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AITHISG OIFIGEIL

# Meeting of the Parliament

Thursday 9 November 2023

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# Scottish Parliament

Thursday 9 November 2023

*[The Presiding Officer opened the meeting at 11:40]*

## General Question Time

**The Presiding Officer (Alison Johnstone):** Good morning. The first item of business is general question time.

### Strategic Transport Projects Review 2 (South of Scotland Projects Update)

**1. Finlay Carson (Galloway and West Dumfries) (Con):** To ask the Scottish Government whether it will provide an update on the second strategic transport projects review in relation to projects in the south of Scotland. (S6O-02704)

**The Minister for Transport (Fiona Hyslop):** Significant action is being taken by this Government to develop, deliver and invest in Scotland's strategic transport infrastructure for the long term. The 45 recommendations contained in STPR2 include proposals for an improved and more resilient transport network in the south of Scotland.

Work is already in progress on five of the eight recommendations that are specifically relevant to the south of Scotland or which will have particular benefits for the region. That work includes consideration of how rail journeys for passengers and freight can be improved; A75 and A77 improvements; and integrated smart ticketing.

**Finlay Carson:** I am sure that the minister will be delighted, as I am, by the fact that Scotland's two Governments are working together to bring forward improvements to the A75 on the back of the union connectivity review, which highlighted the infrastructure projects that are significant to the whole of the United Kingdom, and by the UK Government's commitment to funding the A75 projects. Given that infrastructure funding is devolved, will the Scottish Government fulfil its obligations to the south of Scotland, step up to the mark and at least match the funding from the UK Government, and bring forward other essential projects to upgrade the equally neglected A77?

**Fiona Hyslop:** In relation to the first part of Finlay Carson's question, it is clear that the A75 has been designated by the UK Government as being worthy of union connectivity funding because it primarily benefits Northern Ireland. We have yet to receive confirmation of any funding from the UK Government. In the meantime, this year £3 million-worth of structural maintenance

schemes and improvements on the A75 are ensuring safe operation of the route.

The second part of Finlay Carson's question was about the A77. In response to his colleague last week, I mentioned the Haggstone climbing lane, the Glen App wide single carriageway, the Park End to Bennane project and the Symington and Bogend Toll project, all of which are on top of the funding for and the delivery of the much-needed and much-welcomed Maybole bypass. Those are all positive improvements by the Scottish Government in the south of Scotland.

**Emma Harper (South Scotland) (SNP):** The UK Government's union connectivity review recognised that the only way that the A75 would be upgraded would be through the UK Government providing the Scottish Government with the funding to make the STPR2 recommendations happen. I do not know why the Tories continually blame the Scottish Government when it has a fixed budget.

Does the minister agree that Finlay Carson's efforts would be better directed at lobbying his UK Government bosses, including the absent Dumfries and Galloway MP and Secretary of State for Scotland, Alister Jack, so that my constituents get the road upgrades that they have been campaigning for for decades?

**Fiona Hyslop:** Last month, the UK Government minister for roads and local transport confirmed that funding of £8 million was available, subject to final approvals. Those final approvals have yet to come. Although that commitment is in line with our funding request, confirmation came only after a face-to-face meeting that I had with the minister in September, at which I had to press for a final decision to be made.

My officials continue to engage proactively with their UK counterparts, and we await confirmation that the funding that we have requested will be forthcoming. Indeed, we had to submit a second business case on 17 October, following our initial submission of a business case in April, because of the passage of time and the inaction of the UK Government.

### Children (Care and Justice) (Scotland) Bill (Victims' and Accused Persons' Rights)

**2. Michelle Thomson (Falkirk East) (SNP):** To ask the Scottish Government how it will balance the rights of victims with the rights of the accused in the processes developed by the Children (Care and Justice) (Scotland) Bill. (S6O-02705)

**The Minister for Children, Young People and Keeping the Promise (Natalie Don):** I am very conscious of the need to ensure that the rights of victims and the rights of referred children are balanced, and I am aware of the concerns around

that issue, as I have reflected in my evidence to the Education, Children and Young People Committee and my meetings with individual members. The bill's provisions seek to balance the rights, needs and expectations of victims, and of the parents or carers of child victims, with the rights of referred children. I assure the member that amendments to further improve support for victims are being considered for stage 2.

The bill will ensure that there is scope for referral of all children to the principal reporter, removing the barriers that meant that children already had to be in the hearings system before turning 16 if they were to get support through that system. Importantly, the bill will also allow referrals for children who are themselves victims within their family home.

**Michelle Thomson:** I concede that the evidence tells us that it can be difficult for Government to juggle the rights of distinct groups. As the minister suggests, the Education, Children and Young People Committee has raised a number of concerns about the lack of consideration thus far of the needs of child victims within the children's hearings process.

Just yesterday, Victim Support Scotland highlighted a father's concerns about the lack of information and support and challenges with regard to safety planning for victims. Ian said:

"I would not wish on my worst enemy what we had to go through as a family."

I appreciate that the minister cannot yet disclose the planned amendments to the bill, but will she reiterate that she takes seriously the significant concerns expressed by multiple agencies and by the ECYP Committee, and will she ensure that the rights of child victims are given the same focus as those of child perpetrators?

**The Presiding Officer:** I must ask for concise questions and responses.

**Natalie Don:** I am really sorry to hear about the situation that Michelle Thomson has outlined and I thank her for raising a really important issue. Whether a child's behaviour is dealt with by the criminal justice system or the children's hearings system, we must absolutely ensure that we meet the needs of victims and their families. I again assure the member that I am absolutely alive to the issues that she raises. In fact, I have met Victim Support Scotland to discuss the bill and those issues.

As I said in my initial answer, making further improvements to support for victims will be a key consideration during stage 2 of the bill process. I would be happy to meet with the member to discuss that in more detail.

### **Additional Support Needs (Mainstream Education) (Central Scotland)**

**3. Meghan Gallacher (Central Scotland) (Con):** To ask the Scottish Government whether it will provide an update on the support and services available for children and young people with additional support needs in mainstream education across Central Scotland. (S6O-02706)

**The Cabinet Secretary for Education and Skills (Jenny Gilruth):** Our most recent figures show that local authority spending on additional support for learning has reached a record high of £830 million. We have also invested £15 million per year since 2019-20 to support the recruitment of pupil support assistants and to help them respond to the individual needs of children and young people. In addition, the Scottish Government provided more than £11 million of funding to directly support pupils with complex additional support needs and services to children and families.

We work with a number of partners across Central Scotland to ensure that advice, support and resources are available to the parents and carers of children and young people with additional support needs, the children and young people themselves and the practitioners who support them.

**Meaghan Gallacher:** The truth is that many children are in learning settings that do not suit their needs. Parents have contacted me to say that, due to long waiting lists for ASN diagnosis, many children are being refused a transfer to ASN specialist schools and nurseries. The fact of the matter is that our school and nursery estates are not equipped to deal with the number of young people who have complex additional support needs. ASN parent councils in my region have raised that issue, but their voices are being ignored.

What will this Government do to reduce the time that families spend waiting for an ASN diagnosis? Does the minister agree that a full review of the ASN estate is long overdue?

**Jenny Gilruth:** The member raises a really important point, particularly in the light of the number of pupils who now have an identified additional support need. More than a third of our young people now have an identified need, which changes the types of learning and teaching that happen in our classrooms and affects the needs of our young people, their parents and carers. I am sorry to hear about the experience of the campaign group in the member's region. I would be more than happy to engage with that group and, indeed, have engaged directly with the ASN reform Scotland group on the matter.

The member also makes a number of points about diagnosis. Under the Education (Additional Support for Learning) (Scotland) Act (2004), no diagnosis is required for additional support to be given, but we very much recognise that having a diagnosis can help young people and their families.

In 2021, we published guidance on the national neurodevelopmental specification for children and young people. The member has asked for a review of that guidance, but I suggest to her that it might be prudent to consider that more fully as part of the education reform process, recognising that that process must reflect the recent changes in our classrooms. ASN is part of that change and I am committed to working with the member, and with members from across the chamber, on how we can better support teachers, parents and carers in relation to additional support needs.

**Martin Whitfield (South Scotland) (Lab):** Presiding Officer, I apologise for being slightly late for general questions.

Cabinet secretary, should the discussion about involving parents not include involving parents and carers in the decision-making processes regarding their young person, instead of just keeping them informed?

**Jenny Gilruth:** I agree with the member's suggestion in relation to decision making. As I alluded to in my response to Meghan Gallacher, we provide support to parents, but if the member has any suggestions on how we can better influence that through the education reform process, I am more than happy to listen to them.

This Tuesday, we launched the consultation on the issues surrounding the legislation that will come forward next year. There is an opportunity to strengthen that legislation, particularly in relation to parental rights, and I am more than happy to consider that suggestion through the consultation process.

### **Scottish Water (Industrial Action)**

**4. Richard Leonard (Central Scotland) (Lab):** I remind members of my voluntary entry in the register of members' interests regarding the GMB, Unite and Unison trade unions.

To ask the Scottish Government what its response is to reports that notice of industrial action has been served on Scottish Water. (S6O-02707)

**The Cabinet Secretary for Transport, Net Zero and Just Transition (Màiri McAllan):** Those on-going pay negotiations are, of course, a matter for Scottish Water, as the employer, on one hand and the unions on the other. However, I understand that, as Mr Leonard narrates, Scottish

Water has been notified by the three recognised unions of industrial action, starting from Friday 10 November. I encourage all parties to continue negotiations to resolve the dispute.

**Richard Leonard:** I thank the cabinet secretary for her answer.

When the three Scottish Water trade unions—Unite, Unison and the GMB—came to Parliament on Tuesday, they were determined. Since the Advisory, Conciliation and Arbitration Service talks broke up at 2.30 this morning, they are angry.

The cabinet secretary simply cannot claim that those negotiations are solely a matter for Scottish Water. The Scottish Government wholly owns Scottish Water. The planned pay cut to the lowest-paid workers is a flagrant breach of the Scottish Government's fair work principles. The last time we were so close to a Scottish Water strike, back in 2008, the then finance secretary stepped in—I know, because I was there. With 12 hours to go before the strike, will the cabinet secretary come out of hiding, break her silence and get this dispute settled?

**Màiri McAllan:** I repeat that, contrary to Mr Leonard's characterisation, the pay negotiations are a matter for Scottish Water on the one hand and the unions on the other. He is quite right that further talks were conducted last night, and they went on into the early hours of the morning. I understand that they were positive although inconclusive. Contingency plans are in place for strike action and a further meeting is scheduled with ACAS for 15 November.

### **Support for Small Businesses (Mid Scotland and Fife)**

**5. Claire Baker (Mid Scotland and Fife) (Lab):** To ask the Scottish Government how it supports small businesses in the Mid Scotland and Fife region. (S6O-02708)

**The Cabinet Secretary for Wellbeing Economy, Fair Work and Energy (Neil Gray):** Businesses in Mid Scotland and Fife and across Scotland can access advice, guidance and financial support from a wide range of organisations across the public sector. There are more than 750 publicly funded interventions to support businesses in Scotland, including grants and loans, consultancy, research, training opportunities and self-help guides. Most of that support is available to any business anywhere in Scotland, whatever stage of growth it is at.

On non-domestic rates, the Scottish budget this year ensures the lowest poundage in the United Kingdom for the fifth year in a row and supports a package of reliefs that are worth an estimated £749 million. That includes the most generous small business bonus scheme relief in the UK,

which is estimated to save ratepayers £250 million this year.

The Scottish Government is working with the enterprise agencies, local government and other public bodies to improve the way that we support businesses through the business support partnership. A range of business support is available via Business Gateway and Scottish Enterprise and can be accessed via [findbusinesssupport.gov.scot](http://findbusinesssupport.gov.scot).

**Claire Baker:** I will ask a question about something that the cabinet secretary has not mentioned. During the Economy and Fair Work Committee's inquiry into town centres, we spoke to Fife small businesses about their bricks and clicks model and how important the digitalboost grant funding was.

The digital strategy had committed to expanding that fund, yet the budget was reduced in 2022-23 and the Government has made no plans for it this year. Instead, it is focusing on piloting digital productivity labs. The labs pilot scheme ended in June. What progress is being made on developing an improved digital support programme, and will the popular digitalboost grant be reinstated as part of that?

**Neil Gray:** I thank Claire Baker for her question. I always endeavour to provide as much information as possible and to be as comprehensive as I can in answering parliamentary questions.

I am more than happy to provide further information in writing on the work that we are doing to support businesses on the digital front. It is a substantial part of the investment that is made in my portfolio, and I will endeavour to write to Claire Baker to ensure that she has the fullest information regarding the available support.

**Murdo Fraser (Mid Scotland and Fife) (Con):** This week, business organisations united in a call for non-domestic rates to be frozen in the forthcoming budget as a measure that would do more than anything else to support small business. Will they be listened to?

**Neil Gray:** The Scottish Government's budget process is on-going. The Deputy First Minister's tax advisory group is looking at areas such as that. I convene the new deal for business group, and the implementation plan that I am endeavouring to deliver on includes elements of non-domestic rate reform where that is possible.

We will be looking at what we can do to support businesses through non-domestic rates, but Murdo Fraser will know, as I do, that the business resilience information that I get and that is available through all the enterprise agencies demonstrates that the biggest challenges facing

businesses right now are inflation, energy costs and interest rate rises, the responsibility for all of which lies firmly at the door of his Government at Westminster.

### **Learning Estate Investment Programme (Funding) (South Scotland)**

**6. Colin Smyth (South Scotland) (Lab):** To ask the Scottish Government what funding it is providing through the next phase of the learning state investment programme for schools in the South Scotland region. (S6O-02709)

**The Cabinet Secretary for Education and Skills (Jenny Gilruth):** The Scottish Government's learning estate investment programme is a £2 billion investment project supporting Scotland's school estate. Phase 3 supports a priority project in those councils that have not thus far benefited from LEIP funding, so it treats councils fairly and equitably.

Although it is the duty of councils to manage and maintain their school estates, we are supporting eight projects in the South Scotland region through phases 1 and 2 of LEIP.

Additionally, through the previous Scotland's schools for the future programme, we awarded councils with funding of almost £171 million towards 20 priority projects in the South Scotland region.

As a result of investment by the Government, the proportion of schools in good or satisfactory condition in Scotland has increased from 61 per cent in April 2007 to almost 91 per cent in April 2023.

**Colin Smyth:** The question was about the next phase of the programme, not the one that happened three years ago. The short answer is that there is nothing—not a penny—for a single school in South Scotland. It was bad enough that projects were delayed and costs rose because of the dithering of the cabinet secretary in making a decision on funding, but now every project in the region has been rejected. What message does the cabinet secretary have for parents at schools such as Dumfries academy, which is classed as condition B and C, which are not worthy of funding, when schools that have been classed as condition A have had funding?

**Jenny Gilruth:** I remind the member of the vast improvement in the school estate that I mentioned in my previous answer. It was a vast improvement that was made necessary by his party's pathetic record on our schools while it was in office, which left us in a situation whereby almost 40 per cent of our schools were in a substandard condition.

I want to work with the Convention of Scottish Local Authorities to consider how we build on the



progress, but if we had gone even further with LEIP funding at this stage, as I hear the member suggesting, that money would have had to come from somewhere else. Where is the member suggesting that that extra budget should come from? What cuts would he make to the education budget to fund extra schools? That is the reality of the situation that we face, thanks to an austerity agenda brought in by the Tories, and now supported whole-heartedly by Keir Starmer and the Labour Party.

### **Strathclyde Pension Fund (Discussions)**

#### **7. Collette Stevenson (East Kilbride) (SNP):**

To ask the Scottish Government when it last met representatives of the Strathclyde Pension Fund and what was discussed. (S6O-02710)

**The Minister for Community Wealth and Public Finance (Tom Arthur):** Scottish Government officials attend the Scottish Local Government Pension Scheme Advisory Board as observers and are often present at other events associated with the local government pension scheme, which representatives of the Strathclyde Pension Fund also attend. Scottish Government officials also regularly communicate with representatives from the fund about administrative matters.

**Collette Stevenson:** The success of the fund will allow employers to reduce pension contributions for a couple of years while protecting pension payments for current and future beneficiaries. That will unlock additional resources for several local authorities, including South Lanarkshire. Will the minister outline whether useful lessons will be learned from the success of the Strathclyde Pension Fund for other public sector investments?

**Tom Arthur:** The Strathclyde Pension Fund might indeed be commended for its performance, and that reflects the fact that the local government pension scheme in Scotland is a success story.

A number of options exist for funds that report a surplus, and approaches might differ from one fund to the next. Clearly, the experience of Strathclyde Pension Fund in recent years is an example of good practice. However, I understand that the other 10 Scottish funds are also more than 100 per cent funded. Scottish fund authorities meet to discuss investments on a regular basis. Closer collaboration is an approach that may be a viable option for them.

More widely, we encourage an approach to investment finance that brings together individuals, businesses and organisations with relevant experience and interests to promote investment opportunities in Scotland and support growth.

**The Presiding Officer:** That concludes general questions.

Before we move to the First Minister's question time, I invite members to join me in welcoming to the gallery His Excellency Teodoro Locsin, ambassador of the Philippines to the United Kingdom. [*Applause.*]

## First Minister's Question Time

12:00

### Covid-19 Inquiry

#### 1. Douglas Ross (Highlands and Islands)

**(Con):** Last night, the Deputy First Minister was forced to admit to this Parliament that the United Kingdom Covid inquiry sent a request to the Scottish Government for messages related to the pandemic in February of this year, yet last week, the Deputy First Minister claimed that the request was made just over a month ago. Those two statements are clearly contradictory, so how can they both be true?

**The First Minister (Humza Yousaf):** The Deputy First Minister was clear in her statement last week—members can check the *Official Report*—when she mentioned that there were initial requests from the inquiry. In my response to Anas Sarwar, I was talking about a very particular issue around specific WhatsApp groups.

Let me be absolutely clear—*[Interruption.]*

**The Presiding Officer (Alison Johnstone):** Let us hear the First Minister.

**The First Minister:** I fully accept that the Scottish Government clearly interpreted the request from the inquiry in a way that was too narrow. For any shortcomings on our behalf—*[Interruption.]*

**The Presiding Officer:** Let us hear the First Minister, please.

**The First Minister:** For any shortcomings on our behalf that have caused any distress to the families of those who have been bereaved by Covid, I apologise unreservedly, as I did last week. I reiterate and re-emphasise that apology this week.

On the back of the request from the inquiry, we have ensured that the Government has released 14,000 messages to it. When it comes to my witness statement, it includes reams of WhatsApp messages, which are unredacted. That is, of course, in very stark contrast to the actions of a Prime Minister who not only dragged the inquiry through court but has refused to hand over his own WhatsApp messages.

**Douglas Ross:** This is the third week that I have raised the issue at First Minister's question time. *[Interruption.]* If Scottish National Party members do not like that, they will not have liked the First Minister's attempt at an excuse—the First Minister peddled the same false claims as the Deputy First Minister.

Let us be very clear what he said to the Parliament last week. Humza Yousaf said:

"The messages were asked for in September, just a matter of weeks ago"—*[Official Report, 2 November; c 17.]*

That is what he said. It is there in black and white in the *Official Report*. However, back in February, the UK Covid inquiry asked for

"internal and external emails, text messages or WhatsApp messages held by the Scottish Government".

The evidence is clear. Will he admit that, in last week's question time, he did not tell the truth?

**The First Minister:** I absolutely refute that. I clearly told the chamber—members can check the *Official Report*—that I was talking about specific WhatsApp groups.

What I fully accept from the inquiry is that we have interpreted its requests too narrowly. *[Interruption.]* Subsequently, having done so—*[Interruption.]*

**The Presiding Officer:** Let us hear the First Minister.

**The First Minister:** We then supplied 14,000 messages to the inquiry. In my witness statement, I handed over to the inquiry the WhatsApp messages that I have, unredacted. That is in very stark contrast to a UK Government that took the inquiry to court and lost that court battle, and a Prime Minister who refuses to hand over his WhatsApp messages.

I say to Douglas Ross once again that we do not fear scrutiny, but I suspect that his party absolutely does.

**Douglas Ross:** That was a very brave answer from the First Minister, when his predecessor and others in Government have been deleting messages and running away from scrutiny.

Let us look very carefully at what was said last week, because the First Minister seems to be struggling with it. The Deputy First Minister told Parliament that

"it has been just over a month"—*[Official Report, 31 October 2023; c 66.]*

since messages were requested. The First Minister claimed, in the chamber, that

"The messages were asked for in September, just a matter of weeks ago."—*[Official Report, 2 November 2023; c 17.]*

That is what was said, and it is in the Parliament's *Official Report*. The two most senior people in the Scottish Government stated that the UK Covid inquiry only requested the messages in September. It was not a slip of the tongue, and it was not an honest mistake; it was deliberate.

Now the UK Covid inquiry, which is tasked with getting answers for grieving families, has had to

demand that the SNP comes to this Parliament to tell the truth about the timeline of when the requests were made. Why did Humza Yousaf and the SNP make those false claims?

**The First Minister:** I urge Douglas Ross to once again read the statement from the Deputy First Minister, which says—

**Douglas Ross:** I have.

**The First Minister:** Well, if Douglas Ross has read it, he will have seen, in black and white, that the Deputy First Minister referenced the initial requests. It was entirely understandable and appropriate for the inquiry to ask us to then provide the absolutely full context for the requests, which we did—without any hesitation or arguing back with the inquiry—to ensure that we were transparent and accountable.

I understand why Douglas Ross wants to obsess about process. We have, of course, handed over the 14,000 messages—[*Interruption.*]

**The Presiding Officer:** Members! Let us hear the First Minister.

**The First Minister:** —and I have handed over reams of WhatsApp messages from myself.

I absolutely acknowledge the distress that has been caused to families who have been bereaved by Covid. I apologise unreservedly to them. Although the process is important, the substance of those messages is important, too. I can say with total confidence, even though I have not seen some of the messages from individual witnesses, that not a single Scottish Government minister said,

“let the bodies pile high”—[*Interruption.*]

That, of course, was said by none other than Boris Johnson—a man under whom Douglas Ross served in Government, whom he defended to the hilt—[*Interruption.*]

**The Presiding Officer:** Members! First Minister—briefly, please.

**The First Minister:** He is a man whom Douglas Ross claimed was honest. Douglas Ross should be ashamed of himself for his defence of Boris Johnson.

**Douglas Ross:** Humza Yousaf should be ashamed of himself not just for that answer but for treating this Parliament, and the families of grieving victims, with contempt.

Let us be very clear. The UK Covid inquiry repeatedly asked the SNP Government for WhatsApp messages. Last year, it asked whether the messages existed. It asked for the messages themselves in February this year, and again in March, in July and in August, but the First Minister and the Deputy First Minister claim that none of

that ever happened. They have been caught red handed in a cover-up. They knowingly told the chamber statements that were false. Is it not beyond doubt that Humza Yousaf and Shona Robison misled the Parliament?

**The First Minister:** That is not the case. Once again, I refer Douglas Ross to the *Official Report*, in which, in black and white, the Deputy First Minister, talked about “initial requests”. I fully accept that, as a Government, we interpreted those requests too narrowly. [*Interruption.*]

**The Presiding Officer:** Members!

**The First Minister:** To take corrective action, we have ensured that we have submitted 14,000 messages. I have ensured that I have handed over the messages that I have, in unredacted form.

However, let us not take away from the substance in favour of the process issues with which Douglas Ross is so obsessed. This week, Simon Case described working in Boris Johnson’s Government as being “like taming wild animals”. That, of course, was a Government of which Douglas Ross was a member. I cannot even read out the messages that Dominic Cummings handed to the inquiry. However, we heard from that inquiry—[*Interruption.*]

Douglas Ross will not want to hear this, so I can understand why Conservative members are trying to shout it down, but this is an exceptionally important point.

In the inquiry, in the past couple of weeks, we have heard that there was a deliberate attempt by the UK Government to exclude devolved Governments from decision making. During the early days of the pandemic, Douglas Ross was a minister in the Scotland Office. Did he purposely try to exclude devolved Administrations and, indeed, this Government from decision making?

