that as children understanding their rights, but perhaps a new reading of the rights in the UNCRC could help our children to understand the rights of others. It should also help children to understand that with rights come responsibilities. The charter outlines that. It speaks about respect for parents, the values that we have as a country and preparation to live in a free society.

By letting the epidemic of violence continue, we let our children down. We let down the children who do not learn the lessons of respect that the UNCRC outlines, but perhaps most important, we let down the majority of children who turn up to school to learn and want to do their best. We let them down by destroying, or undermining at the very least, their life chances, and stopping them from learning by not dealing with the disruptive elements in their classroom.

I agree with the motion that we need a cultural shift. We need a new deal for our classrooms. It is time for a right to a school day that is uninterrupted by violence, threats of violence or intimidation, which is a reality far too familiar to too many of Scotland's children.



17:27

**Pam Duncan-Glancy (Glasgow) (Lab):** The debate should be about celebrating two years of the UNCRC incorporation bill. Instead, 16 March will be a sad reminder of the delay and that two years after it was passed in the chamber, the bill has still not been enacted. That is disappointing for the Parliament and for the children and young people who still do not have access to the rights and provisions that should have been written into our domestic legislation.

Children and young people led the fight for incorporation, and we all recall how proud they were of that achievement, but now they are disappointed, because many of the provisions and protections in the UNCRC are not accessible to them. They are being met with more delay and silence over when they can expect their rights to become a reality.

It has been well over a year since the Supreme Court ruled that the bill as passed reached beyond the powers of the Scottish Parliament, and the last update from the Government was the Deputy First Minister's statement in May, which gave a welcome promise that the Government would amend the bill and consult children and young people. That statement was 10 months ago, but we are no clearer on when those next steps will take place, despite attempts from MSPs of various parties to secure some clarity. Any indication on when the reconsideration process might start is the least that children and young people deserve. They should not have to face any more delay.

The UK Government has been clear in setting out where the bill strays beyond devolved functions, and the Scottish Government has recognised those concerns, so there is no need for a hold-up. It is time to implement solutions and bring before Parliament a bill that legislates within devolved competence to deliver for children and young people the rights that they have fought so passionately for.

There is often a tendency for members to focus on what divides us rather than what unites us, but the matter of UNCRC incorporation unites us all, regardless of party. We all want to see the bill progress and become a reality for children and young people's lives in Scotland, because, as Martin Luther King said,

"A right delayed is a right denied."

The longer incorporation is delayed, the longer Scotland's children and young people are denied the proper protection of their rights in law and the ability to challenge where their rights are not being met. They are losing out on the wider legal and cultural changes that international experience has shown comes hand in hand with embedding children's rights into domestic law. Countries

including New Zealand, Finland, Canada and Sweden demonstrate that incorporation ensures that Governments are held to account at a national level and compels public bodies to act in a manner consistent with children's rights, which creates a culture of better-informed policy and greater respect for children and young people as individuals.

As it works towards the reconsideration of the legislation, the Scottish Government must do all that it can in its wider decision making to protect and promote children's rights by taking a rights-based approach to policy development and spending. That includes improving the transparency of its budget so that we can identify money that is directed towards ensuring that rights are being met.

There is an absence of legislation, but that does not mean that there needs to be an absence of action. The UNCRC incorporation bill included a duty on ministers to report on their actions to further children's rights via the children's rights scheme. It might not yet be required to produce such a report, but to do so would be a signal that the Government has not forgotten its commitment always to consider the best interests of children and young people.

The Parliament is united behind incorporation but the ball is firmly in the Scottish Government's court. As parliamentarians, our hands are tied until the bill is brought back before us, so I urge the Scottish Government to gather pace in doing so. Children and young people cannot afford Scotland to lag behind on their rights any more.

17:30

**Alex Cole-Hamilton (Edinburgh Western) (LD):** The incorporation of the United Nations Convention on the Rights of the Child into Scots law was one of my main motivating factors for seeking election to the Parliament. Before I was elected, I spent 13 years in the children's voluntary sector working for a variety of children's charities and 19 years as a youth worker. My concern for the rights of children is what first drove me towards elected politics and I believed the Scottish Government when it came to power and said that it wanted to make Scotland

"the best place in the world for children to grow up."