**The Presiding Officer:** First Minister—

**The First Minister:** At a time when people right across the UK needed serious leadership during a serious time, they had “wild animals”—according to Simon Case—running the UK Government.

### Covid-19 Inquiry (Legal Advice)

2. **Anas Sarwar (Glasgow) (Lab):** Bereaved families and their lawyers are watching these exchanges. I do not think that we should use Boris Johnson as our measure of success in Scotland.

It could not be clearer: the First Minister has lost control of his Government and he appears to have misled Parliament on more than one occasion. Let us focus on the substance, because this matters. The Covid pandemic was our country’s most difficult period in living memory. That is why

learning the lessons and getting the answers are so important. We were promised full transparency and co-operation by this Government, but it has failed. WhatsApp messages are not the only evidence that the Government is withholding from the inquiry. The legal advice that the Government has provided has not been complete and, in some cases, it has been almost entirely redacted. The inquiry's lawyer has said that that means that the inquiry is constrained from fully carrying out its function. Why is the First Minister's Government hiding the legal advice and not co-operating with the inquiry?

**The First Minister (Humza Yousaf):** As Anas Sarwar knows, I cannot comment on legal advice. However, where there is the ability to hand over unredacted legal advice, I expect the Scottish Government to do so. We will do that with whatever information we can provide. After First Minister's question time, I am more than happy to have the appropriate conversations with the law officers, but we have to ensure that legal privilege is maintained, where it is our legal responsibility to do so.

Anas Sarwar said that we are not complying. I whole-heartedly disagree with that. We have handed over 14,000 WhatsApp messages. I have handed over my WhatsApp messages in unredacted form—I have not decided what is relevant; I have handed over all my messages to the inquiry for it to decide what is relevant.

Anas Sarwar is absolutely right: the families who have been bereaved by Covid want answers. The 19,000 documents that we have handed over and the 14,000 WhatsApp messages that we have handed over, including the WhatsApp messages that I have handed over, show that this Government intends absolutely and unequivocally to fully co-operate with both the Scottish and United Kingdom public inquiries.

**Anas Sarwar:** The First Minister said that he is co-operating, but I am not sure that he understands the question that I asked him or knows the situation, because he clearly still has not read the transcript from the UK Covid inquiry.

**The First Minister:** I have it right here.

**Anas Sarwar:** Well, he should read it.

The counsel to the inquiry has made it clear that the inquiry has asked twice—on 3 August and 14 August—for unredacted legal advice and has not received it. That does not seem to be a fight that the Covid inquiry is having with the UK Tory Government in relation to major decisions during the pandemic that, presumably, involved legal advice, such as those around lockdowns, discharge to care homes and “Do not resuscitate” notices. That is why the issue is important. Hiding that crucial evidence is an affront to every victim of

Covid, their families and everyone who lived under lockdowns and closures.

In relation to the First Minister's first answer, the Government has previously handed over legal advice in full to judicial inquiries, including the trams inquiry, the infected blood inquiry and the Scottish child abuse inquiry. The secrecy and evasion must stop. Will he hand over the legal advice in full to the Covid inquiry?

**The First Minister:** Anas Sarwar's question gets to the nub of the issue, which is that the Government has co-operated fully with inquiries in the past. Where we are able to release legal advice, we will absolutely do that, but Anas Sarwar has to accept, first, that a process has to be gone through and, secondly, that each bit of legal advice has to be looked at on a case-by-case basis. He is absolutely right that we have provided legal advice to previous inquiries. Where we can do so in this inquiry, I absolutely expect every document, including those containing legal advice, to be handed over to the UK Covid inquiry and the Scottish Covid inquiry.

I go back to the central point. Quite rightly, the families who have been bereaved by Covid want to know whether we will co-operate. Nineteen thousand documents, and 14,000 messages—mainly WhatsApp messages—have been handed over.

My WhatsApp messages, as well as the messages of other ministers who, I know, have been public about the messages that they have handed over, have been submitted to the inquiry. We take absolutely seriously our responsibility to provide not just documents but, where possible, the legal advice. However, there are legal issues around legal privilege that have to be considered.

**Anas Sarwar:** It is clear from that answer that the First Minister is sinking, not swimming, and is completely and utterly out of his depth.

It is not me who is saying that the legal advice has been redacted and not handed over—it was the Covid inquiry that, on 3 August and 14 August, asked for the information that has still not been provided by this Government. WhatsApp messages have been deleted, legal advice has been redacted and there is a different story every day.

Even now, questions remain that the First Minister refuses to answer. He will not tell us how many people have failed to comply with the “Do not destroy” notices, even though the inquiry says that there is no confidentiality issue.

There is more. It has been reported that Scottish National Party ministers and special advisers use SNP and private email accounts to communicate.

What is not clear is whether those emails have been handed over, in full, to the Covid inquiry.

Can the First Minister tell us, in the spirit of full transparency, whether any emails from SNP accounts have been handed to the Covid inquiry? If so, how many, and if not, why not?

I remind the First Minister again that this is about families who lost loved ones during Covid. Before he answers, I remind him that we need accurate answers the first time.

**The First Minister:** I am not arguing with Anas Sarwar on the point that information has been redacted. I am saying to him that the reason why it has been redacted is—I can confirm—that there are issues around legal privilege, and therefore a discussion would have to take place with our law officers in relation to what could be unredacted.

Where we can send information unredacted, it is my full expectation, as the individual who leads the Government, that that information is provided in full, in unredacted form.

I will give Anas Sarwar an example of the way in which I lead by example in that regard. The WhatsApp messages that I have handed over have been handed over unredacted. The information that I have provided has been provided in unredacted form.

As for any other form of communication, including any other email address or informal or formal communication, it is my full expectation that that is handed over.

Of course, I do not have sight of individual ministers' or witnesses' statements. From a corporate position, I can confirm that any relevant information that we hold will be handed over.

Let me say once again, for the families who have been bereaved by Covid, that the Government will fully comply with both the UK inquiry and the Scottish public inquiry.

### **Renters (Support)**

**3. Gillian Mackay (Central Scotland) (Green):** To ask the First Minister how the Scottish Government is supporting renters who are struggling with the cost of living. (S6F-02520)

**The First Minister (Humza Yousaf):** I am acutely aware of the pressure that renters are facing. I am pleased that the Parliament voted to extend for a final six months, to March, the Cost of Living (Tenant Protection) (Scotland) Act 2022, which continues to provide protection and reassurance to renters by capping private sector rents. That is alongside our agreement with social landlords to keep rent increases this year well below inflation.

Scotland is leading the way in support for tenants. This year, we are making £83.7 million available to local authorities to spend on discretionary housing payments—more per person than is provided in any other United Kingdom nation. That is why I repeat my call to the UK Government to scrap its on-going freeze on local housing allowance rates, which hits hardest those tenants on the lowest incomes.

**Gillian Mackay:** I, like the First Minister, strongly support our emergency legislation to cap rents and reduce evictions, which was led by Patrick Harvie last year.

I welcome last week's Court of Session decision to reject a challenge to that legislation. It was said that the challenge fell

“far short of what is required in order ... to demonstrate that the Act disproportionately interferes with the”

property

“rights of landlords.”

With that court decision in mind, does the First Minister agree that it is time for landlord bodies to accept the overwhelming need for action to control high rents and improve tenants' rights, and that they should work constructively with the Government on the housing bill when it is introduced in this parliamentary year?

**The First Minister:** I do, and I welcome the court's decision last week. I want to work constructively with all stakeholders to deliver a system of rent control that works for Scotland. I am pleased that a number of landlord representative bodies are working with us through the private rented sector stakeholder group, and that a range of organisations representing the views of tenants, investors and developers are represented on that group. I am keen that that approach continues as we move towards the bill's introduction. The Deputy First Minister, Màiri McAllan and I had a good session with our investor panel last week, and it was made clear by that panel that those who want to invest in property and affordable housing will do so in places that have rent controls. We have seen that in Europe.

We are keen to engage with everybody on the issue. No other Government in the UK is as ambitious as this Government is in this area, given our emergency legislation, which comes on top of our 2016 legislation to end no-fault evictions—a move that I know the UK Government is now also considering.

**The Presiding Officer:** Ms Adamson, I just want to check: is your supplementary question on this topic?

**Clare Adamson (Motherwell and Wishaw) (SNP):** No.

**The Presiding Officer:** Thank you. We will move on to question 4.

#### Poverty Alleviation

**4. Collette Stevenson (East Kilbride) (SNP):** To ask the First Minister what the Scottish Government is doing to alleviate poverty in Scotland, in light of reports that the United Kingdom is in violation of international law in relation to poverty levels. (S6F-02511)

**The First Minister (Humza Yousaf):** The Scottish Government is allocating almost £3 billion to support policies that tackle poverty and protect people as far as possible during the on-going cost of living crisis this year. That includes delivering our game-changing Scottish child payment and tripling our fuel and security fund to £30 million.

While the Westminster Government signs up to prolonged austerity, this Government will continue to use every single available lever to lift people out of poverty. We know the devastating impact that UK Government measures are having in driving more people into poverty, so it is no surprise, frankly, to hear that the United Nations special rapporteur on extreme poverty and human rights has stated that the UK Government is in violation of international law over poverty levels. It is, however, shocking. We agree with the UN that universal credit is “grossly insufficient”. That is why we continue to call on the UK Government to introduce an essentials guarantee, thereby ensuring that social security adequately covers the cost of vital essentials.

**Collette Stevenson:** Yesterday, the Trussell Trust released astonishing figures showing that 1.5 million emergency food parcels were distributed across the UK between April and September—the most parcels that the network has ever provided over the summer months. That is a 16 per cent increase UK-wide, but it has been mitigated to 9 per cent in Scotland. That is further evidence of the utter misery that is being caused by what the UN special rapporteur on extreme poverty called the Tories’ “grossly insufficient” welfare system. Does the First Minister agree with me that the UK Government must introduce a universal credit essentials guarantee immediately, and that the only way to protect people in Scotland from Westminster’s cruel policies is for this Parliament to have the full powers of an independent country?

**Members:** Oh!

**The First Minister:** Collette Stevenson speaks powerfully about evidence from the Trussell Trust, but all we hear is groans and moans from the Conservative benches, as happens when the

Trussell Trust or poverty are mentioned. That tells its own story, does it not?

I agree with Collette Stevenson that the UK Government must urgently fix the fundamental flaws with universal credit that are driving destitution and driving up food-bank use. The Trussell Trust report is “astonishing”, as Collette Stevenson said. It makes it clear that the UK Government’s social security system is one of the driving factors that is pushing people towards hunger. That is why this Government supports calls for an essentials guarantee to be applied to universal credit and other reserved benefits, to ensure that social security benefits adequately cover the cost of vital essentials.

Would it not be far better if we were able to extricate ourselves from a Westminster system that is causing such immense harm to our people? It would be far better if we stopped having to take money from health, education and transport to mitigate Westminster harm and instead had the full powers of an independent country—not just to reduce poverty but to eradicate it.

#### NHS Lothian (Deafness Testing)

**5. Miles Briggs (Lothian) (Con):** To ask the First Minister what support the Scottish Government is offering to NHS Lothian to contact the parents and guardians of the over 23,000 children who reportedly may have received substandard testing to identify deafness, including support to identify any other young children who have not received the required standard of auditory brainstem response testing. (S6F-02510)

**The First Minister (Humza Yousaf):** First, I recognise the anxiety and anger that the children and families who have been affected by the situation quite reasonably feel. When the issue emerged, Miles Briggs and I met, because I was then the Cabinet Secretary for Health and Social Care. I understand the anger not just of the families and children who are involved but of those who advocate for them.

The Scottish Government is working in partnership with NHS Lothian to ensure continued progress on the actions that are in the British Academy of Audiology’s report. The BAA advised that not all of the 23,000 children who were seen between 2009 and 2018 required to be reviewed. Those who required that were offered a retest by NHS Lothian; that was based on the timeline that was associated with the Scottish Public Services Ombudsman’s investigation and on the sample size of the BAA review. I understand that families are being contacted directly and offered a meeting with the NHS Lothian senior management team to discuss and agree an appropriate care plan, with a focus on ensuring that the right support is in place.

**Miles Briggs:** The series of failures in NHS Lothian that has denied children with hearing loss the chance to be identified early and receive hearing therapy and speech and language therapy has been catastrophic for children and families here in Edinburgh. NHS Lothian has never confirmed how many parents or guardians have been contacted or how many of the 23,000 children have been reassessed.

It is unacceptable that families in Edinburgh are having to fight for their children to access health services and the educational support that they need. Will the Scottish Government agree today to all parents and guardians involved being contacted and to children being reassessed urgently, if that is needed? Given the many outstanding concerns that have been raised in inquiries to date, what consideration have ministers given to the need for a public inquiry into the audiology scandal in NHS Lothian and into cases that are being reported in other health boards?

**The First Minister:** Miles Briggs asked a number of questions, which I will ensure the Cabinet Secretary for NHS Recovery, Health and Social Care provides full details on. If we can provide information on the number of families who have been contacted, I will ensure that it is provided to Miles Briggs.

My understanding is that the BAA review ended up stratifying into seven categories the children who were affected. Children who had significant concerns reported were brought in for additional retesting, or additional clinical oversight was given to their case. I will ensure that Miles Briggs is given more information on the stratification and categorisation of all 23,000 children, but I assure him that those who were most seriously impacted—who were at highest risk—were given additional clinical care.

Miles Briggs made an important point about lessons being learned. We have ensured that the lessons from this unacceptable catalogue of failures have been cascaded to health boards across the country. We continue to make sure that our health boards are vigilant about learning lessons from this sorry episode. I will ensure that, if we can provide it, the information about the number of children who have been seen is provided to Miles Briggs.

**Daniel Johnson (Edinburgh Southern) (Lab):** The issue is that, despite detailed answers, there are parents who continue to feel that they have been missed and struggle to get help. We know that 23,000 children have potentially been affected, but fewer than 2,000 have had a detailed review.

What work is being done to ensure that the sampling techniques that have been used are comprehensive? Do we know the number of children who have yet to be identified on the basis of that sampling? Do we have to look at the period that is covered? Nobody at all from before 2017 has been looked at.

**The First Minister:** I will ensure that we give Daniel Johnson full answers in relation to the 23,000 children. My understanding is that the decision was not taken by NHS Lothian, but by the British Academy of Audiology, which designed and conducted the audit.

As I have said, the children were grouped into various categories and those who were at highest risk were given further clinical oversight. If there are parents and families who feel that their child has not had the appropriate level of attention or care, and that they are experiencing significant impacts—or, frankly, any impact—because of that sorry episode, I ask that Daniel Johnson brings them to the attention of the Cabinet Secretary for NHS Recovery, Health and Social Care and I am sure that he will take it up with NHS Lothian. I am sure that Daniel Johnson has the relevant contact details, but I am more than happy to pass on to him the details for the appropriate individuals in NHS Lothian. I know that they are approaching the matter with the utmost seriousness.

### Scottish Water (Bonus Payments)

**6. Pauline McNeill (Glasgow) (Lab):** To ask the First Minister what the Scottish Government's response is to reports that Scottish Water has issued bonus payments to executives in excess of public sector pay rules. (S6F-02515)

**The First Minister (Humza Yousaf):** The criteria for paying bonuses to Scottish Water's executive members are agreed by ministers ahead of each regulatory period. They are in line with public sector pay rules, which state that we need to attract and retain highly experienced personnel to run vital public services. The current remuneration package for the chief executive officer and senior management team is significantly smaller than that which is paid by comparable utilities, both for salaries and bonus incentives.

**The Presiding Officer:** I call Stephen Kerr. *[Interruption.]* I apologise. I think that we can afford Pauline McNeill a supplementary question.

**Pauline McNeill:** I nearly had a heart attack there. *[Laughter.]*

This week, it was reported that three Scottish Water executives had received nearly £1.1 million in bonuses in 2021, on top of a six-figure salary and despite the fact that there were 14,000 sewage spillages last year alone. That begs the

question as to why those executives qualified for performance bonuses. The same executives are withholding a pay rise from their workers unless their staff accept a new pay structure, under which the poorest would be losing as much as £5,000.

I have to ask the First Minister: what has gone wrong? Why is a public sector body paying public sector executives who seem to be a law unto themselves vast amounts of money in an instance where there have been existing failures and customers have been asked to pay even more for infrastructure? Can the First Minister justify that in a public sector body?

**The First Minister:** Pauline McNeill's characterisation of Scottish Water is deeply unfair. First and foremost, I understand that pay negotiations are on-going and were on-going until the early hours of the morning. I am pleased that discussions are on-going and I hope that strike action can be averted, even at the last minute and the last hour, because the Government has a strong track record when it comes to ensuring that workers are paid fairly.

On remuneration, I mentioned that Scottish Water has to be competitive. We should compare the CEO's salary, which is, of course, a high salary of £245,000, to the situation in Welsh Water, where the CEO's base salary is £341,000, or United Utilities, where the CEO's base salary is £971,000. Those figures are sourced from salary comparison tables for 2022-23. The reason why I mention that is because we have to make sure that Scottish Water is able to attract the best talent from across the country and, indeed, the world. The bonus element of any remuneration package is paid only in the event of outperformance of demand targets that are—this is crucial—verified by independent regulators.

**Stephen Kerr (Central Scotland) (Con):** The First Minister will be aware of the damning report on drinking water by the Drinking Water Quality Regulator for Scotland. Sue Petch, the regulator, called out a backlog of maintenance and neglect of the maintenance of assets, and said that that posed a real "danger to human health." The regulator has issued an enforcement order. The First Minister is accountable for Scottish Water. What will he do to ensure that that enforcement notice is carried out and that the backlog is properly dealt with?

**The First Minister:** We will ensure that Scottish Water invests significant amounts of money over the coming period. It will invest £4.5 billion from 2021 up to the 2027 period. That investment programme is supported by Government borrowing of up to £1.03 billion, and £880 million was invested in 2022-23 to upgrade essential treatment works and water supply and sewer networks.

On Scotland's water quality, we know from the Scottish Environment Protection Agency that 87 per cent of Scotland's entire water environment is assessed as having either a high or good classification for water quality.

On the enforcement notice, which Stephen Kerr is right to raise, it is my full expectation that Scottish Water will comply with it.

**The Presiding Officer:** There is much demand to ask supplementary questions. If members can keep their questions and responses concise, we will get more members in.

**Willie Rennie (North East Fife) (LD):** Sewage was dumped 14,000 times last year, faecal bacteria in Lower Largo was 50 times the legal limit, and there was dry sewage dumping in St Andrews. How on earth can the First Minister justify such whopping bonuses when those Scottish Water bosses are responsible for such failure?

**The First Minister:** I have just mentioned the fact that 87 per cent of Scotland's entire water environment is assessed by SEPA as having high or good classification. I have also made the point, which Willie Rennie clearly did not listen to, that, when it comes to the awarding of bonuses, they are, of course, for where performance targets have been met and exceeded, and they are independently verified by regulators. It is important that publicly owned companies such as Scottish Water are able to compete. The CEO's base salary is far lower than those of many other comparative water and utility companies throughout the United Kingdom.

**The Presiding Officer:** We move to general and constituency supplementaries.

### Journalism (Resourcing)

**Rona Mackay (Strathkelvin and Bearsden) (SNP):** The news of 450 jobs being cut at Reach plc is deeply concerning, and it speaks to the wider issue of resourcing in journalism. Does the First Minister agree that, with senior executives withdrawing bonuses in the millions of pounds while hard-working journalists are thrown on the scrapheap, the real loser in that is our democracy?

**The First Minister (Humza Yousaf):** Yes, I whole-heartedly agree with that. Reports of any job losses are, of course, concerning, especially for the workers involved and their families. More than that, in this particular case, we know that a free, vibrant and independent press is the very bedrock of a functioning democracy. We want to do all that we can to support the sustainability and diversity of journalism in Scotland, so I urge media organisations to invest in the quality journalism that is so important in an open society and not to



make the cuts that have been reported, which Rona Mackay is right to raise.

### **New Routes Home Campaign**

#### **Alexander Burnett (Aberdeenshire West)**

**(Con):** A protest is happening outside Parliament today for the new routes home campaign, to recognise those who are locked up in hospital. I welcome the families of those patients who are in the gallery, including Tracey and Natalie, who are constituents of mine and are the mother and the sister of Kyle, who has been locked up for 14 years. Hundreds of autistic people and people with learning disabilities are stuck inappropriately in out-of-area placements, hospitals and secure units. Dozens of them have been there for over a decade—a millennium of lost years in captivity. As we approach the March 2024 deadline in “Coming Home Implementation: A report from the working group on complex care and delayed discharge”, what has the Scottish Government done to get those patients home?

**The First Minister (Humza Yousaf):** I credit Alexander Burnett, who has raised that issue on many occasions on behalf of his constituents. We as a Government are absolutely committed to delivering the “Coming Home Implementation” recommendations to reduce inappropriate hospital stays and out-of-area placements experienced by people with learning disabilities and complex care needs.

I can ensure that we provide Alexander Burnett with a fuller answer on what we have done, but I will give some examples. We have launched the new dynamic support register, which is one of the key recommendations to improve the local case management of people with learning disabilities and complex care needs. That is a very important step towards achieving the “Coming Home Implementation” vision that will help local areas to plan for people with learning disabilities and complex care needs to live in their home communities. We have also developed a practitioner peer support network and a national support panel to support local areas to share best practice, and we have provided £20 million under our community living change fund to integration authorities to design community-based solutions that avoid or limit future hospital use and out-of-area placements.

We all want—I know that Alexander Burnett will agree with this—to ensure that people are supported to be in a home that is absolutely right for them, and is as close to their family as possible and in their community.

### **National Health Service (Drugs for Cystic Fibrosis)**

**Jackie Baillie (Dumbarton) (Lab):** The First Minister may be aware that the National Institute for Health and Care Excellence and the Scottish Medicines Consortium have determined that cystic fibrosis drugs that are literally life saving will no longer be available on the national health service, because they consider the drugs to be clinically effective but not cost effective. It is important to say, though, that those already receiving Orkambi, Symkevi and Kaftrio will continue to do so, but new patients will not.

The First Minister knows that cystic fibrosis is a life-limiting condition. Will he meet CF families and work with the United Kingdom Government to negotiate a more acceptable cost from the drug manufacturer, Vertex, to literally save lives?

**The First Minister (Humza Yousaf):** I thank Jackie Baillie for raising a very important point. We will continue our engagement with drug companies and the UK Government. The Cabinet Secretary for NHS Recovery, Health and Social Care regularly meets families that have been impacted and affected.

It is important to reiterate Jackie Baillie’s point that existing patients who are on a treatment for cystic fibrosis will continue to have access to the existing treatments after NICE has issued its final recommendations, irrespective of the outcome. However, I know that discussions are on-going, and I know that the SMC is collaborating with NICE on a joint multiple-technology appraisal of several cystic fibrosis medicines, including Kaftrio. The SMC will publish final recommendations, aligned with NICE guidance, for health boards in Scotland to consider. We will certainly seek to take up the suggestion from Jackie Baillie on conversations and engagement with the drug companies.

### **British Sign Language National Plan**

#### **Karen Adam (Banffshire and Buchan Coast)**

**(SNP):** I was delighted to see the new and updated British Sign Language action plan released this past week. I thank the First Minister for his help and support with my continued work in the area. How will the plan support British Sign Language use in Scotland?

**The First Minister (Humza Yousaf):** I think that all members in the chamber will recognise the incredible work that Karen Adam has done on British Sign Language. I pay tribute to her efforts in that regard.

We are absolutely committed to making Scotland the best place in the world for British Sign Language users to visit and to live, work and learn in. The “British Sign Language National Plan

2023-29" contains 45 actions to help us to meet that ambition. We recognise that, to deliver our aims, we need to ensure that the BSL community is at the very heart of the decision-making process. That is why we are establishing an implementation advisory group to support the plan, hold us to account and inform our thinking in the delivery of each action.

The group will be made up of organisations that represent BSL users, the deaf and the deafblind community. It is important to note that the plan is not static and will continue to evolve to ensure that our actions tackle the barriers that BSL users face in their everyday lives.