However, the journey to this point has been long and circuitous. The Government tried to make good on that original commitment and overarching aim with the proposal to introduce a rights of children and young people bill in 2012. That was then folded into what became the much bigger Children and Young People (Scotland) Act 2014. However, the foothills of work on incorporation that were done at that time were junked. They were

dispensed with and we were told at the time that it was too complicated to incorporate the UNCRC into Scots law. Year after year, we watched countries that we idolise and that the Government points to as blueprints for independence or a more progressive way of living incorporate the convention.

The Government tells us that it wants to be a rights leader but it has a history of talking a good game and then not delivering on that. I need only point to the legislation on the age of criminal responsibility, which was a flagship of the Government's policy intent towards children and young people in the previous session of the Parliament. We were holding children responsible for their crimes from the age of eight years, which was awful, and the Government wanted to finally raise that age to 12, but—guess what?—during the consideration of that legislation, the UN Committee on the Rights of the Child, of which we have heard so much this evening, changed the floor to 14. Amendments in my name at stages 2 and 3 to try to bring us into line with that de minimis position of 14 were rejected. That means that we still sit behind Russia and China—those bastions of human rights observance—on the age at which we hold children responsible for the crimes that they commit.

**The Minister for Children and Young People (Clare Haughey):** I remember the passion with which Alex Cole-Hamilton argued that we should raise the age to 14. The then Minister for Children and Young People agreed that we would review the age of criminal responsibility and we are committed to doing that.

**Alex Cole-Hamilton:** I am delighted about that, but I am concerned that it will fall into the basket of jam tomorrow, which is the reason why we are having the debate. It is now two years since the Parliament unanimously passed the legislation that we are debating and we have seen no sign of the amendments coming back—having been agreed with the UK Government—to be passed by the Parliament.

What we are talking about is not complex. It is done the world over in jurisdictions that recognise in law the rights of children. It is about ensuring that their voice is heard in decisions about them and that they have access to redress and, in some cases, justice when the state impinges on those rights. We know that that has happened time and again. We heard eloquent words from Bill Kidd about some of the times that that happened historically. We want to ensure that we have a legal architecture that underpins those rights going forward. That is one of the reasons that the bill was passed unanimously by the Parliament.

I am very concerned that, although amendments were lodged to try to ameliorate the issues that the

UK Government eventually took the bill to court over, those were not passed at stage 3. In large part, I think, that is because we were unaware of the salience of those amendments at the time. Had we been privy to the correspondence that the Scottish Government had received during the passage of the bill, we would have understood its susceptibility to legal challenge and we would have taken steps—at stage 3, if need be—to remedy that. However, we were not made aware. That makes me cynical about the motives of the Government: it could see a fight with the UK Government in the offing, so the rights of children and young people in this country were sacrificed on the altar of grievance—we know all too well that the Government is capable of that.

I will turn briefly to the points that the UK Supreme Court has suggested need amending—there are only four of them. That could be addressed tonight. I know that several people in this chamber have already ghost-written amendments that would do the job. We need to bring those amendments back to the Parliament. The children of this country have their eyes on the chamber and the Scottish Youth Parliament has made the issue its priority for several years, so if we do not bring the bill back to the Parliament and make the amendments that are required, we will have let them all down.

17:35

**Brian Whittle (South Scotland) (Con):** I thank Martin Whitfield for bringing the debate to the chamber. I have a specific interest in the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill, which I will come on to.

The bill was passed unanimously on 16 March 2021. Unfortunately, as we have heard, the UK Government had to send the bill to the UK Supreme Court. The case was heard in June 2021. In October 2021, in the judgment, which was unanimous, the court said that there was no objection to the intention behind the bill or the Scottish Parliament's ability to incorporate the UNCRC:

“No-one disputes the right of the Scottish Parliament to regard the UNCRC as an important convention and to give effect to it”.

However, the court continued:

“provided that it does so within the limits of its legislative competence.”

As Alex Cole-Hamilton has just said, just four issues were raised. One was about the definition of “public authority”. The bill was written broadly, to include third parties that carry out services on behalf of the public authorities. The court found that definition to be too broad, meaning that it

could apply to UK authorities that were acting in reserved areas. To its credit, the Scottish Government said that it would amend the bill to make it clear that only Scottish authorities acting in devolved areas would be subject to the law. It also said that there would be changes so that public authorities would not be found to have broken the new law if an existing law meant that they could not respect children's rights in that area. That is the same approach that was taken to the Human Rights Act 1998.

Section 20 of the bill, which is about strike-down powers, was also an issue, as was section 21, which is about incompatibility declarators.