### **Bullying in Schools (Fife)**

**Roz McCall (Mid Scotland and Fife) (Con):** Alarming figures from Fife have shown that violence and bullying in our schools is at unprecedented levels. The local authority staff reported almost 3,500 physical attacks and threats in just the past year, and 6,480 pupils reported being bullied during the same period. The response of Fife Council's anti-bullying policy is that punishing bullying is counterproductive, so nothing will happen.

Does the First Minister agree with that policy? What does he have to say to the thousands of young people in Fife who are victims of bullying?

**The First Minister (Humza Yousaf):** For an issue of this magnitude, it is really important that we characterise the situation absolutely correctly and accurately. Roz McCall is right to raise the very worrying issues and concerns that we have about violence and bullying in schools.

The education secretary has had two summits on school behaviour, and another one is due very shortly. She met parents, teaching unions, children's organisations and representatives right across the education sector on 25 October, when attendees shared their experiences of relationships and behaviour approaches, and discussed potential solutions to ensure safe and consistent environments in schools. That followed the first meeting, which took place in September. The discussions at the events have been constructive. There have been some very good suggestions, which the education secretary will seek to take up.

On the more specific issues that Roz McCall might have, I ask her to continue to engage with the education secretary.

### **Community Link Workers (Glasgow)**

**Paul Sweeney (Glasgow) (Lab):** Community link worker posts are set to be reduced from 64 to 42 in Glasgow from next year. This week, one Glasgow general practitioner told the BBC that

those cuts could result in lives being lost. I understand that the Government has put a funding offer to the health and social care partnership in Glasgow, but that that was rejected.

Can the First Minister please provide an update on discussions with the health and social care partnership and advise what options remain to save those critical and cost-effective roles in some of our most deprived communities?

**The First Minister (Humza Yousaf):** I join Paul Sweeney in recognising the importance of community link workers. All of us who have community link workers in our constituencies have seen the invaluable service that they provide. Every single GP practice that I have spoken to sees them as valuable and critical members of their staff.

Paul Sweeney was right to recognise that the Scottish Government has offered additional funding, but that does not seem to be enough, according to the Glasgow city health and social care partnership, to continue the full provision of community link workers. We are continuing to engage with the partnership, and I expect to be able to update Paul Sweeney and others in Parliament who have an interest in the issue at some point next week.

### **Fireworks-related Disorder**

**Ash Regan (Edinburgh Eastern) (Alba):** The First Minister will be aware of the serious fireworks-related disorder in Niddrie a few days ago. Constituents have written to me and told me about how terrified they were during that time. Will the First Minister join me in condemning the violence, particularly the attacks on our emergency services? I stress that incidents such as those should not be used to talk down the communities that I represent.

Does the First Minister agree that a ban on fireworks is possible only with the full powers of independence? Does he agree that the Government should implement the Fireworks and Pyrotechnic Articles (Scotland) Act 2022 as a matter of urgency? Will he consider additional resources for hotspot areas, such as my constituency of Edinburgh Eastern?

**The First Minister:** First and foremost, we condemn in the strongest possible manner the violence and the reckless actions that we saw in not just the member's constituency but other parts of the country. I also pay tribute to our emergency workers, in particular our fire officers and police officers who were on the front line, and I say just how despicable it is that they were under attack in that way.

In relation to a wholesale ban, it is my understanding that that is not within our

competency, but we will seek to do more. Whatever we can do with legislation, we will seek to do. That is why we have brought forward legislation and regulations over the years, most recently with regard to the Fireworks and Pyrotechnic Articles (Scotland) Act 2022.

We will continue to work with our local authorities to see what more we can do in relation to additional resource—that is a fair request.

Finally, it should not require Government legislation or regulation for someone to know that they should not fire fireworks at police officers or fire officers. My hope is that those who are responsible and found to be guilty of such behaviour—the police investigation is on-going—will feel the full force of the law.

**The Presiding Officer:** That concludes First Minister's questions.

## Points of Order

12:48

**Craig Hoy (South Scotland) (Con):** On a point of order, Presiding Officer. You are responsible for protecting the reputation of Parliament. Last night, it was reported that an MSP racked up a bill of £11,000 through data-roaming charges while on holiday—a tab that has been picked up entirely by the taxpayer. For clarity, that is £65 an hour, 24 hours a day, for the seven days that he was on holiday in far-flung Morocco.

The incident has damaged the reputation of the Scottish Parliament, and it is incumbent on you to repair and defend it. Therefore, I urge you to conduct a full investigation into the matter, including publishing the full bill that was incurred by Mr Matheson, to explore why the Parliament has appeared to break its own rules of a cap of £200 on roaming charges by paying the bill entirely, and exploring whether Mr Matheson has broken any parliamentary rules by claiming for such a large sum. Parliament seeks your advice, and our constituents seek your reassurance.

**The Presiding Officer (Alison Johnstone):** Thank you, Mr Hoy. Points of order are intended to confirm that correct procedures are or have been followed, therefore that matter is not a point of order. However, if the member wishes to write to me on the matter, I will provide a response.

**Martin Whitfield (South Scotland) (Lab):** On a point of order, Presiding Officer. Pursuant to rule 8.17 of the standing orders, I seek your guidance on how we can seek, pursuant to rule 13.2, a ministerial statement from the Scottish Government law officers regarding questions and answers that were received during First Minister's question time today. Specific questions have been raised about the redacted and unredacted legal advice that has been sought by the Covid inquiry, and it should be for the law officers to represent what the facts of the case are with regard to the Scottish Government.

**The Presiding Officer:** I thank Martin Whitfield for his point of order. Under rule 13.2.2, a minister wishing to make an urgent statement may give notice to me and, if I consider the matter sufficiently urgent, I can make an adjustment to the business programme. As yet, I have received no such request.

**Martin Whitfield:** On a point of order, Presiding Officer. Are you aware yet of any requests being made by a Scottish minister to make an urgent statement? [*Interruption.*]

**The Presiding Officer:** As I said—perhaps Martin Whitfield did not pick it up—at this point, I have not received any such request.

There will be a short suspension to allow those leaving the chamber and the public gallery to do so before we move to members' business.

12:50

*Meeting suspended.*

12:52

*On resuming—*

## **Youth Antisocial Behaviour**

**The Deputy Presiding Officer (Liam McArthur):** The next item of business is a members' business debate on motion S6M-10788, in the name of Daniel Johnson, on the increase in youth antisocial behaviour. The debate will be concluded without any question being put. As ever, I invite members who wish to participate to press their request-to-speak button now or as soon as possible.

*Motion debated,*

That the Parliament acknowledges the reported concerning increase in youth antisocial behaviour, both in Scotland generally and locally in the Edinburgh Southern constituency; shares its concern with the reported experiences of local businesses in the Edinburgh Southern constituency and, in particular, local retail and entertainment venues around the New Market Road area, where, it understands, a supermarket chain's experience of antisocial behaviour is among the highest nationally; notes the reported impact that such an increase in youth antisocial behaviour is having on both the public's and retail workers' safety; praises the work done by the police to tackle this issue in light of the reported increasing workforce pressures that the force is facing, and notes the calls on the Scottish Government to do all that it can to address this issue.

12:52

**Daniel Johnson (Edinburgh Southern) (Lab):** I thank members for signing my motion.

This is a difficult issue. From what we have heard from members across the chamber, it has been clear for a number of months that youth antisocial behaviour is increasing. There might be a broad range of reasons for that, and there might be complex issues at play. It is certainly the case that, post Covid, many of our young people have been struggling to adjust and to deal with the issues that are consequential to that.

However, we must be frank and clear when such behavioural issues occur. Our constituents might well understand that these are complex social issues, but they also want candour and clarity about what is happening and frankness about the steps that can be taken to address these matters.

I come to this issue, having successfully brought forward a member's bill to deal with the issue of violence and abuse against shop workers. As I did that, it became clear to me that this was an issue that was growing in seriousness and that we had to take steps. I am very pleased to say that, since the introduction and coming into force of the Protection of Workers (Retail and Age-restricted

Goods and Services) (Scotland) Act 2021, 3,500 charges have been brought under it.

Speaking to shop workers, unions and retailers, it has also become clear to me that we are seeing an increased incidence of such violent attacks and abuse. There is a growing pattern within that of youth antisocial behaviour, with youths abusing shop workers and causing violent and disruptive incidents in stores.

I think that that is part of a wider pattern, because I have noted in my casework an increasing array of different incidents and patterns of behaviour that are of deep concern to me. They include seemingly innocuous incidents such as eggs being thrown. However, when the threshold is crossed—there have been incidents in which young mothers pushing prams have been attacked by youths with eggs—it stops being trivial and starts being serious. There have also been incidents of persistent vandalism by groups of youths that have led to arson.

In recent weeks and months, there have been situations in which youths in balaclavas have massed in ranks and taunted police officers, seemingly with impunity. Most recently, there have been the incidents that the member for Edinburgh Eastern alluded to earlier. She is quite right. I do not think that we should be holding up any particular community to scrutiny, because I am very clear that the issues that we are talking about affect all communities across Edinburgh. Frankly, my observation is that youth antisocial behaviour is just as much of a problem in Morningside as it is in Niddrie. I do not think that family background is necessarily the indicator here, and I think that that hints at some of the issues that lie at the heart of the problem.

We are seeing a pattern of behaviour by groups of youths. They are not necessarily numerous, but they are persistent. We also need to recognise that, although free bus passes for young people provide a huge opportunity and are of huge benefit, they are being abused by a minority. Some of the young people in question are travelling quite long distances and causing a broad range of problems in different places.

**Brian Whittle (South Scotland) (Con):** Does Daniel Johnson agree that we need to look at how such a privilege that is given to our youth can be taken away when their behaviour dictates that that should happen?

**Daniel Johnson:** The member raises a very important point, which I will come to shortly, once I have rounded off the point that I am making.

The third strand of the phenomenon that we are seeing is the use of social media. It is definitely the case that young people are seeing behaviours and

copying them, and social media is playing a part in that.

When I talk to the police, I get a sense of deep frustration, and that frustration is twofold. First, the police are as frustrated as community members and retail workers about their ability to attend such incidents when they occur. They also ask whether they have the powers to intervene that they might need.

**Liam Kerr (North East Scotland) (Con):** I am enjoying Daniel Johnson's contribution. I take him back to his earlier point about the number of charges that there has been under his legislation—I think that he said that there had been about 3,500. Does he have any idea what happens after such a charge and what the outcomes are? It seems to me that that is crucial both in that context and in the context of the present discussion.

**Daniel Johnson:** It is fair to say that there is an emerging picture there. First, there is the issue of the backlog of court cases, which has undoubtedly impeded things. Secondly—and understandably—sometimes prosecutors do not pursue the charges under my act, because they wish to pursue more serious charges, particularly those that might carry a higher tariff. As a result, not every instance of a charge being brought under my legislation is resulting in a conviction. There are a number of reasons for that, some of which are understandable and some of which are of greater concern.

As for our response to this issue, I will set out three broad principles. First, we absolutely all agree that we must have prevention and progressive responses such as diversion practice. However, those require investment and resource.

Secondly—and this addresses Brian Whittle's question—I absolutely believe that people have rights, but with those rights come responsibilities. We need to question what happens when those rights are abused.

Thirdly, we must focus on measures that are preventative and which seek to divert, but we must also ask ourselves what happens when such interventions and diversions do not work. What actions and steps can we take?

There are also a number of questions that we need to ask ourselves. First, what impact has the closure of youth services and youth initiatives had? Everyone is clear that those things play a clear role. There has been a decline in the funding for them, and that has had an impact.

Secondly, are the right interventions available? If young people are abusing their bus passes to do some of these things, should those bus passes be suspended for a period?

We understand about the sort of non-criminal justice interventions that we have in the home—

**Ruth Maguire (Cunninghame South) (SNP):** Will the member accept an intervention?

**Daniel Johnson:** I do not have much time.

**The Deputy Presiding Officer:** Please be brief, Ms Maguire.

**Ruth Maguire:** I invite the member to reflect on whether removing a child's ability to travel might prevent them from attending work, or the youth clubs that he spoke about, which can be diversionary from antisocial behaviour.

**The Deputy Presiding Officer:** Please start concluding, Mr Johnson.

**Daniel Johnson:** I am not being categorical. I am simply asking a question, but I do not think that we can continue allowing someone to use their bus pass without asking whether it is being used for nefarious purposes.

We are very clear about the interventions that can be made in schools or at home and which do not fall into the category of criminal justice. When young people make a mess or cause a disturbance, we ask them to clear that up, so I wonder whether we might think about non-criminal-justice interventions that would absolutely ensure that certain actions have consequences.

Finally, there has been an understandable focus on creating centralised and specialised functions within Police Scotland. However, I get a sense from talking to police officers that we might not have the balance right, with resources perhaps being taken away from response officers and community policing. The question is: do we have that balance right?

**The Deputy Presiding Officer:** We move to the open debate.

13:01

**Stuart McMillan (Greenock and Inverclyde) (SNP):** I thank Daniel Johnson for securing the debate. His motion refers to the impact that antisocial behaviour and youth disorder have on businesses in his Edinburgh Southern constituency. I sympathise with that. I am not going to talk about Edinburgh Southern, but I will talk about things that have happened in my area—I know that this is an issue that every member will have had to deal with.

Following discussion with some retailers about antisocial behaviour, I carried out a survey with businesses around Greenock West train station in my constituency. The results indicated that even having people loitering outside a shop can put others off from entering. I shared the information

with local stakeholders to help them to better understand shopkeepers' concerns and to find ways to address them. There has also been a problem with boy racers in the car park at Tesco Greenock after the shop closes. Residents are disturbed at all hours by noise and by headlights flashing into adjacent homes.

Youth disorder and antisocial behaviour can take many forms. For example, Inverclyde is served by 13 train stations, and youths tend to congregate at locations that they can access by train. That is different from what happens in parts of the country where youths travel by bus. In my area, they mostly use trains. Young people gather at Parklea, near Woodhall station, at the McDonald's near Port Glasgow station and at Inverkip Harbourside, which is a short walk from Inverkip station. The Inverclyde rail network plays a key role in the movement of youths. Most just want to spend some time with their pals, but a very small cohort want to cause trouble.

I was keen to take part in this debate in order to highlight the good partnership working to deal with youth disorder in Inverclyde, because, although I sympathise with Mr Johnson's concerns, his motion does not offer any local solutions to the issues. As MSPs, we have a role to play in trying to help.

I am not saying that we have a magic cure in Inverclyde, and I am certainly not saying that we have eradicated youth disorder, but we have made some significant strides this year in dealing with issues at Inverkip Harbourside, and I attribute that to joint working by local stakeholders.

There have been two actions. First, for more than five years, I have convened a group consisting of representatives from the local community council, ward councillors, Police Scotland, the British Transport Police, community wardens, ScotRail and some local residents to focus on the issue. That has led to targeted work at local train stations to prevent people from heading down to the Harbourside area. There has been no party politics, because the issue is about community safety and the safety of the young people themselves. That localised approach has certainly been helpful.

The second action has come via a partnership hub in Inverclyde that is headed up by Police Scotland. It involves partners from the police, Inverclyde Council, local registered social landlords, the Scottish Fire and Rescue Service and representatives from health and social care—as well as others, when required—with the aim of dealing with antisocial behaviour, including youth disorder, in Inverclyde. The Minister for Victims and Community Safety recently took up my invitation to visit the partnership, and she was

impressed by the approach that has been taken in Inverclyde.

Youth disorder in Inverkip in my constituency has been a problem for many years. It often dissipates and then spikes again, with it typically coinciding with good weather. However, during a debate on this subject, it is important to point out that we were all young once. At some point in our past, we probably all made some mistakes.

We probably also attended gatherings where the vast majority of individuals behaved well but a small minority did not. Sadly, such situations can lead to those who were not looking for trouble being dragged in. In such instances, Inverclyde Council sends out parent alert letters to address the issue. Parents are told that their child was at a certain location on a certain night when youth disorder took place. The young person might have had nothing to do with any of the disorder, but they could have been dragged into it inadvertently. The letters are sent to make parents aware of the situation and to encourage them to check up on where their kids actually are.

I am aware of the time, so I will finish by returning to the partnership hub. The focus on Inverkip before and during the summer led to a vast reduction in youth disorder. I thank everyone involved and pass on the thanks of my constituents, who have been in contact with me. That approach will continue, and other areas that are affected by youth disorder can address the problem in a similar successful way.

13:06

**Craig Hoy (South Scotland) (Con):** I thank Daniel Johnson for securing this important debate, and I concur with many of the points that he made.

At the outset, it is important to note that the vast majority of young people in Scotland are thoughtful, caring and kind, even if, like all of us at that age, they are a little boisterous at times. They should not all be tarred with the same brush, because it is only a very small minority of young people who commit antisocial behaviour offences that are sometimes extreme in nature.

However, the good behaviour of the many should not act as a smokescreen to avoid talking about the extreme behaviour of the small minority who make people's lives a misery on a daily basis. We cannot turn a blind eye to the mindless thuggery and antisocial behaviour of those groups, who run rampant, safe in the knowledge that, even if they are arrested, they are very unlikely to be prosecuted and even less likely to go to jail.

This summer, a significant number of incidents of youth-related antisocial behaviour were reported to me across the south of Scotland—in

Haddington, Prestonpans, Longniddry, East Linton and Peebles in the Scottish Borders. Cars were damaged, pensioners were targeted, houses were egged, property was vandalised, young people were attacked and weapons were used.

At Linn Rocks in East Linton, a large group of young people from as far afield as Edinburgh—who were abusing their access to free bus travel—gathered to drink alcohol and consume drugs. They harassed and verbally and physically threatened passers-by. However, the community did not take that lying down. Working with the council's antisocial behaviour team and Police Scotland, I convened a number of meetings to drive a cross-agency, cross-community approach. Realising the extent of community concerns, Police Scotland took a zero-tolerance approach, and I thank Chief Inspector Ben Leathes for that intervention.

Those actions showed the benefits of a well-organised local authority response, which included East Lothian Council locating a temporary closed-circuit television camera in East Linton. Young people were handcuffed and removed from the area. The community breathed a sigh of relief but, sadly, as is the case with so many other incidents, the problem was displaced, not solved.

Our police are overstretched and woefully underresourced, so they are unable to respond in that way to every case of antisocial behaviour in our communities. In Haddington, there have been reports of underage hooded youths causing damage to shops and abusing and threatening staff because they refused to sell them alcohol. Windows were smashed and two staff members resigned after receiving death threats.

Data has revealed that, between April and June this year, the number of bobbies on the beat in East Lothian dropped to its lowest level since 2008. At the same time, 1,352 incidents of antisocial behaviour were reported.

The effects of incidents of antisocial behaviour have also been felt across the Scottish Borders. In Peebles, sadly, a man in his 80s had his car windscreen smashed and was beaten up. Schoolgirls were kicked in the face and videoed by the perpetrators—a practice that is, sadly, now all too common in such incidents. In Peebles, a total of 56 calls relating to antisocial behaviour were made in the second quarter of this year.

It is unacceptable that, as a result of such behaviour, people in Borders towns have felt unsafe in their communities. That is not the fault of our communities or the police. The buck stops with the Scottish National Party. It has left our police service underresourced since coming to power 16 years ago.

**Ben Macpherson (Edinburgh Northern and Leith) (SNP):** Craig Hoy has made some important points in his contribution so far, but does he not agree that, given that these issues are complex and challenging and that they affect many communities, we all need to take responsibility for finding the solutions together?

**Craig Hoy:** Absolutely. I reflect on what happened in East Linton, where people in the community came together with the police and the council to resolve the problem. However, sadly, when I speak to the police, they say that, because of 15 years of SNP neglect, they are simply unable to go into communities in the way that they once were.

Another issue is that, as a result of the lack of policing, many of the youths now believe that they are untouchable. They can repeat the same crimes in the same places time and again. Councils across the south of Scotland are equally underresourced. Despite their best efforts, their antisocial behaviour teams and community wardens are severely overstretched.

As antisocial behaviour incidents intensify, we owe our police, our councils and our communities more than just warm words. We owe them the financial support, the legal framework and a justice system that allows them to do their job. However, sadly, on this and on so many other problems that Scotland faces today, the SNP's priorities lie elsewhere.

13:11

**Stephen Kerr (Central Scotland) (Con):** I am grateful to Daniel Johnson for bringing the motion to Parliament. I also congratulate him on his speech, which was very measured.

I will not be unique in the chamber. My inbox is full of my constituents' concerns about this issue, and what they have had to say has been less measured than the remarks by Daniel Johnson.

I have been working with a number of people on this issue for all of the two and a half years that I have been in Parliament. On Monday, I visited one couple's home, and I received an email this morning about the 89th incident that has occurred in the property next door to them, which is occupied by a young person. Last night, at about 12.25 am, the police turned up on the doorstep, thumping the door and banging on the windows to try to gain access, because they had been called by the occupant of that house on the basis of a threat to life. I do not know what number I said earlier, but it is the 84th occasion on which that has happened. The incident also involved the Scottish Ambulance Service, which is not untypical.

The banging and noise go on until 20 to 1; people are trying to gain entry, but they cannot get in. At 5 past 1, more police arrive, and there is more banging. At a quarter to 2, before the cars go away, they force the door, and the council workmen—bless their cotton socks—arrive at 7 minutes past 2 in the morning.

That is just not acceptable. That kind of behaviour is intolerable, and yet we have nothing in place to deal with it. Lives are being made miserable. The lives of that couple, who live in Bonnybridge, are being made hell; the lady has health issues and the husband is being driven to the very edge by the neighbour's behaviour. However, we seem to have a police force that is unwilling or unable to act. We often seem to have prosecutors who come across as not being very interested in the rights of victims—that has been my own experience—and we have a judicial system that seems unable to protect communities from violence and fear.

We do not do our young people or the future any favours by not establishing boundaries and saying what is right and what is wrong. Those boundaries are very clear when it comes to behaviour. Some young people are growing up, believing that they can get away with just about anything, and they are more than happy to tell people, whether they be police officers or teachers, their rights—we should ask teachers and police officers about that—because they have no fear of detection or sanction. The police lack the resources to deal with that; the prosecutors probably do not have the resources, either; and the judicial system is almost at breaking point.

However, we must establish boundaries so that young people know what is expected of them and how to live in a civilised society. We have a tradition of civilised living together in our society, and stepping outside of those boundaries must come with consequences. Daniel Johnson called for frank discussion about these issues. These are the things that the people of Scotland are saying. They want to see boundaries and consequences. There must be discouragement for those who are offending and repeat offending.

Those boundaries, clearly, begin at home. Parents are the first line in giving young people a sense of a moral compass and of what is right and what is wrong. Too often, however, the apparatus of Government in Scotland, in one form or another, makes parents second-guess themselves as to whether they are doing the right thing by teaching their children boundaries and what right and wrong are. We must reverse that trend, which so many people feel is happening in our society, by helping and supporting families, not hindering and undermining them.



At First Minister's question time, my colleague Roz McCall highlighted this week's news from Fife Council, where those responsible for the eradication of bullying in the public school system said that we should not do anything to upset the bullies. Where are we going?

I appreciate that my time is up. I will conclude by saying that if we think that what we have been doing is going to remedy the situation, we need to think again. We need change, we need boundaries, and we need a sense of right and wrong. There need to be consequences and sanctions.

13:16

**Paul O'Kane (West Scotland) (Lab):** The scenes in Edinburgh and across other parts of Scotland, as described across the chamber today, are hugely concerning. That concern has perhaps been most acutely felt this past month, with Halloween and bonfire night, which appear to be pinch points for such instances of antisocial behaviour. Attacks on police and the misuse of fireworks have seen residents scared to leave their homes. They have led to unacceptable scenes on our streets, and it is right that there must be investigations and assessments of what has happened and why.

We should not see such pinch points within the year as being one off or isolated. As we have heard from colleagues, problems with antisocial behaviour seem to persist at all times of the year and in all parts of the country. I am grateful to my friend Daniel Johnson for bringing this debate to the chamber, because it gives us an opportunity to express the concerns of our communities and to explore, in a constructive way, some of the solutions that we might be able to put forward.

The West Scotland region is affected by antisocial behaviour and violence in many communities. Indeed, I have heard at first hand from constituents about its blight on their lives. In May, there was a spike in antisocial behaviour in Barrhead, and residents felt completely cut off and isolated in many ways due to the behaviour that was taking place in parts of the town. Residents have repeatedly complained about being assaulted in the town centre at night, particularly outside the local Asda store and the local Foundry leisure centre and library. In fact, a group of young people has repeatedly targeted security staff and customers at the Asda in Barrhead and at the Foundry.

Last month, in the neighbouring village of Neilston, there was a reported increase in the number of such incidents, with eggs and stones being thrown at properties. That might seem fairly low level, but just this morning, I spoke to a new

young mother, who had found it intimidating when her car was attacked with eggs. Just before Halloween, McGill's, the local bus company, was forced to suspend services at 5 pm on two routes through the Auchenback estate in Barrhead, because of violent incidents against its drivers and buses. We can see the real impact of such antisocial behaviour, with the communities that I have referred to being cut off.

I have written to the area commander for the police and have engaged with the council to try to work out what the solutions might be. I have also written to the minister, and I hope that she will be able to engage with that correspondence and say what more support can be given by Government to help agencies that are working in the community. I recognise what Daniel Johnson said about the mix of approaches that we need to take in dealing with this.

There is, of course, an issue with police resourcing. Police Scotland will say that it wants to take a multi-agency approach and ensure that it is trauma informed, but that can often be a challenge for the other services involved, which are struggling with resourcing and the availability of staff. Local authorities have had huge cuts to their funding, affecting not only diversionary activities such as youth services but, more fundamentally, social work services. Many young people have traumatic and chaotic lives; they come from families who are not getting the right support, because social workers are always having to respond to crises and are not able to do the more in-depth work that can help divert young people away or to approach them in their own settings.

The Government's response has been to issue the document "Reviewing Scotland's Approach to Antisocial Behaviour". I noted two of its recommendations. The first recognised that a long-term approach is needed, which I think all members in the chamber would acknowledge. The second is that an expert group be convened. I welcome such a proposal, and agree that we should all engage in it, but my concern is that we cannot just say that we are taking a long-term approach, leave the issue to another working group and not see any tangible action.

I am conscious of the time, so I will leave members with that thought. I am keen that the minister should, if she is able to do so, lay out in her closing remarks where that group will go and what tangible action it will take.

13:21

**Sue Webber (Lothian) (Con):** It is timely to have the chance to speak in the debate, given the shocking behaviour that took place across our capital city over the weekend. On Sunday, riot

police in Edinburgh spent bonfire night battling fireworks and petrol bombs—I stress the use of petrol bombs. Police Scotland said that its officers experienced an unprecedented level of violence as they tried to tackle the disorder. They were called to the Niddrie area of Edinburgh on Sunday evening, following reports of antisocial use of fireworks against residents. The riot police, which were part of operation Moonbeam, were then sent in to assist local officers. It is believed that around 50 people were involved in clashes with the police, who came under attack from

“fireworks, petrol bombs and other projectiles.”

The level of disturbance in Niddrie was unacceptable and, frankly, disgusting.

Only four weeks ago, in my column in the local paper, I wrote about the impact of the SNP’s budget cuts and how repeated cost cutting had slashed the number of front-line officers and was contributing to a rise in antisocial behaviour. The events of bonfire night demonstrate, once again, that a hardcore element is determined not only to challenge authority but to positively revel in making ordinary people feel uncomfortable in their own homes and communities. The riot in Niddrie was only the most visible and shocking flashpoint, but outbreaks of antisocial behaviour across the city have meant that police and fire services resources have been stretched to their limits, and they have come under attack across the wider region. With our police stretched to breaking point, the criminals knew that they could get away with it, frankly.

Earlier this week, my constituent Ian, who is a retired police officer, wrote to me to express his concern following the weekend’s events. He said:

“As I predicted, the new legislation is utterly toothless. Pushing down decision making (and blame) to local authorities to create exclusion zones is now proven not to work, especially when there is a greatly reduced police service. The 5th of November is now seen as an opportunity to indulge in anarchy and the problem, in my opinion, will only get worse if left unchallenged or unchanged.”

**The Minister for Victims and Community Safety (Siobhian Brown):** I agree that everything that happened last weekend was abhorrent on every level. Does the member recognise that, because of the legislation on offences against emergency workers that has come in, 61 people were charged last year? So far, only two people have been charged with offences relating to last weekend, but investigations are on-going and we expect that more will be charged shortly.

**Sue Webber:** I ask the minister to say in her closing remarks, if she can do so, what were the outcomes of the charges against the individuals who attacked our emergency workers. That is the problem. Petrol bombs were being thrown. I am

sorry, but those are not covered in the fireworks legislation at all.

The same policeman told me how much time he had spent dealing with antisocial behaviour and that he considers a ban on fireworks to be a prerequisite. As he said, for some people, 5 November seems to be an excuse for creating mayhem. Giving the police the resources to deal with it would benefit us all year round, for we can all agree that, sadly, antisocial behaviour is not limited to this time of year.

On Friday, I met a father called Niko, who lives in Currie. He was at the end of his tether. His family has been targeted for more than a year by a group of four youths who, dressed in black with hoods up, regularly throw eggs, tins of beans and traffic cones at his possessions, his car and his home. I have seen the shocking videos of that happening. Niko and his family feel that they cannot relax at home. Now that the nights are darker, they will not use the living room at the front of their house or leave the light on, as that encourages those youths more.

The night before Niko came to see me, his local neighbourhood watch group met to discuss the incidents and whether there was anything that they could do. The father of one of the boys who is tormenting Niko’s family came along as well. The school, the police and the parents all feel that their hands are tied. The police are already involved and have been to the house of one of the boys many times. The father of that boy is at his wits’ end and does not feel as though there is anything that he can do about disciplining his son.

On Friday, I will meet the police in the south-west of Edinburgh and will raise that situation and many of the incidents that I have in my case load. Earlier this week, the Minister for Victims and Community Safety, Siobhian Brown, announced a new independent working group to tackle antisocial behaviour. We are already hearing of potential recommendations linked to the confiscation of, or curfews for, the bus passes for under-22s. However, one thing is clear: there is only one group of people who like a working group more than the SNP, and that is the criminals.

13:26

**Brian Whittle (South Scotland) (Con):** I congratulate Daniel Johnson on bringing the debate to the chamber and on his thoughtful introduction to it.

In September 2022, Stagecoach said that it would no longer run evening services from Kilmarnock bus station due to antisocial behaviour that was perpetrated by our youth. Gangs were using the free bus pass to travel to other areas to engage in that behaviour. In April 2023, a

teenager who attempted to stab a 14-year-old boy to death with a broken bottle at Kilmarnock bus station was jailed for more than four years. In October 2023, a Kilmarnock bus station security worker was left with a broken nose after being assaulted by two teenagers, who were subsequently arrested and charged in connection with the incident and will appear in court.

Daniel Johnson mentioned Covid, which has had an impact on our youth. The lack of social skills could be a driver of some of the violence. Access to youth clubs, scouts, guides, sport, music and art, which I have discussed many times in the chamber, was taken away. Those activities encourage our youth to behave better. They are about self-worth, confidence, resilience and aspiration.

**Stephen Kerr:** I agree with what Brian Whittle says, but there is also a need for a clear understanding of where the line is between good behaviour and bad behaviour and that consequences flow from bad behaviour. It might not be the kind of discussion that some members in the Parliament want to hear, but that is what the people of Scotland think, and it is what they want to happen.

**Brian Whittle:** I do not deny that. There should be consequences to bad behaviour, but there is another side to the coin: we have to create an environment in which we can instil better behaviour. The types of activities that I mentioned enable youth to understand the benefits of working with others and give them the benefit of learning about hard work and understanding where the boundaries lie.

Over a longer time, council funding, funding for our third sector—which is crucial in relation to the issue—and even the funding in our education system, where a lot of the interventions that I have discussed begin, has been eroded. The erosion of that funding is a false economy, as we can see from recent antisocial behaviour. When we do not spend money on one page of a ledger, we need to spend it on another page of the ledger, as we saw with the horrific scenes in Edinburgh.

I have spoken previously about my life experience and my diverse group of friends from such a variety of backgrounds—you could not meet a more diverse group. We were introduced to each other through our intervention with sport, and our lives have been shaped by sport and by the shared togetherness that has come through our passion for sport.

We need to ensure that an opportunity to do that—whatever opportunity it may be—is available for our youth and that it is accessible to all. One side of the coin is about ensuring that there are repercussions for bad behaviour, but it is not just

about that—the other side of the coin is that we have to have opportunities available if we want to ensure that our youth can participate.

**The Deputy Presiding Officer:** I am conscious of the number of members who still want to participate in the debate. To allow that to happen, I am minded to accept a motion without notice, under rule 8.14.3, to extend the debate by up to 30 minutes.

*Motion moved,*

That, under Rule 8.14.3, the debate be extended by up to 30 minutes.—[Daniel Johnson]

*Motion agreed to.*

13:30

**Ben Macpherson (Edinburgh Northern and Leith) (SNP):** I also want to start by thanking Daniel Johnson for bringing this very important issue to the chamber, and for allowing us to consider the challenge of bad behaviour generally in our society.

It is not only an issue in Edinburgh Southern, it is not only an issue in Edinburgh—as others have alluded to—and it is not only an issue in Scotland; other parts of the UK face challenges, too.

The truth that we need to acknowledge, which other members have also emphasised, is that most young people behave well and do good things. Our young people have grown up in a challenging time. There was the financial crash and its consequences, austerity, the pandemic and the cost of living crisis and there is war in the world. It is also true, however, that there are, rightly, concerns about a minority of young people who are engaging in very challenging antisocial behaviour, and we cannot underplay those. I fear that the behaviour is getting worse.

There is the behaviour in our schools, which has been discussed and which the Government has on-going work on. The behaviour is happening on our streets and in shops. Others have talked about the challenges when it comes to big supermarkets, but it is also an issue for small-to-medium enterprises in our communities. For example, Argonaut Books in Leith had hundreds of pounds worth of damage caused to it by a small minority of young people coming in and throwing eggs around the shop.

It is a huge issue and, as Daniel Johnson rightly argued, a complex one. There is a broad range of reasons for the phenomenon. It is a trend influenced by social media and it has been shown on occasion to be influenced by organised crime.

**Brian Whittle:** I am very grateful to the member for taking an intervention. I cannot disagree with anything that he has said so far, but does he

agree that during that period of time there has also been an erosion of community spirit, coupled with a rise in poor mental health, and that that complex web is contributing to this kind of behaviour?

**Ben Macpherson:** That is absolutely true, and it goes back to the context that I mentioned around the financial challenges and the pressures on our society. Our young people have grown up in households that are experiencing pressure and communities that are feeling a collective sense of depression and a lack of optimism because of the position that we are in.

The demand on the state to respond to that is difficult, particularly in the financial circumstances that the UK and Scotland face. The Scottish Government has acted proactively and with initiative, with higher funding for the police service than is the case elsewhere in the UK, the support that it has tried to provide to the Crown Office, the violence reduction unit, Community Justice Scotland, cashback initiatives and increased spending for mental health.

However, there is more to be done, and within that is the challenge of balancing rights and the need to work with partners. I have to say that where I have seen an impact in my constituency, particularly in north Edinburgh, youth work organisations working collaboratively have made the biggest difference.

I have to be honest and say that most of the funding for that has come from trusts and private sources. Therefore, the main message that I want to emphasise is that, yes, there are criminal justice aspects to this issue, but, most importantly, youth work works. The more resource we can find for youth work initiatives in our communities, the bigger the difference we can make.

Lastly, I think that we should have more time to debate the issue in the chamber, because there is a wider challenge about behaviour in our society. Some are to blame, but all of us are responsible. We can all do more—including, I would argue, in this chamber—by looking to set the best example that we can.

13:35

**Alexander Stewart (Mid Scotland and Fife) (Con):** I am pleased to contribute to the debate and thank Daniel Johnson for securing it. I acknowledge the acute concerns that the motion refers to and I agree that antisocial behaviour by youths is very much on the increase. That is the case not just in Mr Johnson's Edinburgh constituency but across my region of Mid Scotland and Fife. The sheer scale is deeply worrying and such incidents continue to be reported.

As we have heard, that was borne out over the weekend in the horrific scenes that we saw in Edinburgh, Glasgow and Dundee, where antisocial behaviour and fireworks became a toxic cocktail and emergency service personnel were once again targeted in their line of duty. It was absolutely appalling and I look forward to hearing what the minister says in her summing up.

Only recently in my region, the *Alloa and Hillfoots Advertiser* highlighted that police patrols were having to be increased in Tillicoultry and Alloa following a rise in youth-related antisocial behaviour. I am extremely concerned at that rise, and that individuals as young as between 12 and 15 were roaming the streets with weapons. Such incidents of antisocial behaviour have been most prevalent in the high streets and town centres. The most worrying was when young individuals were spotted in the early hours wearing masks and attempting to intimidate workers and people who were making local deliveries. Similar reports have come from Stirling city centre. I have long been a supporter of calls for initiatives to ensure the utmost safety for retail and delivery workers, along with our emergency services personnel.

However, the phenomenon is now moving to another level, and there has been talk of the free bus travel for under-22s being questioned. I have had a number of contacts from constituents suggesting that some individuals might be abusing that facility. However, I believe that it is still a minority of youths who are jumping at the opportunity to travel further and create antisocial behaviour in different areas.

Recently, I was delighted to learn of a Clackmannanshire gentleman, Craig McIntosh, who is becoming a peer mentor with a view to engaging with young people. He is focusing on alternative pathways for individuals who have shown risky behaviour in Stirling city centre. I believe that the post was funded by Stirling Community Enterprise, Go Forth Stirling business improvement district and Police Scotland and that the majority of the funding has come from the Stirlingshire Voluntary Enterprise community justice fund.

That is a real opportunity to show that peer mentoring can draw on people's past experiences and pass them on to the next generation. That role is an opportunity to help young people to turn their lives around. I wish Mr McIntosh all encouragement as he takes forward that project. It is important that we see further projects like that happening across the community. We have heard about the voluntary sector doing such work and that needs to be advanced.

Police Scotland remains desperately underfunded and undermanned, which risks the force being undermined, as we have heard today.

There is a legal responsibility on parents and guardians to ensure that young people in their care are not exposed to likely harm. That harm comes in the form of not only mental and physical harm to themselves but harm to others and antisocial behaviour. Police Scotland also needs to robustly enforce legislation to ensure that individuals who perpetrate any such offences are tackled with the full force of the law to ensure that they stop and that they know how the land lies.

13:39

**Douglas Lumsden (North East Scotland)**

**(Con):** I thank Daniel Johnson for bringing the debate to the chamber. It seems, from what we have heard, that antisocial behaviour is a problem right across Scotland. I want to share briefly the experience of what is happening right now in Aberdeen.

This year, the number of incidents of antisocial behaviour in Union Square, Aberdeen's main city centre shopping centre, which joins on to the bus station, has surged, with some truly shocking incidents being reported. The *Press and Journal* told the story of a whistleblower worker, who said:

"What's happening is wrong. Union Square is the most hostile and dangerous place I have ever worked."

He went on to describe how the toilets have become party rooms, where kids as young as 12 lock themselves away

"to drink, roll joints and even have underage sex."

He also told of a shopping trolley being thrown off the multistorey car park, nearly striking a woman below.

Police have been drafted in to try to train security guards, and senior officers are working closely with Union Square management to equip businesses with the right tools to handle youngsters who are hell bent on wreaking havoc. However, security guards and shop owners seem confused as to what action they can take. Often, they are concerned that, if they were to manhandle a youth out of their shop, they may be charged.

**Stephen Kerr:** Douglas Lumsden is making an excellent speech, but it is very troubling. He mentions shop workers and others not knowing how to deal with youth who are causing these difficulties. That is doubly, or triply, true of teachers. They desperately need clear guidance on what they can and cannot do, but they are not getting it. The Government is putting that off, with more talk and less action.

**Douglas Lumsden:** I completely agree with Stephen Kerr—teachers, as well as shop owners, need to be assured that they will not be penalised for protecting themselves or their business.

It is worrying that, from what we have heard today, this type of behaviour seems to be on the increase across Scotland. I call on the devolved Government to urgently carry out a piece of work to understand whether such behaviour is actually on the increase, and to try to understand the reasons behind it.

Daniel Johnson and Craig Hoy suggested that free bus travel may be having an impact. I agree with Sue Webber that the pressure on police resources is partly to blame, and the freeze on police recruitment will only make these matters worse.

Whatever the cause, the devolved Government needs to act. This behaviour by groups of people is making places feel unsafe and threatening the viability of some businesses, driving people away from our city centres and putting our shop workers into situations that they should never have to deal with. It is those workers that I want to finish on.

It was reported that the Nespresso store in Union Square closed after workers said that they faced assault and sexual harassment. We need to act—more needs to be done. Again, I thank Daniel Johnson for bringing this matter before us today, and I look forward to hearing what action the Government will take to tackle the problem.

13:42

**The Minister for Victims and Community Safety (Siobhian Brown):**

First, I thank Daniel Johnson for raising this important issue, and I thank everybody who has taken part in the debate. I also thank Daniel Johnson for all his historical work for the protection of retail workers.

I have appreciated hearing from members about how their constituencies have been affected by antisocial behaviour. The incidents in some constituencies, especially last weekend, were deeply concerning and were—quite rightly—raised in the chamber earlier this week. Many are still under investigation by the police, who are treating those matters with the seriousness and severity that they deserve.

I recognise that, as we know, and as Craig Hoy and Ben Macpherson acknowledged in their contributions, the vast majority of young people are not involved in antisocial behaviour, nor in the justice system.

**Stephen Kerr:** That is just not true. It is the vast majority of young people who are the biggest victims of this behaviour, because they are often living in fear themselves, at school and in other places where they should be safe. The minister simply says, "Oh, the majority behave themselves"—which they do—"and are not affected," but that is just not the case.

**Siobhian Brown:** I disagree—I would say that the majority of youth are not perpetrators of antisocial behaviour.

**Stephen Kerr:** No, they are the victims of it.

**Siobhian Brown:** It is a small minority. Indeed, many people who take part in antisocial behaviour are not youths. It is unacceptable behaviour by a minority in our society. Regardless of who is involved, I am clear that everybody has the right to be and feel safe in their community. That is what is set out in our justice vision for Scotland, and I know that that view is shared by members across the chamber. Everyone has the right to go about their business, work and home life in safety and without fear.

**Douglas Lumsden:** We heard from Ben Macpherson a story about youths going into a shop and throwing eggs. What action could the shopkeeper take in that instance without any fear being charged?

**Siobhian Brown:** After any such incident, they should call the police in the first instance.

Some of the events from the past weekend put innocent people in our communities at risk and put those setting the fires and throwing the projectiles at risk. Attacks against those whose job it is to keep our communities safe are never acceptable, and I am grateful to Police Scotland, the Scottish Fire and Rescue Service and their partners for their bravery in going about their job and for their professional response to such dangerous and thoughtless behaviour.

Members have referred to the abuse that shop staff face and the theft of items from shops and businesses. Again, that is not acceptable. I urge any affected business or individual to contact the police, who continue to focus on keeping our communities safe from harm and on investigating criminal activity.

**Daniel Johnson:** I absolutely agree with the minister that people working in shops should contact the police in such situations. The problem is that they very often do not get a response. It is not because the police do not want to respond but because, quite simply, there are not enough response officers available to do that. Does the minister agree that we need to look again at the balance between central specialised resource and the number of officers that we have in local divisions doing response and community work?

**The Deputy Presiding Officer:** Minister, I can give you the time back.

**Siobhian Brown:** We are reviewing—I will come to this later in my speech—how we address this increase in antisocial behaviour, but I agree with the member.

As police are often the first line of response to such disorder, policing continues to be a priority for the Scottish Government. We are investing £1.45 billion in policing in 2023-24, which is an increase of 6.3 per cent, and an additional £80 million in the resource budget. I have heard members say in the debate that there have been police cuts, but that is not accurate.

Police Scotland is strengthening its approach to dealing with acquisitive crime, including shoplifting, through the sharing of regional best practice and through taking the lead role in the Scottish partnership against acquisitive crime. The partnership draws together key organisations from across society to provide a robust multi-agency approach to acquisitive crime and support activity at local level, which is so important. The partnership includes Police Scotland, the Scottish Government and Retailers Against Crime.

As many members are aware, and some have acknowledged in their contributions, Police Scotland and local authorities lead on interventions to address antisocial behaviour at a local level. Partners working on the ground are always best placed to understand the issues that local communities face and how they can best be addressed.

I know that great partnership working is taking place throughout the country, which I very much encourage. I recently visited the Inverclyde partnership hub to learn first hand about key agencies such as the police, local authorities, social housing associations, the health and social care partnership, the Scottish Fire and Rescue Service and the British Transport Police working together to address antisocial behaviour in the local community.

Earlier this week, I was pleased to publish “Scotland’s approach to antisocial behaviour: review findings”.

**Douglas Lumsden:** Will the member take an intervention?

**The Deputy Presiding Officer:** Briefly.

**Douglas Lumsden:** Does the minister think that the freeze in police recruitment will make the issue better or worse?

**Siobhian Brown:** Just for clarity, 1,418 new recruits have joined Police Scotland since 2022.

The review of Scotland’s approach to antisocial behaviour is based on engagement work that the Scottish Government did with the Scottish Community Safety Network to assess the appetite for reviewing our current approach to antisocial behaviour. The report’s findings focus on moving towards a more preventative approach and recognising the importance of preventing antisocial behaviour from occurring in the first

place, which will also continue to better tackle antisocial behaviour and provide better support for victims.

Douglas Lumsden, I am not sure whether you are aware of this work—

**The Deputy Presiding Officer:** Please speak through the chair.

**Siobhian Brown:** —that is on-going, but I have accepted the recommendations and I am setting up a working group on antisocial behaviour. That will consider the effectiveness of current—

I am sorry—how much time do I have, Presiding Officer?

**The Deputy Presiding Officer:** I can give you another minute, minister.

**Siobhian Brown:** Okay. In that case, I want to address one issue that was raised time and again regarding bus passes. It is important to remember that most of our young people who travel by bus behave appropriately. The entitlement card is also used to access a variety of national and local public services across Scotland, such as free school meals and cashless catering. Therefore, it would not be appropriate for transport operators to remove cards from card holders due to the impact that that could have—*[Interruption.]*

**The Deputy Presiding Officer:** The minister is concluding her speech.

**Siobhian Brown:** —on access to other services. Furthermore, the Scottish Government has the power to withdraw or suspend a travel card if an eligible person knowingly allows it to be used by another person. The travel scheme does not make provision for blocking cards in response to allegations of antisocial or other inappropriate behaviour.

Tackling allegations of antisocial behaviour is a matter for the police and local authorities. However, we will continue to look at what might be possible and advisable and keep that under review.

**The Deputy Presiding Officer:** Thank you very much, minister. That concludes the debate and I suspend this meeting of Parliament until 2.30.

13:51

*Meeting suspended.*

14:30

*On resuming—*

## Portfolio Question Time

### Social Justice

**The Deputy Presiding Officer (Annabelle Ewing):** Good afternoon. The first item of business this afternoon is portfolio question time, and the portfolio on this occasion is social justice. I remind members that if they wish to ask a supplementary question, they should, during the relevant question, press their request-to-speak button or enter “RTS” in the chat function.

### Adult Disability Payment Applications (Processing Time)

1. **Willie Rennie:** To ask the Scottish Government what the current average processing time is for adult disability payment applications. (S6O-02696)

**The Cabinet Secretary for Social Justice (Shirley-Anne Somerville):** Adult disability payment statistics are published quarterly. The latest release, covering the period to 31 July 2023, shows that the improvement actions that Social Security Scotland has put in place have reduced the median average processing time for normal rules applications by eight working days. The median average processing time overall, since the benefit was introduced, is 83 working days.

Processing times for cases eligible under the special rules for terminal illness, for some of Scotland’s most vulnerable people, have also been included in that publication for the first time; that shows a median average processing time of two working days.