I have read the ministerial statement that was made on 24 May 2022 and it is at odds with what the Scottish Government said that it was going to do. John Swinney wrote to the Secretary of State for Scotland on 1 February 2022, to find a way for the bill to become law without needing to change what it said. A week later, the Secretary of State replied to say that that was not possible as it would mean changing the powers of the Scottish Parliament. However, in the ministerial statement, John Swinney announced a three-week consultation with stakeholders, to begin the reconsideration of the process.

John Swinney's statement that the UK Government was unwilling to engage meant that the UK Government had to issue a statement in response, which said that, during the passage of the UNCRC bill, it had made suggestions about how the bill could be brought within the Scottish Parliament's existing powers, but that those suggestions were, unfortunately, rejected by Scottish ministers.

The Supreme Court subsequently determined that the legislation was not within the legislative competence of the Scottish Parliament. It went on to say that—

**Martin Whitfield:** My intervention on that point will be very short. In that three-week consultation, all the third sector groups that responded were in favour of John Swinney's proposed improvements, which were not about seeking additional powers for the Scottish Government but about curtailing the specific paragraphs that were causing problems in the Supreme Court.

**Brian Whittle:** My friend is absolutely right in what he says. That fact seems to be at loggerheads with the idea that the UK Government was not interacting with the Scottish Government, which had already decided on the best way to get the bill through the Parliament.

My specific interest in the UNCRC bill finally being adopted is that, as the cabinet secretary will testify, I was involved in trying to amend the Redress for Survivors (Historical Child Abuse in

Care) (Scotland) Bill in the most recent session of Parliament to include all children who were abused in a public care setting.

It is my contention and that of many other interested parties that although the intention of the redress scheme is very much welcomed, the scheme is fundamentally flawed and will have a narrow effect because it excludes many historical cases of child abuse within similar settings to the care setting, where the cabinet secretary contends that parental responsibility is adopted by the state. However, the bill that led to the Education (Scotland) Act 1980 used the term "in loco parentis", which effectively gives parental responsibility to teaching staff. As Bill Kidd said, that is similar to the situation in a coaching setting where parental responsibility is often handed over to the coach. Others, such as the Fornethy survivors, have petitioned the cabinet secretary and I hope that they are getting towards a successful conclusion.

We need the Scottish Government to expedite the passing of the bill to ensure that all safeguards, rights and protections that the bill enshrines in law can be given to our children. Across the chamber, we are all agreed on the importance of the bill, so it is time that it was passed.

17:41

**The Minister for Children and Young People (Clare Haughey):** I start by thanking members for their continued commitment to protecting and strengthening children's rights. It is clear that the commitment that was demonstrated when the Parliament unanimously passed the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill in March 2021 remains, and I am confident that when we are ready to bring an amended bill back to the Parliament, it will again receive the support that it deserves.

We have emphasised our commitment to that process on several occasions, most recently on 26 January, when the Cabinet Secretary for Education and Skills responded to Mr Whitfield's question about our latest discussions with the UK Government. The cabinet secretary explained the importance of the discussions with the UK Government and said that they are currently focusing on what the Supreme Court judgment means for the application of the UNCRC compatibility duty when a public authority is acting under powers conferred by UK acts in devolved areas.

I hope that members will find it useful if I provide further details on that. We have been clear to the Parliament and stakeholders that the Supreme

Court judgment means that the duty to act compatibly with UNCRC requirements as set out in the bill cannot apply when a public authority is acting under powers conferred by a UK act, and when that act requires it to act in a way that is incompatible. However, there will be cases in which a UK act in a devolved area gives a public authority discretion over whether to act in a way that is compatible.

Our hope has been that, in those circumstances, the bill could require a public authority to act compatibly. The discussions with the UK Government are focused on whether the Supreme Court judgment enables us to do that. As well as carefully considering whether that is possible in the context of the Supreme Court judgment, we also need to consider whether setting more conditions on the application of the compatibility duty would over-complicate the bill. The compatibility duty cannot become so complicated that duty-bearers and children and young people and their representatives find it difficult to understand.

**Martin Whitfield:** So, it is not the case that we have an amendment that is being considered. The Scottish Government and the UK Government are still having—and I use this word carefully—philosophical discussion about the extent of the Supreme Court decision on the relevance of UK legislation that might or might not apply in a devolved sense.