**Willie Rennie:** For more than 3,500 people, it took more than 141 days to process their adult disability payment. The average that the cabinet secretary has just set out is way above what was promised in what was set out by the Government. The Department for Work and Pensions, which processes personal independent payments, is doing so faster. How has it got so bad that even the DWP is better than the Scottish Government?

**Shirley-Anne Somerville:** I am sure that Mr Rennie is well aware that, under the DWP system, a customer—as the DWP calls people—is required to collate their own supporting information. People who have been involved in the DWP process describe that as one of its most stressful aspects. Under the adult disability payment, the collection of supporting information is carried out by Social Security Scotland on behalf of the client. That will take time, for example if information is requested from a health

practitioner. That is one of the reasons why it is not appropriate to make a direct comparison between PIP and ADP.

As I said in my first answer, Social Security Scotland has taken a number of actions to improve processing times. I am happy to provide Mr Rennie with the full detail of that in writing.

**Collette Stevenson (East Kilbride) (SNP):** What reassurance can the cabinet secretary give that the adult disability payment application process remains fixed to the core founding principles, with fairness, dignity and respect at its heart?

**Shirley-Anne Somerville:** That is an important aspect of everything that Social Security Scotland does. One of the aspects of that is demonstrated by the example that I gave to Mr Rennie. It is important that the system was co-designed with people for whom there had been very poor aspects of their care under the DWP—if we can call it care.

However, in the client survey reports from Social Security Scotland, we have seen a high level of satisfaction with the way in which clients' cases have been dealt with. Clients feel that they have been treated with dignity, fairness and respect.

**Jeremy Balfour (Lothian) (Con):** I remind members that I am in receipt of PIP.

A number of individuals have been in touch to say that they are being denied their exemption from road tax as a disabled person because they are waiting months to be issued with a certificate of entitlement from Social Security Scotland. Can the cabinet secretary advise whether those delays were anticipated and why nothing has been done to rectify them?

**Shirley-Anne Somerville:** Forgive me, Presiding Officer, but I did not pick up part of Mr Balfour's question at the start, so I am happy to provide further details in writing if I have not correctly heard his question.

As I said to Mr Rennie, I appreciate that there have been delays in the adult disability payment. I can assure everyone, including Mr Balfour, that any payments that are due are backdated to the time of application. However, as I said, I may not have picked up Mr Balfour's question correctly. If further details are needed, I am happy to supply those in writing.

**Paul O'Kane (West Scotland) (Lab):** As well as noting the adult disability payment figures, I see that the figures for child disability payment show that, in the first six months of the year—January to June—only 20.3 per cent of cases were processed within the four-month target, and the median processing time has worsened, rising from 91 working days in December 2022 to 102 working

days in June 2023. Is it not clear from those statistics, coupled with the figures for adult disability payment, that the situation is getting worse, and that both people in receipt of ADP and families in receipt of CDP are waiting in limbo for decisions? What will the cabinet secretary do to deal with both those issues?

**Shirley-Anne Somerville:** I am happy to provide the same information as I would provide to Mr Rennie on all the actions that Social Security Scotland has undertaken. As I said to the Social Justice and Social Security Committee at a recent appearance, the agency has invited the committee and its members to come up to Dundee to hear detailed information about exactly what has been put in place. It is unfortunate that the committee has not been able to take up that invitation, which has been outstanding for some time, but Mr O'Kane and others would certainly gain a lot of reassurance from such a visit. That would allow us to have a more in-depth and detailed conversation than we can have in these questions and answers. I am happy to say once again on behalf of the agency that it is more than happy to welcome the committee and other members to its headquarters if that would assist in providing much more detailed information about what is taking place to ensure that swift action improves processing times.

### **Older People in Poverty (Income Maximisation)**

2. **Bob Doris:** To ask the Scottish Government how it supports older people living in poverty to maximise their income. (S6O-02697)

**The Cabinet Secretary for Social Justice (Shirley-Anne Somerville):** Ensuring financial security in older age is a key priority for the Government, and we are taking a range of actions to support older people living in low-income households. Those actions include tripling the fuel insecurity fund, free bus travel for everyone over the age of 60, help with energy efficiency through warmer homes Scotland and replacing the Department for Work and Pensions cold weather payment with our new winter heating payment. In addition, our £3.2 million social isolation and loneliness fund is supporting 53 projects across Scotland to help provide warm spaces, hot meals, group activities and fuel payments to people who are most at risk of isolation, including older people.

**Bob Doris:** The on-going lack of uptake of pension credit in Scotland means that 123,000 of our poorest pensioners are losing out on an average of £3,500 a year. They will also miss out on this month's £300 cost of living payment. The United Kingdom Government must do more to encourage uptake, given that a recent initiative that it took included only one of Scotland's 32 local authorities. I acknowledge that this area is a UK



Government responsibility, but how can the Scottish Government and Social Security Scotland encourage uptake to help tackle pensioner poverty, given the poor track record of the UK Government?

**Shirley-Anne Somerville:** I am happy to work with Mr Doris to see whether there is anything else that can be done by Social Security Scotland, which delivers our devolved benefits. However, pension credit is a reserved benefit, as Mr Doris rightly points out.

While the Scottish Government is now on its benefit take-up strategy number 2, there is no such approach from the DWP. However, that does not mean that there is no need for the Scottish Government to ensure that we are doing everything that we can, so we continue to provide funding for income maximisation and welfare and debt advice, and we are committed to increasing the availability of advice within services such as health and education and in community settings. Mr Doris is quite right to encourage people to take up what they are entitled to because, according to the social security principles that we stand on, it is a person's individual human right to take up their entitlements, and they should be encouraged to apply for what they are eligible for.

**Beatrice Wishart (Shetland Islands) (LD):** The inequalities of the gender pension gap are well documented, and the situation of the women born in the 1950s who lost out on the state pension has also been well documented through the Women Against State Pension Inequality campaign. When looking to maximise income support for older people living in poverty, what efforts can the Scottish Government make to support the WASPI women?

**Shirley-Anne Somerville:** That issue is, again, reserved to Westminster, unfortunately, and the Scottish Government and Scottish Parliament do not have the powers to alleviate the injustice that the WASPI women suffer because of the actions that have been taken by successive UK Governments, which is a deep disappointment to me, to the Government and to many members across the chamber. I hope that some of the actions and schemes on which I provided information in previous answers show the member that we are absolutely determined to support older people in general. It is a shame that we cannot do more to help the WASPI women, but it is outwith devolved competence.

### Energy-efficient Rural Housing (Discussions)

**3. Maurice Golden (North East Scotland) (Con):** To ask the Scottish Government what discussions the Cabinet Secretary for Social Justice has had with ministerial colleagues regarding how to improve access to energy-

efficient housing in rural communities. (S6O-02698)

**The Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights (Patrick Harvie):** Ministers routinely discuss cross-portfolio matters. The Scottish Government's ambition is for everyone to have access to a warm, safe, affordable and energy-efficient home that meets their needs. That is why we have committed to delivering 110,000 high-quality and energy-efficient affordable homes by 2032, 10 per cent of which will be in rural and island areas to help to retain and attract people to those communities. That is on top of the additional funding that we provide in rural areas for social landlords and home owners to improve the energy efficiency of existing homes.

**Maurice Golden:** The energy efficiency supply chain is critical to supporting the provision of homes and upgrades, but there is a bottleneck in the ability of small businesses to host apprenticeships, which feeds through to the workforce—for example, more meter engineers are needed locally to work through a backlog of repair work. Will the minister look at how funding and administrative support can be targeted at local businesses, perhaps through Skills Development Scotland, to support capacity for more apprenticeships in the sector?

**Patrick Harvie:** We are active in that area. In concert with industry voices, we have worked on the heat in buildings supply chain delivery plan and, in joint discussions with Graeme Dey, I am taking forward work on the skills and education side of things. It might be helpful if I were to give an update as part of my statement to the chamber when we launch the heat in buildings consultation.

**Gordon MacDonald (Edinburgh Pentlands) (SNP):** Some of my constituents who live in Ratho, Bonnington Cottages, Hermiston village and Blinkbonny need support for energy efficiency and decarbonisation improvements. Many people are unaware that Home Energy Scotland's grant and loan scheme offers a rural uplift. What work is the Scottish Government doing to ensure that rural households are aware of all the home energy funding opportunities that are available to them?

**Patrick Harvie:** We run a regular nationwide marketing campaign to promote the support that is available. I encourage anyone who is interested in making energy efficiency or heating improvements to their home, whether they are in a rural or an urban area, to contact Home Energy Scotland for advice and support. It has a website that highlights the support that is on offer, and its network of regional advice centres allows us to maximise and tap into local promotional opportunities, including outreach and training sessions. We keep our approach to engagement and awareness raising

under review, and we are keen to work with rural stakeholders to continue to increase awareness of the support that is on offer.

#### **Disability and Additional Support Needs (Dumfriesshire) (Support)**

**4. Oliver Mundell (Dumfriesshire) (Con):** To ask the Scottish Government what support it is providing to third sector organisations in Dumfriesshire to tackle inequalities and support disabled people and people with additional support needs, including supporting them into the workplace. (S6O-02699)

**The Minister for Equalities, Migration and Refugees (Emma Roddick):** We recognise that the third sector plays a vital role in supporting work to tackle inequalities and support disabled people. I recognise the importance of clarity and stability to secure third sector resilience and grow its capacity.

To support the third sector with fairer funding, we will produce a plan to deliver improvements, including greater clarity in and consistency of existing arrangements. We regularly meet third sector and disabled people's organisations and we support many in Dumfriesshire and across Scotland with a range of investments, including £5 million from the equality and human rights fund.

**Oliver Mundell:** I highlight the work of the Usual Place, in Dumfries. I have been working with Emma Harper, Colin Smyth and Willie Rennie on a cross-party basis to secure additional Scottish Government support for that organisation's vital work. It has hit a roadblock as it seems that it fits none of the existing funding options. Will the minister commit to looking at that again, to ensure the viability of the very important work that that organisation does to get young people into long-term employment? The Scottish Government should support that successful work.

**Emma Roddick:** I am aware of the work that Oliver Mundell and colleagues, including Emma Harper, have been doing to draw attention to the Usual Place's situation. I know that my colleague Neil Gray, the Cabinet Secretary for Wellbeing Economy, Fair Work and Energy, provided signposting for where the organisation could go for further support, and that the First Minister confirmed that £50,000 of funding would be made available for 2023-24. However, the Scottish Government is subject to the same volatile financial situation that has caused those financial difficulties for the Usual Place, so there is no more money at this time.

**Emma Harper (South Scotland) (SNP):** As Oliver Mundell has mentioned, cross-party colleagues have been working together to support the Usual Place, which provides invaluable

support for young people who are living with additional support needs by helping them to contribute to society through gaining skills, qualifications and experience in the world of work. I reiterate Mr Mundell's request and ask the minister to commit to doing all that she can for the Usual Place with advice, guidance and any support that she can offer, so that the organisation is here for the future.

**Emma Roddick:** I am grateful to Emma Harper and Oliver Mundell for raising the issue. As I said, we have provided signposting information and have asked the organisation to reach out to the local third sector interface. I am more than happy to provide similar information again and to speak with the members. As I said, we are all facing the same volatile financial situation thanks to Tory mismanagement down south, so, unfortunately, there is not a whole lot of extra money to be working with.

#### **Tackling Depopulation (Highlands and Islands)**

**5. Rhoda Grant (Highlands and Islands) (Lab):** To ask the Scottish Government how it works collaboratively to tackle depopulation in rural areas of the Highlands and Islands region. (S6O-02700)

**The Minister for Equalities, Migration and Refugees (Emma Roddick):** Our "Building a New Scotland" paper on migration in an independent Scotland sets out how migration is vital to the future of our rural and island communities. On Monday, I heard that at first hand in Fort Augustus from hospitality and seafood sector representatives, as we discussed the importance of attracting and retaining people in order to support rural and island areas to thrive.

In the meantime, our action plan for addressing depopulation will build on existing collaboration with Highlands and Islands local authorities through a population round table, jointly chaired by the Scottish Government and the Convention of Scottish Local Authorities, and through our support for the Convention of the Highlands and Islands's population working group and its oversight of community settlement officers, who deliver place-based interventions that support population attraction and retention.

**Rhoda Grant:** The minister will be aware of the redundancies being made by BT and its subcontractor Blue Arrow in AIness. The only option open to BT staff is to relocate to Dundee or Manchester, causing rural depopulation. BT Group has been the benefactor of hundreds of millions of pounds of Government money through its partners Openreach and EE, yet it thumbs its nose at and undermines Government policy. Has the minister met BT to discuss the issue? If so, what response has she had? What interventions have been made

by the Government and its agencies and what action are they taking to protect BT's loyal workforce in Alness?

**Emma Roddick:** Having grown up in Alness, I am aware of the issue that the member raises, and I am more than happy to speak with my colleagues in the fair work portfolio and provide the member with any further information on conversations with BT about the planned closure.

### Homelessness

**6. Jackie Baillie (Dumbarton) (Lab):** To ask the Scottish Government what it is doing to tackle the reported record levels of homelessness in Scotland. (S6O-02701)

**The Minister for Housing (Paul McLennan):** Homelessness levels are on the rise in all parts of the United Kingdom. I am meeting with housing conveners across the country to discuss the challenges in reducing the number of households in temporary accommodation and supporting councils in developing targeted plans to address local need.

The impact on local authorities of increasing homelessness presentations is being compounded by the United Kingdom Government's decision to streamline the asylum process, placing increased pressure on housing and homelessness services. Recently, the Minister for Equalities, Migration and Refugees wrote to the UK Government to seek funding for local authorities in order to manage the unprecedented pressures created by fast-tracked asylum decisions. I hope that Jackie Baillie and her colleagues can support that request.

**Jackie Baillie:** The minister will know that, in the past year alone, some 39,000 homeless applications have been made, which is the highest number on record. The number of people being forced to sleep rough has doubled since last year and more than 6,000 children have been stuck in temporary accommodation for more than a year. Shelter Scotland statistics show that, on average, 45 children a day become homeless in Scotland. I am sure that the minister will agree that that is shameful. What action is he taking to urgently deliver support to people who are facing homelessness and, at its extreme, rough sleeping? Will he join Shelter and local authorities such as Argyll and Bute to declare the crisis a housing emergency?

**Paul McLennan:** We have undertaken a number of actions. In August, the First Minister and I visited Fife on the recommendation of the temporary accommodation task and finish group; we have launched the £60 million acquisitions fund; and I have spoken to local authorities about how allocation is implemented in their local areas.

Obviously, prevention duties will come forward in the forthcoming housing bill. I have also set up a ministerial oversight group, which includes nine ministers; it is looking at the overall subject of solving homelessness and, in that respect, issues such as drug abuse and looked-after children. That is incredibly important. Moreover, the question of how we bring empty homes back into operation was talked about at the housing summit in Edinburgh on Tuesday. We are looking at a number of things.

We spend £85 million a year on discretionary housing payments that we do not need to spend; we should be able to spend that money on homelessness. I urge Labour Party colleagues to support that approach, and I urge the UK Government to change that position.

The local housing allowance has been frozen for around four years—

**The Deputy Presiding Officer:** Thank you, minister. We need to move on to the next MSP.

Miles Briggs has a supplementary question.

**Miles Briggs (Lothian) (Con):** This time last week, councillors from all five political parties on the City of Edinburgh Council, including the minister's party, declared Scotland's capital city to be in a housing emergency and said that significant and urgent additional support was needed to meet the needs of Edinburgh's people. Does the minister accept that Edinburgh is in a housing emergency? What emergency response will ministers give the City of Edinburgh Council?

**Paul McLennan:** It is a challenging situation. Mr Briggs and I were both at the Edinburgh housing summit, and I have met the City of Edinburgh Council at least half a dozen times since I took up my post seven months ago. We are looking at targeted interventions. We have talked about interventions that the council needs to make—on empty homes, for example—and there is also the issue of allocations, which it spoke to in our meeting. We will work very closely with the council on what we need to do to try to support that. Indeed, we already work very closely with it; as I have said, I have met it at least half a dozen times since I have been in post.

**Ivan McKee (Glasgow Provan) (SNP):** The root cause of Scotland's housing shortage is, of course, a lack of housing supply. What was the increase in housing supply across all tenures last year? What does the Scottish Government plan to increase that to?

**Paul McLennan:** Last year to end June, the number of all sector new builds in Scotland increased by 7 per cent—or 1,481—to 23,346 homes, the highest annual figure since 2008. We are committed to delivering 110,000 affordable

homes by 2032, of which at least 70 per cent will be for social rent.

The recently published “Rural and Islands Housing Action Plan” supports our commitment to delivering at least 10 per cent of the target in rural and island communities. In fact, the 10,757 homes delivered to the end of June is the highest annual figure since the start of statistical figures in 2000.

### **Social Housing Waiting Lists (Support for Local Authorities)**

**7. Sharon Dowe (South Scotland) (Con):** To ask the Scottish Government what support it offers to local authorities to help reduce the number of people on social housing waiting lists. (S6O-02702)

**The Minister for Housing (Paul McLennan):** I will probably touch again on some of the points that I mentioned in response to Jackie Baillie’s question.

The Scottish Government is supporting local authorities and registered social landlords with a range of approaches to local housing stock management, including large-scale flipping of tenancies, effective void management and greater allocations to homeless households. We will target £2 million at local authorities that face the most significant temporary accommodation pressures to support stock management activity and provide the resource needed to deploy capital moneys effectively.

We are also making £3.5 billion available over this parliamentary session for the delivery of the 110,000 affordable homes target, with at least 70 per cent of homes to be for social rent. Indeed, I should point out that, in Sharon Dowe’s South Scotland region, there has been an increase in that respect from the previous parliamentary session of £107 million—or more than 20 per cent.

**Sharon Dowe:** Official statistics show that there are more than 240,000 people on social housing waiting lists, with 100,000 children waiting for a social housing placement. Councils are being overwhelmed with applications from people in need, but the Government has presided over a series of cuts to council and housing budgets. Will the Scottish Government increase the funding to councils so that they can help people to find the homes that they need?

**Paul McLennan:** I will make a number of points on that. When I go round speaking to local authorities and housing associations, I find that the biggest barrier to building more houses just now is inflation. Construction inflation has been around 15 to 20 per cent, which has meant that the £3.5 billion budget that we had set aside has effectively been cut in value by £700 million. That is the biggest bit of feedback that I am getting. If

members speak to housing associations and local authorities, they will be told the same thing.

One of the key things is, as I mentioned in response to Jackie Baillie’s question, the local housing allowance. A study by the Institute for Fiscal Studies showed that only 5 per cent of properties were suitable for people on benefits. Sharon Dowe could be really helpful if she spoke to her United Kingdom colleagues about this, because if the local housing allowance were unfrozen, we would see a massive difference in what we could do with our powers here.

**Kenneth Gibson (Cunninghame North) (SNP):** Will the minister advise what effect the cut in the UK Government’s capital funding allocation this year is having on the Scottish Government’s ability to support local authorities to invest in social housing? What impact does he expect the anticipated 16 per cent real-terms UK Government cut to capital over the next five years to have on social housing provision?

**Paul McLennan:** The impact of the UK Government’s economic mismanagement is causing soaring inflation—as I touched on in my previous answer—and on-going austerity, and it is putting pressure on the Scottish Government’s budget. Because the UK Government did not inflation proof its capital budget, there will be a 7 per cent real-terms fall in our Barnett capital funding between 2023-24 and 2027-28, which will significantly impact on our ability to deliver on our capital infrastructure commitments.

Our £752 million budget this year has been supplemented by a £15 million contribution from the heat in buildings fund and donations from our charitable bond programme, which will enable us to invest in more socially rented homes.

### **Poverty (Impacts of Crime) (Discussions)**

**8. Russell Findlay (West Scotland) (Con):** To ask the Scottish Government what discussions the social justice secretary has had with ministerial colleagues regarding the impact of crime on poverty. (S6O-02703)

**The Cabinet Secretary for Social Justice (Shirley-Anne Somerville):** The Scottish Government recognises the strong relationship between deprivation and crime. Our document “The Vision for Justice in Scotland” and our tackling child poverty delivery plan recognise the need to work together to mitigate the impact of poverty and to reduce the number of people who have contact with the justice system.

Tackling poverty lies at the heart of what we do as a Government, and it is discussed regularly by ministerial colleagues. We are allocating almost £3 billion in 2023-24 to support policies that tackle

poverty and to protect people as far as possible during the on-going cost crisis.

**Russell Findlay:** The single biggest cause of homelessness for women is domestic abuse, but many are trapped by poverty, with Rape Crisis Scotland saying:

“Safety should not have a price tag, but for too many women the cost of leaving an abusive relationship is simply unaffordable.”

There is a pilot project to financially support those seeking to escape a violent relationship, but it is three years late and limited to just five local authorities. What are women in the rest of Scotland supposed to do?

**Shirley-Anne Somerville:** The leavers fund, which the member mentioned, is one example of the support that the Government, local authorities and the third sector can give women fleeing domestic violence. It is important that we continue to see that in the round. That is why I point the member to the other policies in our equally safe strategy that ensure that we support women at their most vulnerable time, which is what the Government intends to do.

**The Deputy Presiding Officer:** That concludes portfolio questions on social justice. There will be a short pause before we move on to the next item of business to allow front-bench teams to change position, should they wish.

## Fair Work in a Wellbeing Economy

**The Deputy Presiding Officer (Liam McArthur):** The next item of business is a debate on motion S6M-11161, in the name of Neil Gray, on fair work in a wellbeing economy.

14:58

**The Cabinet Secretary for Wellbeing Economy, Fair Work and Energy (Neil Gray):** Our vision is for a wellbeing economy that supports fair and green economic growth and that benefits people and communities across Scotland, providing opportunities for all. The Government has been clear that economic activity should serve a purpose—to provide good jobs, promote fair work, reduce poverty, increase living standards, boost tax revenues and sustain high-quality public services.

We want to build an economy in which our businesses and industries thrive and in which economic success works for all. A successful wellbeing economy is underpinned by our ambition to be a leading fair work nation in 2025, which is an ambition that we share with the Fair Work Convention. We want to be a country where fair work drives success, wellbeing and prosperity for individuals, businesses, organisations and society as a whole. I welcome the Fair Work Convention’s recent fair work nation 2025 research report, which is a significant and welcome step in measuring progress against our shared ambition.

We are making progress. Figures that were released last week show that median weekly earnings for full-time employees in Scotland grew by 9.7 per cent between April 2022 and April 2023. In comparison, the figure for the United Kingdom as a whole was 6.2 per cent.

**Daniel Johnson (Edinburgh Southern) (Lab):** Will the minister take an intervention?

**Neil Gray:** I will do shortly.

In 2023, the gender pay gap for all employees in Scotland was 8.7 per cent, which is lower than the comparable figure for the UK—14.3 per cent. The gender pay gap for full-time employees in Scotland was 1.7 per cent, which is also lower than the comparable figure for the UK—7.7 per cent. That continues the long-term downward trend. In April 2022, 91 per cent of employees in Scotland were paid the real living wage or more. Scotland leads the rest of the UK in paying employees the real living wage.

**Daniel Johnson:** The Fair Work Convention’s report also highlighted a number of areas in which the Scottish Government could go further. Which

of those is the most important in relation to the Scottish Government's next steps?

**Neil Gray:** As I said, I welcome the Fair Work Convention's report. It provides a very helpful measure of where we are and the progress that we are making, but it is also challenging in saying where we need to go further.

We continue to work with the Fair Work Convention—I meet it regularly—and I support the measures that it has suggested in relation to the areas that need more work. We are already considering those areas in relation to our fair work action plans to ensure that we respond not just to the needs that the Fair Work Convention identified but to the matters that trade union organisations have raised in relation to the devolution of employment law, which the Labour Party's amendment appears to ignore.

A report by the Living Wage Foundation that was published in August indicates that—

**Brian Whittle (South Scotland) (Con):** Will the minister give way?

**Neil Gray:** Bear with me a second.

The report indicates that, in addition to Scotland having the highest levels of pay in the UK, it has the lowest levels of low-paid insecure work in the UK. The report specifically recognises the positive impact that our fair work approach is having on Scotland's labour market.

Fair work is about promoting a more ambitious and positive agenda for Scotland's workplaces and the wider economy. Putting fair work at the heart of Scotland's workplaces makes economic sense. The workplace is where we apply people's skills and talents to create value, drive innovation, raise productivity, fund our public services and, ultimately, improve living standards for all.

**Brian Whittle:** What will the Scottish Government do to tackle the high levels of economically inactive people in Scotland, especially those with ill health?

**Neil Gray:** Levels of economic inactivity are too high in Scotland, as they are across the whole of the UK, so we need to look at what can be done to address that. This week, I met Michael Matheson, the Cabinet Secretary for NHS Recovery, Health and Social Care, to discuss what more can be done to ensure that we use the health service and all the levers that we have at our disposal to support people with long-term health conditions or disabilities to go to work, if they can, and to continue to support the work of voluntary employability services. We are investing £108 million in those services to support just that.

A fair work approach has been proved to boost recruitment, retention and performance and to

generate benefits for individuals, organisations and wider society. That evidence is mounting. Fair work balances the rights and responsibilities of workers and employers. The Scottish Government's deliberate and sustained approach to promoting fair work across Scotland's labour market is making a difference in increasing pay, supporting diverse workplaces, supporting our devolved employability offer, applying fair work principles and conditionality to public sector spend and exploring fair work agreements.

Let me share some of the successes to date. The Government recently welcomed the new real living wage rate of £12 an hour, and we have resolutely supported the real living wage movement in Scotland since becoming, in 2015, the first Government in the UK to be accredited as a living wage employer. Some 64,000 workers in Scotland have had a pay rise as a result of the Government's accreditation as a living wage employer, and the movement is making a real difference for people in areas with the lowest pay.

Earlier this week, the Scottish Government announced its living hours accreditation, making it the first national Administration in the UK to be accredited as a living hours employer. That accreditation recognises the importance of workers having sufficient and reliable working hours to achieve financial security. This week, I have been able to hear about the success that that has brought to employers in both the private and third sectors during my 21 ministerial engagements for living wage week.

I understand that, in a UK cost crisis, making the choice to invest in a business's greatest asset—its people—is harder, but, in such a difficult trading environment, that is even more of an imperative. Indeed, I am looking forward to celebrating the achievements of accredited employers across Scotland later this evening at the annual Living Wage Scotland award ceremony in Dundee.

**Murdo Fraser (Mid Scotland and Fife) (Con):** Will Neil Gray give way?

**Neil Gray:** I will, for the final time.

**Murdo Fraser:** We are six minutes into the cabinet secretary's speech and he has not yet mentioned the wording of his motion, in which there is a specific call for the devolution of employment law. We hear a lot about the new deal for business and the cabinet secretary's engagement with businesses. What percentage of the businesses that he engages with have supported the call for the devolution of employment law?

**The Deputy Presiding Officer:** Cabinet secretary, I will give you the time back for the intervention.

**Neil Gray:** Thank you—I appreciate that.

I note that Murdo Fraser’s amendment to the motion contains little more than a passing mention of fair work, which shows the Conservative Party’s hesitation in engaging on the fair work agenda in this context.

I am more than happy to address the point that Murdo Fraser raised. There is a new deal for business sub-group for discussions on ensuring the wellbeing of the economy, which is one of the elements. Businesses are, of course, signed up to, and understand the need for, fair work conditionality and fair work in workplaces. There is a pretty well-recognised acceptance across Scotland, including among members of the business community, of the advantages that could come from the devolution of employment law, including the advantages for businesses themselves.

Scotland’s employability service is underpinned by our “No one left behind” approach. It delivers person-centred and responsive services that meet the needs of individuals, employers and local labour markets. We are investing up to £108 million this year in the delivery of all-age employability support. On my recent visit to All in Dundee, I heard about the positive impact that our distinctly Scottish approach to employability is having in supporting disabled people into employment.

Our distinctive approach to key relationships in Scotland is working for us. The new deal for business is heralding effective partnership working with business on the economy. The Verity house agreement is resetting how we work with local government to deliver key public services, and it recognises the contribution of workforces at local level.

The Government understands the importance of a fair work approach to unlocking the full potential of our workforce and achieving a thriving, fair, green and growing economy. Our actions show our determination to be a successful and leading fair work nation, in spite of inaction from the United Kingdom Government. However, inequalities remain and insecure work persists. Although Scotland has one of the lowest levels of insecure work in the UK, it remains a concerning feature in our economy.

The evidence is clear that comparator nations—the Nordics, Austria and Belgium, for instance—outperform the UK across a range of economic and social indicators. Those nations achieve better labour market outcomes, alongside higher gross domestic product per capita, higher productivity, higher levels of business investment and higher levels of innovation. The UK’s deregulated labour market has not supported higher productivity,

growth or wages, but it has led to relatively high prevalence of both low and very high wages, resulting in higher income inequality.

The type of labour market that we support has a bearing on the overall functioning of our society. With full control over employment law, the Scottish Government could choose to balance the rights and responsibilities of workers and employers, creating a labour market in which fair work is the norm.

The changing nature of work, with the growth over the past 20 years in atypical work—for example, self-employed, part-time, agency, temporary, zero-hours contract, multijob, gig economy and platform work—means that there is a gap in worker protections. That was highlighted in the UK Government’s 2017 Taylor review of modern working practices. I understand that it is challenging to achieve the reforms that are required in such areas, but workers who have non-standard working patterns often have no entitlement to statutory sick pay, paternity leave, maternity leave or other paid leave. They are also likely to have reduced opportunities to train and progress in work.

Therefore, raising minimum standards for all our workers—not just those in standard full-time jobs—requires deliberate corrective action, but recent Westminster Government labour market policies seem to be moving us in the opposite direction. They include inadequate enforcement of minimum employment standards, including the national minimum wage; the introduction of the Trade Union Act 2016, which makes it more difficult for trade unions to take industrial action and to organise in the workplace; plans to introduce fees for employment tribunals; and the Strikes (Minimum Service Levels) Act 2023.

Members of the Scottish Government have repeatedly voiced our opposition to the UK Government’s Retained EU Law (Revocation and Reform) Act 2023 and anti-trade union legislation. The recent strikes act is unnecessary, unwanted and ineffective. It undermines legitimate trade union activity and does not respect the Scottish Government’s fair work principles or the devolution settlement.

The Scottish Trades Union Congress agrees, as does the UK TUC, which backed a motion calling for the devolution of employment law to Scotland. As the STUC reiterates in its briefing for this debate, the devolution of employment law offers an opportunity to redesign the system to better meet the needs of workers and employers. Further measures could draw on the recommendations of recent commissions, such as the Taylor review, which I mentioned, and the Institute for Public Policy Research’s commission on economic justice.

In “Building a New Scotland: A stronger economy with independence”, we proposed several measures that could be implemented through the devolution of employment law or through independence: a fair mandatory national minimum wage that reflects the cost of living; improved access to flexible working; the repeal of the UK Trade Union Act 2016; and gender pay gap reporting for companies with fewer than 250 employees. We also continue to call for the devolution of the access to work programme, to ensure that that programme, which supports people with a health condition or disability, is delivered in a way that respects the needs of Scotland’s labour market.

We do not support the UK Government’s economic model, which actively promotes a deterioration of workers’ rights and deprioritises the global imperative of a green and just transition to net zero. Scotland has its own distinct needs and values, so, instead, we are pursuing a green transition, which will be supported by our energy sector just transition plans and our forthcoming green industrial strategy. We are pursuing fair work, good jobs and rising productivity across our workplaces and regions, and we are pursuing a wellbeing economy and social justice as key outcomes from economic growth.

However, we could move faster. Securing the full range of powers in relation to employment law will enable the Scottish Parliament to implement policies that are in favour of our ambition for a fair, green and growing economy, and we call on members of this Parliament to support the devolution of employment powers as a clear next step in that agenda.

I move,

That the Parliament agrees that the position of the UK Government on trade union legislation, industrial relations and employment law works against the ambitions to make Scotland a fair work nation; recognises that the current approach of the UK Government contributes to lower productivity and higher inequality than is the case in countries comparable to Scotland, and calls, therefore, for the devolution of employment powers to the Scottish Parliament, as supported by the Scottish Trades Union Congress.

**The Deputy Presiding Officer:** We have a little bit of time in hand, so members can have the time back for any interventions that they take.

15:11

**Murdo Fraser (Mid Scotland and Fife) (Con):** It has been a rather bizarre debate so far. *[Interruption.]* We have had one long speech from the cabinet secretary and various interventions. Despite the fact that the debate is entitled “Fair Work in a Wellbeing Economy”, the cabinet secretary’s motion makes no mention at all of the

wellbeing economy. The motion is entirely focused on the constitutional question of the devolution of employment powers to the Scottish Parliament.

The cabinet secretary seemed remarkably coy about that subject. He was nine minutes into a 12-minute speech before he even mentioned—in response to my intervention—the question of the devolution of employment law. Maybe he is a bit embarrassed about bringing the issue to the chamber.

The question that many people outside the chamber will be asking themselves, having heard everything that the cabinet secretary had to say, is, “What happened to the new deal for business that we’ve heard so much about?” There was nothing in the cabinet secretary’s speech that gave any comfort to people in the business community who are looking for a new approach from the Scottish Government.

The rhetoric that we have heard from the Government over the past few weeks has been encouraging. The cabinet secretary and his colleagues have said that the Government wants to reset its relationship with the business community, and we have heard that the Government now believes in economic growth. Such a belief was absent for many years; its return is a very welcome development. When the First Minister delivered his programme for government a few months back, he said:

“When businesses succeed, Scotland succeeds. It is on the back of the success of businesses, large and small, that we will deliver a wellbeing economy where good, well-paying, sustainable jobs are created and innovation flourishes”.

That is a tremendous sentiment. What a pity it is that we did not hear much of that in the cabinet secretary’s speech.

I hoped that, in a debate on the wellbeing economy, we would hear more from the Government about how it would take forward its new deal for business and about how it was listening to what business was telling it. I am sure that business is telling the Government what it is telling us. Businesses have said that taxation, excessive regulation and the need to properly consult before bringing in new laws are the issues that need to be addressed. What did we get instead from the cabinet secretary? We got the same tired old message on the constitution.

**Ivan McKee (Glasgow Provan) (SNP):** Will the member give way?

**Murdo Fraser:** Yes, I will give way to Mr McKee—a member of the Government in exile.

**Ivan McKee:** Does Murdo Fraser not recognise that international data clearly shows that countries and economies that prioritise fair work and that



have high standards of protection and high wages for employees are also economies that have high levels of productivity and ones where business thrives?

**Murdo Fraser:** I know that Mr McKee has a record in business, so he should be listening to what business voices are saying about what the Scottish Government should be focusing on right now.

We should be talking about how we can help to grow the economy and about the role of businesses in doing that. Instead, we are talking about yet another Scottish National Party demand for more powers to be passed down from Westminster to this place, completely ignoring the fact that this Government has made a total mess with the powers that it holds already.

**The Minister for Independence (Jamie Hepburn):** Does Mr Fraser expect us to take seriously the notion of a Conservative member of the Scottish Parliament talking about the need for economic growth when his party, with its disastrous Liz Truss and Kwasi Kwarteng mini-budget, crashed the economy?

**Murdo Fraser:** That is nonsense. I do not know whether the minister has looked at what has happened to economies elsewhere in the world. The UK is performing better than many competitor countries in the G7, is performing far better than Germany and is expected to perform better than France and Italy.

Even if, as the minister says, the UK economy is not performing well, let us look at how the Scottish economy is doing in relative terms. Since 2014, under the watch of the minister and his colleagues, the Scottish economy has grown at half the rate of the UK economy. We cannot ignore that simple fact.

I return to what I was trying to say. Let us try to unpick exactly what the motion is about and what the Government is trying to achieve, beyond the weary constitutional points that it is so keen to make—unless it is all about laying a trap for the Labour Party, which I suspect is what the debate is really about.

There is no point in devolving employment law to the Scottish Parliament if the Government intends to leave it as it is, so the Government is going to make the law either more liberal or more restrictive. I think what we have heard shows that there is no intention to make our employment laws more liberal, so let us assume that they are going to be more restrictive than in other parts of the United Kingdom. That flies in the face of everything that we have heard from the business community in recent weeks and months.

There is already major concern in the business community that there is a seeing tax divergence between Scotland and the rest of the UK and that that divergence is having an impact on business. That point is being made in the budget submissions that are currently being published by the likes of the Scottish Retail Consortium and the Confederation of British Industry Scotland, among others. Every time I meet businesses, one of their major asks is for the Scottish Government to tackle that tax differential, which is now an active barrier to encouraging people to move to take up jobs in Scotland. If the cabinet secretary has not heard that message loud and clear from the business community, he has not been listening.

**John Mason (Glasgow Shettleston) (SNP):** Would Murdo Fraser accept that there is quite a lot of variety in the business community and that, although some businesses need more support, others are making huge profits and could, and should, pay more tax?

**The Deputy Presiding Officer:** I can give you the time back, Mr Fraser.

**Murdo Fraser:** Mr Mason needs to engage with major figures in the business community, particularly in sectors such as finance, which has a very fluid and flexible workforce of people who can work in Edinburgh, Glasgow, Newcastle, Leeds or London, to find out what they are saying about the impact of differential tax rates.

**Neil Gray:** Will the member give way?

**Murdo Fraser:** No, I have given away about four or five times and really need to make some progress.

**Neil Gray:** Three times.

**Murdo Fraser:** Rather than learn from that experience, this Government wants to go further and to create a different employment law regime here in Scotland. That will not attract investment to Scotland in comparison with other parts of the UK. I imagine that the people who are in charge of economic development in cities such as Bristol, Manchester or Newcastle are rubbing their hands in glee at the prospect.

**John Swinney (Perthshire North) (SNP):** Will the member accept an intervention?

**Murdo Fraser:** I have already taken a number of interventions, and I need to make some progress.

That would cause real and practical issues for large, cross-border employers. A member of staff in Scotland would have different employment rights to one working elsewhere in the UK. A member of staff who moved from Manchester to Glasgow might benefit from greater employment rights, while the opposite would be the case for

one moving in the other direction. That would be an administrative nightmare.

That tells us the SNP-Green Government's true priorities for the economy. It does not want to deliver faster growth, help businesses to expand, improve our woeful start-up rate or increase the number of secure, well-paid jobs. This debate is about creating a constitutional fight with Westminster, because that is what this Government is obsessed with, to the exclusion of everything else.

There are real issues in the Scottish economy and the Government should be addressing those. That is why we should be looking at the real problems in the Scottish economy and at what we can do to address them.

This week, I read CBI Scotland's budget submission, which made some excellent suggestions on realising Scotland's net zero opportunities, developing infrastructure, improving transport, enhancing skills and fostering a competitive business environment. Other business organisations' submissions are available, but they all have a very similar theme. They want to see the Government creating an environment where businesses can grow, expand their workforce and, therefore, pay better wages. They will do that with the right framework of support, not with further regulations and additional burdens, which is the direction that this Government is going in.

Already, and in contrast to what the cabinet secretary had to say, the UK Government has delivered significant progress in supporting workers. It is the UK Government that introduced the national living wage, which is now £10.42 per hour. In addition, the rise in income tax thresholds means that many lower-paid workers pay next to no income tax on what they earn.

The Scottish Government needs to focus on delivering faster growth here in Scotland. If we could at least match UK economic growth over a 10-year period, that would give us an extra £7 billion in tax revenues that we could spend, which would go a long way towards addressing many of the budgetary challenges that the Scottish Government faces today.

Rather than having a Government that is focused on that objective of delivering economic growth, what we have is one that is obsessed with the constitution, picking fights with Westminster and playing silly political games in the chamber. Businesses that are looking in, hoping for a change in direction from this Government and hoping that the new deal for business will mean something other than empty words, will be sorely disappointed.

I move amendment S6M-11161.2, to leave out from "agrees" to end and insert:

"acknowledges that the Scottish Government's own economic record is characterised by sluggish growth and a lack of competitiveness; notes that progress in fair work and economic prosperity can only be achieved through a collaborative approach with the UK Government, rather than by advocating for further devolution of employment powers, which is not supported by the business community, and urges the Scottish Government to change tack and focus on effective, pro-market policies and measures to improve Scotland's economic situation and job prospects, as outlined in the Scottish Conservative and Unionist Party's paper, Grasping the Thistle."

**The Deputy Presiding Officer:** There is a bit of time in hand, so members will get the time back if they take interventions. That should underscore the fact that people should not be making sedentary interventions. If you want to say something, get on your feet and ask for an intervention. With that, I call Daniel Johnson to speak to and move amendment S6M-11161.3 for around six minutes.

15:22

**Daniel Johnson (Edinburgh Southern) (Lab):** I begin with a declaration. When it comes to fair work, I think that deeds matter much more than posture. I am very clear about my record as a person who ran my own business. My business was the first independent retailer in Edinburgh to become an accredited living wage employer. I stand by that, and I stand by the deeds of past Labour Governments. There is much that we can agree with in the Government's motion, but ultimately it comes down to deeds rather than simply stated intent.

Let us also be very clear that the UK Conservative Party has a wretched record on workers' rights. It has presided over an explosion in insecure work and the longest pay squeeze in history.

**Neil Gray:** Will the member take an intervention?

**Daniel Johnson:** I will in a moment.

Working people are facing the largest fall in living standards in a generation and, despite what Mr Fraser says, there is a ticking time bomb of mortgage payments because of the disastrous consequences of the mini-budget, which he so eagerly seeks to dismiss.

**Neil Gray:** Daniel Johnson sets out that there is much that he can agree with in the Government motion, but he seeks to edit out the critical element, which is the call for the devolution of employment law. He says that we should just be thinking about it. He says, "We might do it", and in the meantime he asks us to trust the Labour Government to deliver. After a summer of flip-flops that has seen the new deal for workers absolutely

orn to shreds, how on earth can we trust Labour to deliver on its promises?

**The Deputy Presiding Officer:** Daniel Johnson, I can give you the time back.

**Daniel Johnson:** The cabinet secretary really must learn patience, because—*[Interruption.]* I was just coming to that very point. It is very straightforward and quite simple. We support the devolution of employment law. We agree with the statement made by the STUC, and we agreed with it when it said that it must be done within the framework of a UK floor. When the motion was passed at the STUC, Roz Foyer said:

“A guaranteed minimum floor of workers’ rights across the UK is a prudent first step”,

so that

“every worker in every workplace”

has

“a guaranteed standard of rights from day one of any future UK Labour Government.”

That is the full position that the STUC has set out and that is the full position that the Labour Party supports. It is just a shame that the SNP is so eager to edit out that full position.

**Jamie Hepburn:** Will the member take an intervention?

**Daniel Johnson:** I will just make a little more progress. I will give way in a moment.

What is critical is perhaps summed up in Mr Fraser’s comments. He invited us to entertain what the full devolution of employment law might mean. Could we have improved work standards or be more liberal? That is exactly the point. We must have an absolute guarantee for all workers across the UK, because, as much as we might like to, we cannot control what future Scottish Administrations might look like, and we cannot afford a race to the bottom. Unqualified devolution of employment law would do just that, which is why the STUC takes the position that we have to take the prudent first step of having a floor, which is what Roz Foyer said.

I am happy to give way to the minister.

**Jamie Hepburn:** If the Labour Party supports the STUC’s position, why does it want to remove any reference to it in the motion? Why, instead of saying that the Labour Party supports the devolution of employment law, does it merely say that the UK Government should “explore” how those rights could be devolved?

**Daniel Johnson:** If there was any ambiguity, I hope that I have cleared it up and made myself clear. Let us just see what happens with the votes this afternoon.

I want to be clear about this Government’s record on the fair work agenda. Despite the Scottish Government committing to making Scotland a leading fair work nation by 2025, the Fair Work Convention last month described its performance as “mixed”. It said:

“Out of the 46 indicators, 20 have improved, 10 have worsened, and 14 have fluctuated or remained broadly stable.”

The international comparisons are even worse. Scotland ranks fifth out of nine competitor small countries. Our disability employment gap is 31 percentage points, which is second from bottom, and 29 per cent of our workers are in non-permanent work and not there by choice. That figure is 4 per cent in Austria and 7 per cent in Iceland. Most shocking of all, 32 per cent of Scottish workers say that they are overqualified for the role that they perform, and that is higher than in every other competitor nation.

The Government will say that that is the fault of the UK Government, but the lesson is clear. Yes, we need enhanced employment standards but they must be enmeshed within a system of enhanced skills and education. That is the lesson from Austria and the Nordic countries, but the Scottish Government seeks to dismiss those points to make the constitutional points that it prefers to make.

Let me be clear about what the Government could do today to affect the situation. First, the recent review of the Government’s education and skills policy conducted by James Withers concluded that it lacked leadership and direction. There is no more important resource than our people and the Government urgently needs to make recommendations on how it can put flexibility and responsiveness at the heart of the skills system.

Secondly, on helping families with children, it is vital that we support parents and care givers in the workplace. The Government can and should do much more to provide flexible, all-age, all-year, wraparound and affordable early years care.

The STUC agrees. It says that there are a number of areas in which the Scottish Government could go further to support fair work but, instead of finding practical ways or actions within the devolution settlement to further improve the lives of working people, it is intent on furthering constitutional grievance.

**Jamie Hepburn:** Will the member give way?

**Daniel Johnson:** I have to close.

That is why we need a UK Labour Government to enact Labour’s new deal for working people, which will ban zero-hours contracts, give workers predictable contracts, outlaw fire and rehire, give

day 1 rights to every worker, and give workers the right to switch off. That is the difference that we need and why the TUC general secretary, Paul Nowak, said that

“the New Deal would be the biggest upgrade in workers’ rights in a generation.”

That is also why we need a Labour Government.

15:28

**Willie Rennie (North East Fife) (LD):** According to the latest figures from “The CBI/KPMG Scottish Productivity Index 2022-2023”, productivity grew in the UK in 2021 by 1.2 per cent, but it remained unchanged in Scotland. According to the latest Office for National Statistics figures, productivity in Scotland was 2.4 per cent lower in 2021 than it was in 2019, and Scotland was the second-worst performing part of the UK on that measure.

Again, according to that CBI Scottish productivity index, business investment was lower in Scotland in 2021 than it was in the UK—at 8 per cent versus 9 per cent. Even though the UK’s productivity levels are low compared with other countries, Scotland is even further behind.

**John Mason:** Will the member give way?

**Willie Rennie:** In a second.

For GDP, the most recent figures for 2023, quarter two, show GDP growth at 0.2 per cent in the UK but negative 0.3 per cent in Scotland. Growth over the past five years was 1.6 per cent in Scotland but 2.6 per cent across the UK. Over the past 10 years, there has been an even larger gap: 9.8 per cent in Scotland compared with 15.5 per cent across the UK.

**John Mason:** Will the member give way?

**Willie Rennie:** I think that the minister knows that it is not a convincing argument that his Government should get more powers over employment law and the economy when its track record is so poor.

**John Swinney:** Will the member give way?

**Neil Gray:** Will the member give way?

**Willie Rennie:** I will take the intervention from John Swinney.

**John Swinney:** It is typical of the contribution that Mr Rennie makes to the debate that he does not give a broad range of indicators. He omitted the fact that the Scottish economy has outclassed every part of the United Kingdom, apart from London and the south-east, for inward investment for as many years as I can remember. Why does Mr Rennie have to come here with such a depressing tone for the debate?

**The Deputy Presiding Officer:** I can give you the time back, Mr Rennie.

**Willie Rennie:** Mr Swinney is making a naive and optimistic presentation of an equally narrow set of figures. He made no reference to the figures that I mentioned. He chose only his own narrow perspective. We need to have a broad perspective. I will come on to the wellbeing monitor in a while. It is important that we look at it.

**John Swinney:** Will the member give way?

**Neil Gray:** Will the member give way?

**Jamie Hepburn:** Will the member give way?

**Willie Rennie:** No, not just now.

We will look at the wellbeing monitor, which has a broader view of the issues. However, Mr Swinney does himself no favours by focusing on a narrow set of indicators himself.