**Clare Haughey:** The amount of time that has been taken to consider the amendments has been because of the complexity of the legal landscape, especially the Supreme Court judgment and the implication for the devolution settlement. I appreciate that members from across the chamber have mentioned on several occasions that the Supreme Court came back with concerns about four areas, but they are really complicated matters of law.

I understand that members are frustrated that we have not yet been able to start the parliamentary process of reconsidering the bill, and that we cannot yet set out a clear timetable for that process. I trust that members will understand why it is important to take the time to work through the issues that I have described. This is not an insignificant matter or a matter of prevarication. It is important to understand that and to get it right for children now and for generations of children to come. It is also important for our incorporation of other human rights treaties in the proposed human rights bill on which we will be consulting in the coming months.

I understand that the delay to bringing the UNCRC bill to Parliament is a concern for stakeholders. As the Deputy First Minister said last year, we are committed to incorporating the

UNCRC through amendments to the bill. That has not changed.

**Martin Whitfield:** I am grateful to the minister for giving way again. One of the challenges for the third sector is that statements made in committees and subcommittees are then being contradicted by ministers and cabinet secretaries in the Parliament. There is an air of confusion. I understand that there are amendments, which are still being discussed. Further to my requests, could those be published so that people can see them?

This is my final question, Presiding Officer. Does the Scottish Government have any concerns about the reconsideration stage as the legislative procedure in the Scottish Parliament? We have not even got there yet and I would be somewhat saddened to discover that that has become the hold up, rather than the discussions to which the minister was referring.

**Clare Haughey:** It is a complex area and, as far as I understand, the reconsideration process has not been used in the Parliament previously, although it has been in statute. We are absolutely committed to making amendments to the bill under the reconsideration process for Parliament to consider and vote on. I am sure that there will be much discussion when that happens.

The motion includes a request that the Scottish Government set out a timetable for the reconsideration process. As Mr Whitfield pointed out in Parliament last week, previous estimates have proved to be optimistic. The nature of our engagement and the groundwork required to reduce the risk of another referral to the Supreme Court means that not all of the milestones are within our control. However 16 March is an important date and we will endeavour to provide another update by then.

In the meantime, our programme of work to embed children's rights continues at pace, regardless of the status of the bill. We are building the capacity for public authorities to take a children's rights-based approach in the delivery of services, including by developing a skills and knowledge framework; providing a fund to test innovative approaches to embedding children's rights; developing tools to assist public bodies to evaluate and improve their approach to children's rights; funding the Scottish Public Services Ombudsman to develop a child-friendly complaints process for public authorities under its jurisdiction; and funding the Improvement Service to assist local authorities and their partners to successfully implement the UNCRC at a local level.

**Alex Cole-Hamilton:** I am gratified to hear that the Scottish Government is trying to take measures to improve children's rights at pace, as the minister describes. However, I am concerned

that, without the legislative architecture that the incorporated UNCRC would provide, that is for the birds.

**Clare Haughey:** I disagree with Mr Cole-Hamilton. It is not for the birds. We have evidence from some of the work that I mentioned that the Scottish Government takes children's rights very seriously.

We are also raising awareness of children's rights among children, young people and their families by providing national funding for the rights respecting school award, providing information on the Parent Club website and working in partnership with the Children's Parliament, the Scottish Youth Parliament and Young Scot.

**Stephen Kerr:** Would the minister accept that—as per my remarks earlier—there is a right to an uninterrupted school day? Is she satisfied that the Government is doing everything that it can within its current powers and in the spirit of what we have been discussing to ensure that that happens? It is clear that, daily and across Scotland, that is not happening.

**Clare Haughey:** I know that Mr Kerr's colleagues have raised that issue. The Cabinet Secretary for Education and Skills has responded to that and said that we all have a part to play, as do schools in relation to discipline and maintaining order in schools. Children have rights and they need to learn about them, but we also need to be respectful of one another. I am sure that we can all agree on that. Bullying and harassment have no place in our schools.

On world children's day in November, we published a report that set out the progress that we have made in relation to children's rights in Scotland since 2016. It explains, for example, how we are supporting children's mental health and wellbeing to deliver their right to be as healthy as possible and what we are doing to support children's rights to nutrition, adequate housing and extra financial support if their family needs it.

Judging by the commitment to the bill that the Scottish Parliament has demonstrated this evening, we will deliver the bill and will have more to celebrate in the future.

*Meeting closed at 17:50.*



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

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