**Neil Gray:** Will the member give way?

**Willie Rennie:** No, not just now.

The minister knows that. He knows that he cannot dwell on the productivity issues that we have talked about in the debate, because he does not even mention Scottish productivity in his motion. He refers to other Governments in other parts of the world, because the productivity levels in Scotland are so lamentable.

Despite that lamentable performance in Scotland, I am not going to make the case today that there should be a transfer of powers from this Parliament to Westminster. I am not going to do that. I am not going to argue that we should suddenly get ferries built by the UK Government just because this Government cannot build any ferries on the Clyde, or because it seems incapable of delivering the adult disability payment, even at the levels of the personal independence payments at UK level. I am not going to argue that there should be a transfer of powers back to the Westminster Government because the Government is so incompetent on those things. That would be wrong.

What is right is that we get the powers in the right place so that they best serve Scotland and the United Kingdom, for the people who live here. The performance in relation to the NHS, for instance, is shocking. Of course, nobody is going to argue about the transfer of powers back to Westminster on that, or to the Crown Estate, because this Government bungled the ScotWind contract.

**Neil Gray:** Will the member give way?

**Willie Rennie:** I am not going to make any of those arguments today. Equally, I am not going to make the argument that we should have a transfer

of employment and economic powers to this Parliament just because we have a UK Government that is—admittedly—hopeless, temporarily.

**John Swinney:** Will the member give way?

**Willie Rennie:** No, not just now. I have to get through a big part of this speech.

I am not going to argue for that transfer of power because we have had several Prime Ministers who seem incompetent. I am arguing for change across the UK so that we can get the right Government in the right places. That applies equally here as it does in Westminster. I am not going to argue for all those measures. I want employment law and economic powers to be part of the single market of the United Kingdom, because I want businesses that work here to be able to trade freely across the United Kingdom with as few barriers as possible.

I want to make sure that people who live and work here can equally live and work in other parts of the United Kingdom. That single market is the strength of the UK. It is what Lord Menzies Campbell of Pittenweem set out in his home rule report back in 2012 for a modern Scottish Parliament in a federal United Kingdom. It is about making sure that we build into the new constitutional structure a compulsion for the two Governments to work in partnership together, rather than what we have now, where they are in competition with each other.

I talked about the wellbeing monitor. The Scottish Government is, rightly, proud of the wellbeing monitor, but I have previously challenged that by saying that it should stop marking its own homework. For instance, the Government claims that it is making progress on educational attainment, but the poverty-related attainment gap is as wide as it has ever been. At best, it is stagnant in some areas, but it is definitely wider at secondary 3 level. However, the Government claims that it is somehow making progress in that area, and equally on GDP and business investment. The position has fallen back since 2017, so we need an independent assessment of the wellbeing monitor.

It is important that people live in a good healthy environment—not one that is filled with sewage that they can see when they go out for a walk—and with a good NHS and schools that they can be proud to send their children to. All those things are important, but they need to be measured in an authentic way. The current system is clearly not working.

Murdo Fraser made a good point earlier. The minister's contribution was in quite striking contrast to the ones that I have heard from him before. It was supposed to be about a new deal for

business, but I am not sure that businesses will have gained an awful lot of confidence from what he said. Our approach should be about achieving a balance, wellbeing and a strong economy.

**The Deputy Presiding Officer:** You need to conclude, Mr Rennie.

**Willie Rennie:** If we do not have a strong economy, we will not have jobs and opportunities for people. We need to have a stronger economy and a fairer society. The Government is well off track, and it needs to get back on.

**The Deputy Presiding Officer:** We move to the open debate.

15:36

**Ivan McKee (Glasgow Provan) (SNP):** I am delighted to speak in the Government's debate on the fair work agenda and the importance of powers in that area being transferred to the Scottish Parliament.

The fair work agenda is broad and covers worker conditions, protections, recognitions and many other critical aspects. I will focus my remarks primarily on the setting of the minimum wage and the importance of the power over that being transferred to the Scottish Parliament. The area has been confused by the UK Government's taking the minimum wage that was in place and responding to the real living wage by creating what it called the living wage—which is not the real living wage and not the same as the minimum wage, just to confuse the whole picture. We need the Scottish Parliament to be in control of the Scottish minimum wage and to set it at a level that meets the needs and aspirations not only of Scotland's workers but of our economy.

As I go through my speech I will come on to address members' remarks on how we might take that approach forward. First, some mention has been made of data. The cabinet secretary has spoken about several areas in which Scotland's economy has been performing well. If we consider the minimum wage or the real living wage performance in Scotland, the percentage of employees not earning the level of the real living wage has, thankfully, been trending down. That percentage is still too high, in that it is in the mid-teens, but it is significantly lower than it has been. Those employees are typically concentrated in specific sectors where challenges still need to be addressed. However, it is worth recognising that, across vast swathes of the economy, the majority of employees are already earning at, or significantly above, that level. In many sectors we are pushing at an open door as a consequence.

Setting a minimum wage is a key economic lever. It is also absolutely critical to addressing the

Government's priority on the poverty agenda. Welfare and social security payments can only do so much; the heavy lifting needs to be done by the broader economy. Having control over such a lever is therefore absolutely critical.

As I have highlighted in my interventions, and as the Government has also highlighted, having higher employment standards and the setting of a higher minimum wage correlate very closely with levels of productivity across a range of international economies, particularly as we focus on the growth sectors of the future. In Scotland, we want to see a high-wage, high-productivity, high-innovation and high-growth economy. All those factors are closely interrelated, as the data shows; the link between productivity and such wellbeing measures is absolutely borne out by the facts.

It is worth mentioning the impact on businesses. At the moment, many businesses that are trying to do the right thing by seeking real living wage accreditation and paying a fair wage to their employees are faced with a dilemma, as they are competing against other businesses that are not doing that. The creation of a level playing field by legally removing the opportunity of other businesses to undercut them by not paying the real living wage would be hugely welcomed by those businesses. It would also create a situation in which Scotland can continue to attract more employees from the rest of the UK to come and live and work here—the number of people who move to Scotland from the rest of the UK each year currently outstrips the number that move in the opposite direction, which is often forgotten in this conversation.

**Brian Whittle:** I have a question on an issue that has always perplexed me. How do we deal with the issue of international trade, where we are importing goods from countries where people are paid much less than they are in this country, which means that their goods are much cheaper?

**Ivan McKee:** That was raised as an issue back in the day, when the minimum wage was introduced at a UK level, which must be 25 years or more ago. Clearly, those concerns have absolutely not been borne out by the evidence and by the performance of the UK economy. In particular, the situation with regard to Scotland's economy, where we have low unemployment levels and a demand for workers, gives the lie to the claim that paying a fair wage would somehow damage international competitiveness. In fact, the evidence shows that economies that pay their workers more are more productive, have higher standards of living and higher technological innovation.

Having those powers to set the minimum wage in Scotland would mean that we do not need to

use inefficient and indirect levers, as we have to do at the moment, tiptoeing around reserved powers and seeking to find routes through the use of conditionality and other mechanisms to help to drive employers to do the right thing and pay the real living wage as a minimum. We would be able to do that directly by setting those rates, which would help to drive up wage rates across the rest of the UK—there would be not a race to the bottom, as Labour inaccurately claims, but a climb to the top.

I would like to address Labour's position on the issue, as I think that its interpretation of the situation is absolutely incorrect. Clearly, it is seeking to big up the prospect of a Labour Government and give it something that it can announce if and when it ever takes power at UK level. It wants to prevent Scotland from having those powers because it wants to claim that it is all down to its work. The reality is that there is absolutely no reason why a floor cannot be set at UK level while, in parallel with that, the Scottish Parliament has the powers from day 1 to set standards in the Scottish context at a higher level. That gives the lie to Labour's claim that there is perhaps a risk of a race to the bottom. I would be interested to get Labour's perspective on that. We should demand devolution of those powers to the Scottish Parliament now, and, if a future UK Labour Government wants to put a floor in place below which Scottish standards cannot fall, the Scottish Government would be absolutely comfortable with that.

Finally, I ask the Scottish Government to do some more work to define what the process would be to calculate the Scottish minimum wage when we have those powers, and to calculate what its value would be in the present economic circumstances—bearing in mind, of course, that the value would increase over time—and then carry out an analysis of the economic benefits of that and publicise that rate, so that people understand the benefits of the devolution of those powers.

**The Deputy Presiding Officer:** You need to conclude, Mr McKee.

**Ivan McKee:** That would also be a stepping stone towards full independence for Scotland.

15:43

**Liz Smith (Mid Scotland and Fife) (Con):** It is a pleasure to follow Mr McKee. My colleague Murdo Fraser described him as the Government in exile, but I think that the journalists are saying that he is actually the Government in waiting, along with his two colleagues, Michelle Thomson and Kate Forbes. I raise that because I want to compliment the paper that the trio wrote earlier

this year, which I think was written with the intention of breathing some new life into SNP policy making after the bruising battle of the leadership election. It talked sensibly about developing a wellbeing economy, but it also recognised that that would never come about unless there was a strong focus on growth and widening the tax base. That is something that all of those members have returned to in the chamber in recent months.

Their paper also said:

“Steering the economy requires clarity on destination alongside an approach built on that understanding of ... all parts of the complex mechanism”

and how those

“best work together”.

The Finance and Public Administration Committee, Audit Scotland and the Scottish Fiscal Commission agree—so do I, even if those SNP members’ politics on the constitution are profoundly different from mine. Here is why: the pursuit of wellbeing is dependent on the delivery of economic growth in its most traditional form. When people talk about the development of the wellbeing economy, I understand very well the feel-good factor. That should be at the forefront of people’s minds—common sense tells us that delivering better opportunities for everyone results in better social and economic outcomes. We know that the feel-good factor matters, but we also know that it is very subjective and—as the Scottish Government has found out—quite hard to measure.

The 100 or so leaders from civic society and faith groups who, in 2022, signed a letter to the Scottish Government about the importance of wellbeing recognise that very point. They made it clear that they think that the current national economic performance framework does not do nearly enough to put in place the basic building blocks on which Scotland can improve societal and environment outcomes.

That view is shared by the Finance and Public Administration Committee of this Parliament. However, the committee was also critical—as are, we know, several members in the chamber—of there being too much of a central focus on gross domestic product as a measure of economic success. The trouble is not with the aspiration for a wellbeing economy, but with the means to achieve it. Wellbeing depends on our success in creating growth and on improving productivity and widening the tax base—exactly what Kate Forbes said should be the Scottish Government’s urgent priority. That point was echoed, at the time when she said it, by the Scottish Chambers of Commerce and by several other economic bodies.

She was also absolutely correct to say that the status quo just will not cut it. She recognises only too well that, for a long time now, the Scottish Government’s focus has been elsewhere. She also knows that being tied to the Bute house agreement, when the Greens wholly reject the concept of economic growth, is a major problem for the SNP and, more importantly, for Scotland.

Murdo Fraser, in his opening remarks, set out exactly why economic growth is important and provided the evidence that backs up that point. Back in April 2017, and in June 2019, we debated that importance in the chamber, via Conservative motions about how we should deliver economic growth. How we wish that the Scottish Government had been listening on those occasions, because it might have saved it—

**Neil Gray:** Will the member give way?

**Liz Smith:** Yes, of course.

**Neil Gray:** This is a debate about the contribution that fair work makes to a wellbeing economy. I whole-heartedly agree with the points that Ivan McKee made, which I have also made, about the contribution to economic growth that it can make.

The international examples are there. Our comparator countries in Europe are wealthier, fairer and have higher productivity, and they also have better results in terms of lower poverty, higher social mobility, a smaller gender pay gap. They also have higher spend on research and development, and business investment is higher. Critically, however, they have higher average wages and a lower proportion of low-wage workers, and fewer people are at risk of poverty in work.

Why is it that those countries can focus on the fair work elements and still be more economically successful, whereas the UK is lagging so far behind?

**The Deputy Presiding Officer:** I can give you the time back, Ms Smith.

**Liz Smith:** Those things are not mutually exclusive.

The Scottish Fiscal Commission has spelled out in very stark detail why, given the position that we are starting from, it is so important, in order to get to the fair work and wellbeing agenda, that we improve our economy in Scotland. The minister should be asking—just as Mr Rennie did—why it is that, even when the UK has relatively poor growth in relation to some of those other countries, Scotland is doing even less well. That is the point, and we must address it. I will not go into the detail of what the Scottish Fiscal Commission has said, because we have rehearsed it many times—as did John Swinney, to be fair to him, when he attended

the Finance and Public Administration Committee before he demitted office.

The debate is also about preventative spend. What is currently challenging the Finance and Public Administration Committee is how we can make decisions that will improve our financial contributions in the future by ensuring that we do the right things now in order to improve economic and social benefit.

Finally, I will sum up on the importance of concentrating on sorting out that problem for the Scottish economy. We will not be able to deliver what we want to by way of wellbeing and improving our societal and environmental outcomes unless we do that. That is the focus that we should have, not the constitutional warmongering that has always been going on with the SNP. If we do not focus on that, we will not provide for the generations of the future.

15:50

**John Mason (Glasgow Shettleston) (SNP):** I am pleased to take part in today's debate. The title of the debate is "Fair Work in a Wellbeing Economy", and we should remind ourselves of some of the key principles of a wellbeing economy and of where we are trying to get to. After all, the devolution of employment law and powers is not an end in itself; the purpose is to build a better society.

The Wellbeing Economy Alliance and others promote a number of key principles, including social equity, which covers reducing income and wealth inequality, promoting social inclusion and ensuring that the benefits of economic activities are distributed more equitably; inclusivity, which entails encouraging citizen participation in decision making and the design of economic policies to ensure that diverse perspectives and needs are considered; long-term thinking, which represents a shift away from short-term profit maximisation towards long-term planning and resilience; measuring success differently, which means using alternative indicators of progress beyond GDP, such as the genuine progress indicator or the human development index, to gauge the wellbeing and sustainability of an economy; public and private sector co-operation, which encourages collaboration between government, businesses, civil society and communities to achieve shared wellbeing objectives; and ethical business practices, which involves promoting ethical and socially responsible business practices that take into account the impact of business activities on people and the planet.

Taking social equity to start with, how is the UK doing? We have the ninth most unequal incomes of the 38 countries of the Organisation for

Economic Co-operation and Development, and we are above average in terms of wealth inequality. While the top fifth in the UK have 36 per cent of the country's income and 63 per cent of the country's wealth, the bottom fifth have only 8 per cent of the income and 0.5 per cent of the wealth. In 2022, the incomes of the poorest 14 million people fell by 7.5 per cent, while those of the richest fifth gained 7.8 per cent. Clearly, the UK is not in a good place when it comes to employment, in a whole range of ways. Income inequality is possibly the biggest issue for me, but restrictions on the right to strike, longer working hours, job insecurity, flexible working and lower sick pay are key issues, too.

I understand that Labour might like to improve employment law right across UK, and that is obviously a good aim. However, I was intrigued by the wording of the Labour amendment. If it were to be agreed to, the motion would say that we should

"improve workers' rights ... across the UK ... before"

exploring

"how these rights can be entrenched through the devolution of employment powers".

That kind of implies that, at UK level, those improved workers' rights will not be entrenched. Perhaps I misunderstand, but I just wonder how solid those UK rights would be under Labour.

That still leaves the question why, if Scotland wants to go further and achieve something better than Labour's "UK-wide floor", that is such a bad idea. If Labour in England wants to settle for something less down south, why should ordinary working people here be held back?

The motion calls for the devolution of employment powers, and I certainly fully support that. To start with, we should be able to make the real living wage a statutory requirement, as I think that Ivan McKee was suggesting, rather than the lower level of the UK's national living wage.

I think that it was Labour's Ian Murray who said that the

"Scottish Government needs to use the powers that it's got."

On minimum wages, that means that we can only encourage and cajole employers to pay a proper living wage. We do not have the powers to actually make that happen across the board. What does it mean, then, to say that we should use the powers that we have got?

If we control employment law in the future, we still need to be aware of what is happening across the border. Both employers and workers will have freedom of movement and, as we have found with the partial devolution of income tax, we have to be wary of not being too divergent from England.



However, we can and should create an overall environment here in which employment conditions, education, health services and the whole package that is on offer are more attractive than that elsewhere. That should also include employment taxation, which means full control of income tax and devolution of national insurance. It is hard to talk about having fair work in a wellbeing economy without considering the interaction between income tax and national insurance. National insurance is such a regressive system; it starts at 12 per cent for those who earn more than £12,576 but falls to 2 per cent for those who earn more than £49,368.

The gender pay gap is another area where we could do more if we had the powers to do so. I fully accept that even a comparable, independent country such as Sweden still has a significant gender pay gap. No one is saying that transferring powers means that problems will be solved overnight, but perhaps the question is more about the direction that we are going in and how fast we hope to get there. There seems to be more desire in Scotland—possibly across all parties—to tackle the gender pay gap.

On the subject of a wellbeing economy, it is worth mentioning the cross-party group on international development's meeting on Tuesday. Part of the focus was on a report by Oxfam and ActionAid, and a range of interesting and relevant points were made, including the point that a wellbeing economy must not be about Scotland and the UK exporting their problems to the developing world. There was criticism of GDP as a measure of growth or success when 65 per cent of women's work is excluded from it. There were also calls for a more feminist wellbeing economy. In particular, care is not included in the national outcomes, and there are pretty strong arguments that it should be.

I urge members to support this simple and straightforward Government motion. We know where the Tories want to go, and we reject that.

**The Deputy Presiding Officer:** You need to conclude, Mr Mason.

**John Mason:** We do not know where Labour is going, what Labour believes in or whether it has any principles, so I suggest that we reject its amendment.

**The Deputy Presiding Officer:** We are getting close to exhausting the time that we had available earlier in the debate. I will try to give latitude for interventions, but I would be grateful if members stuck to their speaking time allocation.

15:57

**Pam Duncan-Glancy (Glasgow) (Lab):** I will do my best to stick to the time, Deputy Presiding Officer.

The Labour Party is and always has been the party that is on the side of work, workers and opportunity for all. The principles of fair work are ones that we not only embrace, will always stand up for and have legislated for, but are in our DNA.

That is why I am pleased to speak for Scottish Labour today. I will draw attention to an on-going situation in my region—Glasgow—where the principles of fair work are on the line, where workers face job losses, uncertainty and their voices drowned out, and where they are left feeling disrespected and disempowered.

Next Tuesday will see the beginning of a further 20 days of strike action at City of Glasgow College, following 11 weeks of industrial action by the Educational Institute of Scotland Further Education Lecturers Association. The dispute has been rumbling on since February, when the college first announced that it would increase lecturers' workloads, reduce face-to-face contact time for students, reduce the number of learning support lecturers and impose two rounds of redundancy, one of which is compulsory.

Those decisions have left many baffled. I remind colleagues that, since reclassification in 2011, colleges have been considered to be public sector bodies. The Government talks proudly of its commitment to no compulsory redundancies in the public sector, so the college's decision seems entirely at odds. Even if we accept the college's claim that it had no other option—I am far from convinced of that—the handling of the situation has still been deeply concerning.

There are two unfolding crises—one of governance and one of unfair work. I make it clear that I understand the considerable financial constraints that colleges across the country face. They have faced years of real-terms cuts from the Government. Colleges watched as the Parliament agreed to a budget that gave them additional resource, and they were helpless when the Scottish Government whipped away that resource mere months later.

Colleges have struggled to make ends meet within the limited flexibility that they have to generate income. I also make it clear that colleges need their staff and that their jobs matter. In these unprecedented times, protecting jobs is vital, and decisions that put any jobs at risk must be taken only as a last resort and must be well informed and based on the best available evidence. I am deeply concerned that neither of those aspects applies here and that the college's action has

been taken before all other avenues were exhausted.

I know that EIS-FELA has worked tirelessly to try to avert the crisis for its members, and I commend it for that. It presented an alternative business case, but that was rejected by the principal with very little scrutiny from the college board. It has also said that it feels that trade union members have been targeted, threatened and ridiculed and that attempts to rebuild industrial relations have been undermined. One example was when the union tried to meet the board separately from the principal—a reasonable request, given what is going on—and that was blocked.

Another example of the disrespect for workers and industrial relations is seen in the language that was used in the staff update of 3 November, entitled, “Cuts done, moving on”. That is people’s jobs and their livelihoods—they cannot simply move on. To talk so flippantly about job losses and course cuts, especially when some staff who have been selected for redundancy are still at work there, either because they have not yet served their notice or because they have lodged appeals, flies in the face of the principles of fair work that we are talking about in this debate. It leaves people feeling that there is no going back and that they have no opportunity to save their jobs.

The Scottish Government’s vision for employment in Scotland says that it must embody a culture of fair work and reward workers with the security that they need to develop and plan for their and their families’ futures. The failure of the college to meaningfully engage and consider all other options openly and the way that it has disrespected its employees have led to fair work practice being thrown out the window, which is indicative of poor governance.

Earlier in the year, the Minister for Higher and Further Education confirmed to me that the Scottish Funding Council could intervene in the decision to pursue compulsory redundancies. I have since written to it and the Scottish Government asking for that to happen—but it is yet to happen. The principal also refused a request to instigate that action himself. So far, the Government has behaved largely like a bystander, not the people with whom the buck stops. Someone has to step in.

**Bob Doris (Glasgow Maryhill and Springburn) (SNP):** This debate is about fair work. We need to make sure that, in corporate governance terms, public bodies in Scotland, including the City of Glasgow College, have proper, transparent mechanisms in place to secure the fair work agenda. I am not quite sure that those mechanisms are robust and in place, and I am a bit concerned about the relationship

between the Scottish Funding Council, the regional board and the City of Glasgow College. Does the member share that concern?

**The Deputy Presiding Officer:** I will give you the time back, Ms Duncan-Glancy.

**Pam Duncan-Glancy:** I absolutely do share that concern. The member will be aware that we are looking to work together to write to all those parties to ask them to intervene, because someone really has to. As an elected representative of many of those workers and students, I am doing all that I can to bring transparency and openness to the situation and to protect the principles of fair work and good governance. I acknowledge that colleagues on other benches, such as the colleague who has just spoken, have been doing the same.

However, we are exhausting all options. Workers could be out of their jobs in a matter of days. I ask the cabinet secretary to reflect on what is happening in Scotland’s biggest college, to consider whether he is satisfied that it is upholding the standards that he has said that he believes in and that the Parliament expects, and to step in. I ask that his Government investigates whether there has been mismanagement at the college. If it concludes that duties have not been discharged properly, it should give strong consideration to exercising its powers to intervene under section 24 of the Further and Higher Education (Scotland) Act 1992.

If nothing is done, there is a real risk of setting a poor precedent that has the potential to ripple through the sector, which could also result in a failure to meet fair work principles elsewhere. The fact that the Government has secured a debate on fair work in the chamber highlights that it recognises how important those principles are, which I welcome.

However, staff at the college need deeds, not words. Jobs and livelihoods are on the line. Those people need their Government to step in, and I hope that the cabinet secretary can see how serious the matter is. In his closing remarks, I invite him to take the opportunity to set out what he and his Government will do, because staff and students at Scotland’s largest college are watching—and they are running out of time.

16:04

**Clare Haughey (Rutherglen) (SNP):** Fair work is a Scottish Government commitment to ensuring that everyone benefits from opportunity, security, fulfilment and respect in the workplace. Fair work and fair pay make sense for workers and employers across all sectors, helping to improve staff retention and productivity, reduce recruitment costs and contribute to a skilled and motivated

workforce. Embedding those principles into Scottish policy making is also central to economic growth and it means that we can better tackle social inequalities, poverty and the cost of living.

Although employment powers are reserved to the UK Government, the Scottish Government is using and promoting fair work principles to make workplaces fairer and more inclusive. One such way is through promoting the employer accreditation schemes, including payment of the real living wage. In Scotland, 91 per cent of all jobs pay at least the real living wage—that figure is higher than that of any other UK nation—and more than 3,400 employers in Scotland have real living wage accreditation. I am proud to be one of those employers.

I will mention a number of businesses in my Rutherglen constituency that are real living wage accredited and which I have had the pleasure of visiting. They include but are not limited to ACE Place nursery and out-of-school care, Bardykes farm nursery school, Evolution Fasteners and Thistle Credit Union. Despite the challenges in the UK economy with rampant inflation, those employers know the value of investing in their workforce. That helps to improve staff morale, reduce absenteeism and support their efforts to retain and attract staff.

Considerable challenges have impacted on Scotland's fair work ambitions in recent years. In my first parliamentary speech in 2016, I criticised the Tory Government's ill-thought-out and unnecessary Trade Union Act 2016, which attacks workers' fundamental rights to organise, bargain collectively and withdraw their labour. Seven years on, the Tories continue to attack trade unions through their minimum service levels legislation. I welcome the comments earlier this week from the Cabinet Secretary for Wellbeing Economy, Fair Work and Energy, who said that the Scottish Government will continue to do all that it can to oppose that legislation and that it will not co-operate with establishing any minimum service orders here.

It is not only Westminster's anti-worker policies that impact on Scotland's fair work agenda. The UK's hard Brexit—which, let us not forget, Labour has fully signed up to—has long threatened a race to the bottom on workers' rights, and it has driven low growth, stagnant wages and the highest inequality in comparison with neighbouring countries. Additionally, the Westminster cost of living crisis has seen energy bills skyrocket and food prices soar, and mortgage rates have ballooned. Those have all hit workers' take-home pay.

It is abundantly clear that workers in Scotland will get the employment protections that they need only when the levers of change are placed in the

hands of the Scottish people. An independent Scotland could go much further in improving pay and workers' conditions. The Scottish Government has already set out that independence will allow us to deliver higher minimum standards for statutory sick pay and parental leave; stronger access to flexible working; a repeal of the UK's draconian anti-trade union laws; the banning of cruel fire-and-rehire practices; the provision of full employment rights from day 1 of employment; and the enshrining of workers' rights in constitutional law.

I know that not everyone in the chamber shares our ambition for Scotland to be an independent country, but everyone in the chamber should back our calls for Scotland to have full powers over employment law. Of course, it is not only the SNP that is asking for that; some of the biggest trade unions in the country are. I remind members that I am a member of Unison.

Roz Foyer, the general secretary of the STUC, was quoted earlier. She wrote in *The Herald* that the STUC welcomed the TUC's

“now-shared policy between”

their organisations

“on devolving employment law.”

The SNP has long campaigned for the devolution of employment powers to Scotland, but the Labour Party worked hand in glove with the Tories to block that during the Smith commission in 2014. More recently, Labour's deputy leader, Angela Rayner, and the shadow Scottish secretary ruled out devolving employment law. Only last month, Labour MPs, including the new member for Rutherglen and Hamilton West, dodged a vote on an SNP bill to devolve employment law. Labour's newest MP failed to stand up for his Rutherglen constituents at the very first hurdle. Instead, he fell in line behind his London bosses by abstaining and proving that he really is Starmer's man in Scotland. Labour would rather leave Scotland under Westminster control and at the mercy of Tory attacks on workers' rights than give Scotland's national Parliament powers.

I am deeply disappointed that, despite Anas Sarwar's protestations only this week that he would “love” Holyrood to have control over workers' rights in the first session of a Labour Government, there is no mention of that in Labour's amendment. Could it be that the UK Labour bosses down in Westminster have pulled the branch office back into line? With Labour failing to join us—not only us in the SNP but the trade union movement itself—in calling for much-needed devolution in the face of the Tory cost of living crisis and draconian anti-strike legislation, we once again find ourselves asking, what is the point of Scottish Labour?

I am a proud trade unionist; I have been a trade union member all my working life. Before entering Parliament, I was a divisional convener for Unison.

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

**The Presiding Officer (Alison Johnstone):** The member must conclude.

**Clare Haughey:** Protecting workers' rights against unpaid and exploitative contracts, supporting their democratic right to industrial action and championing safe workplaces have long been priorities of mine, which priorities are fundamental components of Scotland's fair work ambition. Although the Scottish Parliament—

**The Presiding Officer:** Thank you, Ms Haughey; you must conclude.

**Clare Haughey:** —does not hold the legislative powers over employment law, I know that this Government—

**The Presiding Officer:** Thank you, Ms Haughey.

16:10

**Maggie Chapman (North East Scotland) (Green):** I, too, am proud, to refer colleagues to my entry in the register of members' interests as a member of Unite the union. I am also pleased to be a member of the Living Wage Foundation accreditation scheme, a no zero employer, a disability confident employer and a Carer Positive employer. I encourage colleagues to find out more about those important schemes if they do not already know about them.

We are accustomed to UK Governments that want to curtail human rights—to limit them and to restrict them. However, it seems that the current occupants of the Westminster merry-go-round will not be content until fundamental rights are dismantled altogether, including the right to protest, the right to escape persecution, children's right to life and workers' right to strike.

The Overton window of acceptable views is, with every week, moving further rightwards, with Sir Keir Starmer rushing after it as fast as his legs will carry him, it seems. However, we have a different perspective in Scotland; a different tradition that we share as trade unionists, whether or not we are unionists of other kinds. Fair work is central to that vision of Scotland as a fair work nation, sustained by a wellbeing economy.

The Fair Work Convention's recent report highlights some key aspects in relation to the essential dimensions of fair work. On opportunity, the report is clear: the Tory obsession with an exclusionary and marginalising Brexit has constrained our labour market. Powers on

employment would help to ease that, if only just a bit, and allow us to make Scotland a more desirable and attractive place to live and work in.

The report has important reflections on respect, security and fulfilment, too. There are clear messages about needing to value more than just the financial metrics of work; about needing a step change to address inequalities across our labour force; and about ensuring that workers are supported to develop their skills, expertise and knowledge while in work, as John Mason and others have already highlighted.

On effective voice, the report is clear: things have not yet got significantly worse but, despite Scotland's best and on-going efforts to push the envelope in relation to worker representation, Tory suppression of collective bargaining pans out in real life. Those essential dimensions of fair work—effective voice, opportunity, security, fulfilment and respect—all require workers to have agency, choice, dignity and the right to act collectively, including by taking industrial action. We cannot do that by aspiration alone. We need the right tools to create, shape and hone the structures that support fair work and wellbeing.

We can do a little with encouragement and guidance, and with conditionality in contracts and investment but, without access to reserved powers and without legislative levers, our ability to act on our principles is much more difficult.

Scottish trade unionists recognise that reality, so why, among political actors, is there suddenly so much resistance? I have been around long enough to have heard it before, as a member of the Smith commission and here, just a few weeks ago, during Keith Brown's members' business debate. That inexplicable "No" in response to the ask for employment law to be devolved is expressed in two different ways. The Tories talk about the convenience of employers and Labour about the need for that so-called floor, somehow failing to see that the floor is already crumbling away beneath our feet. Neither story really makes that much sense. It is quite literally the height of insularity to imagine that people across the world do not routinely live in one jurisdiction and work in another.

Within the UK, we already have substantially different employment law between Northern Ireland and Great Britain. Meanwhile, more and more people are employed by multinational corporations, which cope with not just two employment law jurisdictions but many.

It would no doubt be handy for some employers that do not yet recognise the shared benefits of fair work to keep Scotland tied down by Westminster's anti-worker legislation. That is only because the Westminster laws are aggressive; it is

not because corporate systems that thrive on jurisdictional complexity will somehow collapse if things are slightly different in Dundee and Derby.

The way to avoid a race to the bottom is to turn round and start racing, or at least start climbing, towards the top. To give up resisting at all, while clinging to the biggest bully as he drags you down, really does not help. As you fall, you might squeal, “This wasn’t my idea”, but the bottom is still where you end up.

That is not where the Scottish people want to be. Whether they vote Green or Labour, SNP or Liberal Democrat, they want robust and realised workers’ rights. Even the Scottish Tories—I mean this as a compliment—are refreshingly wet in comparison to their Westminster counterparts on the issue. We want fair work. We want a wellbeing economy. We have a remarkable degree of consensus about the kind of country we want to be, and that is not a hollowed-out homogeneous land of silent streets and silenced unions.

To create something different is to challenge the inevitability of that future; it is to show what is possible and how we can reach it. We will not refuse the tools to create it on the off chance that Sir Keir discovers his conscience after winning an election. We need to have those tools now, and we need to use them now.

16:16

**Mark Griffin (Central Scotland) (Lab):** I apologise to you, Presiding Officer, to the chamber and to the cabinet secretary for missing a chunk of his speech due to my late arrival in the chamber. I was facilitating a meeting of the Minister for Public Health and Women’s Health with mothers of premature babies, who were putting forward powerful contributions to her. I felt that I could not curtail that discussion, and I hope that the chamber understands.

Earlier today, the Social Justice and Social Security Committee started taking evidence on my bill, which would establish an employment injuries advisory council for Scotland. The bill would put workers at the heart of our new industrial injuries benefit, because the council would be an expert panel made up of those who best know their workplaces and the dangers that they face. The bill is key to embedding fair work principles in our social security system.

It is also key that the bill would do something that we should be doing with the powers that Parliament already has—delivering on the shared ambition to, as the Government’s motion says,

“make Scotland a fair work nation”.

That has not yet happened.

The Fair Work Convention, in its support of the bill, agrees that it would ensure that

“the principles of fair work including effective voice are underpinned in the delivery of this benefit”.

Although the Department for Work and Pensions is still delivering the UK benefit and has not kept pace with the world that we now live in, the convention went on to say that the new Scottish benefit,

“at its most basic, recognises the health, safety and well-being of others in the workplace”

and that it

“aligns with the fair work principle of Respect”.

The fact that my bill would give workers their effective voice through that role in the new benefit is why it is backed by the STUC and 16 trade unions, as well as a range of organisations including Close the Gap, Action on Asbestos, Scottish Hazards and Long Covid Scotland.

Key workers with long Covid—care workers wrestling with back and joint problems; firefighters, who are more likely to get cancer from toxic contaminants; and women workers—are outright ignored by the current UK benefit. They all want answers as to how Scotland’s new industrial injuries benefit can help them, but they have no voice in the current process and no seat at the table in what the Government says it is setting up.

This is an area where the Government could be using its powers now to extend our ambitions to be a fair work nation. It is one of the final pieces of the jigsaw required to fully establish Scotland’s new social security system. Earlier in the week, the Cabinet Secretary for Social Justice confirmed that not enough progress has been made on delivering that system. The committee had asked for a timescale but did not get it. Timing and the need for yet more consultation is the key reason why the Government says that it will vote down a bill that would secure an effective voice for Scotland’s workers.

Truth be told, although current stock responses contemplate it, asking whether a council is needed at all, I do not think for a second that the cabinet secretary or the Government would create a workers’ benefit without giving workers a seat at the table. I also do not believe that the Government would consider it possibly being the right solution to leave that task to the UK council, which has no Scottish voices on it and which this Government is not allowed to ask for information.

The Government has left until last the benefit that it considers to be the most complex. Promises of consultations have been and gone, and workers are still no wiser about when they will get their voice heard and their seat at the table.

The Government is short of an opinion on whether there should be a council at all, but Government-established organisations—the Fair Work Convention and the disability and carers benefits expert advisory group—and responses to my consultation and the committee’s call for views all concluded that there absolutely should be one. In addition, the Government’s consultation, which led to the recently introduced Social Security (Amendment) (Scotland) Bill, said that there was a preference for splitting off advice and scrutiny, and, in an independent review, the Scottish Commission on Social Security said that it is very clear that it “would not be appropriate” for it to have an advisory role. There is a risk that the Government will run out of time to include workers and, from the outset, give them an effective voice and their place around the table with regard to the new benefit.

In its legal agreement with the UK Government, the Scottish Government has agreed that it will deliver a business transition plan and a case transfer plan a year ahead of the contract running out and a year ahead of agency agreements coming to an end. Given that ministers now have just short of 17 months in which to set out something that they have failed to set out in the past five years, the Government should urgently set out to workers how their voice will be embedded in the design, advice and scrutiny of the new injury benefit.

The industrial injuries benefit was built on the backs of workers before us who were lost, injured and disabled. This Parliament owes it to them to ensure that workers who are injured or made ill at work can continue to turn to a no-blame social security scheme and have an effective voice in shaping its future.

16:22

**Pam Gosal (West Scotland) (Con):** I am pleased to have the opportunity to contribute to the debate. I will support the amendment in the name of my colleague Murdo Fraser.

The Government’s motion speaks about how the UK Government’s approach to workers

“works against the ambitions to make Scotland a fair work nation”.

In his opening comments, the cabinet secretary tried to paint a picture of a UK Government that could not care less about fair work. It is not the first time that the SNP Government has used valuable debate time to create constitutional grievance, and the truth of the matter is somewhat different. Not only is fair work a priority for the UK Government, but the UK has one of the best records on workers’ rights in the world.

**Kevin Stewart (Aberdeen Central) (SNP):** Will Pam Gosal give way?

**Pam Gosal:** I would like to make some progress.

The UK already has a national living wage that is higher than those of most European Union member states, having increased it in April to £10.42 for people aged over 23. The chancellor has announced that, from April 2024, the national living wage will be increased to “two-thirds of average earnings”. That is in line with recommendations from the Low Pay Commission and is a move that will result in a pay increase of more than £1,000 per year for more than 2 million low-paid workers, including more than 180,000 workers in Scotland. I find it interesting that, despite the Scottish Government’s willingness to talk about fair work, it cannot at least bring itself to welcome that increase.

**Neil Gray:** Will Pam Gosal give way?

**Pam Gosal:** I would like to make some progress.

We should not forget that, in the UK, we have 52 weeks of statutory maternity leave, of which up to 39 weeks can be taken as paid leave. That is nearly three times the EU equivalent.

However, fair work is not a finished project, and the UK Government is continuing to do more in the area. The maximum fine for employers who mistreat workers has been quadrupled, and the recommendations from the Taylor review of modern working practices continue to be implemented.

Far from working against the Scottish Government’s ambitions on fair work, Scotland’s place in the UK provides a fantastic starting point for Scotland as a fair work nation, but, as our amendment sets out, progress on fair work depends on the Scottish Government changing direction on the issue and focusing on effective pro-market policies to improve job prospects across the country. Our amendment highlights that the Scottish Government’s economic record is one of

“sluggish growth and a lack of competitiveness”.

For example, wage growth in Scotland has fallen compared with wage growth in the rest of the UK, and Scottish businesses are struggling, with just 9 per cent of companies in Scotland believing that the SNP understands business. In addition, one in six shops in Scotland lies empty, which is a higher rate than the UK average.

That all shows that there is plenty more that the Scottish Government could be doing on the issue. The SNP’s strategy of repeatedly attacking the UK Government on workers’ rights and the economy

is nothing more than a deflection tactic. Instead of deflection, it is time for action from the SNP Government. As we say in “Grasping the Thistle: Our plan for economic growth”, that action should include measures such as developing a new skills strategy with an emphasis on colleges, apprenticeships and lifelong learning. That would allow the Government to deliver a national workforce plan to ensure that our labour market has the skills that businesses and employers will need in the coming years.

However, that will involve the SNP Government putting some of its recent talk into action and ensuring that long-term growth is a key economic priority for the Government. I would be happy to share our “Grasping the Thistle” report on economic growth, which proposes real actions that would make a difference in Scotland, with the SNP Government.

The UK already has one of the best packages of workers’ rights in the world, and the UK Government is continuing to play its part to ensure that the principle of fair work can sit alongside a competitive, flexible labour market. Meanwhile, the SNP Government is failing to acknowledge its failures in the area. Instead—as today’s debate shows—it is once again trying to fight constitutional battles. The onus is now on the Scottish Government to use the powers at its disposal to improve productivity and employment levels in Scotland and to work constructively with the UK Government to achieve an effective fair work approach for employees and the economy, to allow Scotland to continue to be one of the best places in the world to live and work in.

**The Presiding Officer:** I call Kevin Stewart, who will be the final speaker in the open debate.

16:28

**Kevin Stewart (Aberdeen Central) (SNP):** I refer members to my entry in the register of members’ interests: I am a member of Unison.

I welcome the opportunity to again discuss fair work in a wellbeing economy. I will start off by saying that the picture that Ms Gosal has just painted is not what workers and trade unions in Scotland and the UK see from the Tory UK Government. There has been no improvement in fair work in the UK. In fact, Tory crackdowns on worker protections and the rights of unions have resulted in a dramatic fall in the UK’s global rating on workers’ rights. With draconian legislation such as the Retained EU Law (Revocation and Reform) Act 2023 and the anti-strike bill that the UK Parliament passed earlier this year, it is very clear that protecting workers’ rights is not on the Tories’ agenda and that it is more important than ever that we fight them on the issue.

**Daniel Johnson:** I will sneak in while we can still rescue some consensus, because I am guessing that something might be coming down the line. Will the member equally condemn the minimum service levels that have just been introduced and which, in effect, deprive people of the ability to withdraw their labour?

**Kevin Stewart:** I condemn every aspect of what the Tory Government has put forward, which is why I find it very bizarre that any Conservative member would stand here today and say that the UK is a fair work nation, because it certainly is not—it is moving backwards.

Many things have been discussed today, but I want to raise an important issue that has been overlooked and is not covered in the Labour amendment, which covers a lot of ground—the issue of young workers.

The Labour amendment refers to the TUC. In the TUC’s own words,

“Young workers are most likely to be in insecure work, in low paid jobs and without opportunities to progress at work than any other age group.”

That opinion is backed by Unison, which says:

“Young people may experience age discrimination by being belittled, passed over for jobs or being paid poor wages just because they are young”.

It is not only trade unions that say that. According to Sharon Raj of the London School of Economics,

“Younger employees can be perceived as lazy, less reliable, less conscientious, less organised, selfish and poorly motivated simply because of their age”,

none of which is true.

As a result, young people can be overlooked for training opportunities, increased responsibility and promotion. That results in younger workers receiving lower pay and workplace benefits, relative to similarly experienced older workers, and being at greater risk of being laid off during a downturn.

Where one discrimination starts, others follow soon after. Discrimination against marginalised groups begins as soon as young people join the workforce. Two thirds of young women have experienced sexual harassment at work, and almost six in 10 ethnic minority young workers have experienced racism at work.

With employment law under the control of this Parliament, we could strengthen protections against discrimination to ensure that young workers are treated fairly in the workplace. I hope that Labour members support the concept of equal pay for equal work, although British employment law enshrines the exact opposite and the Labour amendment does not bother mentioning that. The

national minimum wage is tapered for young workers: at the moment, it is £10.42 an hour for over-23s, but it goes down to £10.18 for 21-year-olds, £7.49 for 18-year-olds and only £5.28 for 17-year-olds.

It is often argued that young people deserve poorer wages because they get training on the job, but there is nothing to ensure that that actually happens. The reality is that many young workers are employed to do work that requires little or no additional training or experience and that British employment law is used as an excuse to pay them less, simply because they are young. With the powers in the hands of this Parliament, we could ensure that young workers receive either the full living wage or high-quality and career-improving on-the-job training to make the difference that is required.

Today's young workers are tomorrow's entrepreneurs and industry leaders, and they are the backbone of Scotland's future prosperity. We should be helping to facilitate their future growth and development by improving on-the-job vocational training programmes to provide young workers with valuable skills and experience, increasing their employability and earning potential and making it easier for them to take time off for training and education without fear of being penalised. We could do all that if employment law was devolved to this Parliament.

We have heard great things from Labour, in this debate and in others, about what it intends to do in government, but we have seen a lot of Labour flip-flopping of late and the Labour Party is in a guddle because of that flip-flopping. The reason why Labour has a problem with employment law being devolved to Scotland is becoming clearer by the day.

**The Presiding Officer:** Thank you, Mr Stewart. Could you conclude, please?

**Kevin Stewart:** Simply put, if Scotland were to improve workers' rights and deliver fair work for all, Labour in London would have to follow suit. That would require Keir Starmer to find his socialist soul, and it is getting clearer by the day that he does not—

**The Presiding Officer:** Thank you, Mr Stewart. We move to winding-up speeches.

16:35

**Daniel Johnson:** What a note to pick up on! Let us begin with a bit of reflection. Fair work is a really important topic, but let us not pretend that it is simple to deliver and—[*Interruption.*] Just a moment, cabinet secretary. If you want to intervene, you will have plenty of opportunities to do so.

Let us not pretend that fair work is simple or that control over employment law is the magic bullet that will deliver it. We need to develop a broad range of macroeconomic and microeconomic policies, but, unfortunately, we have not heard much about that. We have not heard much about employability, education and skills, or removing zero-hours contracts as a definition of a positive destination. There are lots of things that we could have focused on, but we have focused on the devolution of employment law. It seems to me, having listened to many speakers, including Kevin Stewart, that the SNP is more interested in attacking the Labour Party than it is in making progress on this important matter.

**Clare Haughey:** Will the member take an intervention?

**Daniel Johnson:** I will in a moment.

Let us be clear about what our amendment does and does not do. The operative words are “leave out”, not “leave out to end”. Our amendment would not remove reference to the devolution of employment law; it would simply insert what we propose to do within 100 working days to bring forward legislation to enhance employment law.

**Liz Smith:** Will the member give way?

**Daniel Johnson:** I will in a moment.

As Maggie Chapman rightly pointed out, we have seen a “crumbling” floor under the Conservatives. The new deal for working people would repair that floor, and it sets out a framework in which the devolution of employment law could occur.

**Liz Smith:** Will the member give way?

**Daniel Johnson:** I believe that someone else wanted to intervene first. Was it Clare Haughey?

**Clare Haughey:** I thank Daniel Johnson for taking the intervention. I hear what he says about the various subjects that have not been discussed in the debate, but does he not think that his arguments might carry a bit more weight if more Labour members were here to discuss fair work and workers' rights? Only three have been in the chamber this afternoon.

**Daniel Johnson:** They are all listening intently online. As every member knows, this is a hybrid chamber.

Critically, Ivan McKee acknowledged that a floor would be useful, and John Mason said that we need to be careful of divergence. That is precisely why we need to be very careful about how we set out the devolution of employment law. John Mason said that that could not be done instantaneously and that we would want to create a framework. That is exactly what we are doing.



Therefore, if SNP members think that the devolution of employment law is important and that we need to take care of it, why would they vote against our amendment, which would improve workers' rights not just in Scotland but across the UK?

**Jamie Hepburn:** Will the member take an intervention?

**Daniel Johnson:** I think that Liz Smith was first, so just give me a moment.

Critically, I ask this. Ivan McKee begged the question why we thought that a Labour Government might be able to take power. I know that we cannot rely on opinion polls, but there is at least the suggestion that it is possible. If it is not going to be the Labour Party that legislates to devolve employment law, who will it be? I do not see the Tories doing it any time soon.

There is a very simple choice. Do people want to vote for a Labour Government that will bring forward legislation within 100 working days to improve workers' rights, or do they want to vote for another Conservative Government? That is the choice that people face at the next election.

I am happy to give way to Liz Smith.

**Liz Smith:** I am grateful to Mr Johnson. He is usually very assiduous in his analysis of what businesses want, so has he done any analysis whatsoever of how many businesses in Scotland want the devolution of employment laws? I cannot find very many.

**Daniel Johnson:** What I will say to Liz Smith reflects another point that is relevant to this debate: we need to understand that we must improve employment and fair work practices in conjunction with business. Bringing forward such proposals absolutely requires that sort of interrogation.

There was a very interesting dialogue between the Scottish National Party and Conservative front benches—between Neil Gray and Murdo Fraser—in which an artificial and binary choice seemed to be presented between fair work or a new deal for business. This is a genuine reflection. As somebody who has been through the steps of introducing the real living wage, I know that it is not straightforward. It took our business three years to deliver and implement it, and it took careful planning. It is not a question of browbeating people or telling them to do it. If the Scottish Government was really serious about the issue, it would look at how it could help businesses to go down that road. I do not think that it is an either/or situation.

**Neil Gray:** Will the member give way?

**Daniel Johnson:** I will come to the cabinet secretary in a moment.

Equally, it is about providing assistance, but I say to the Conservatives that most businesses want to do the right thing. They want to do right by their people and to ensure that they are paid well for the valuable work that they do. The reality is somewhere in the middle. We need to provide assistance towards fair work, and there should be a recognition that businesses want to do it.

I am happy to give way.

**Neil Gray:** I challenge Daniel Johnson's assertion that I suggested, in any way, that we get either economic growth or social progress. The two happen together; they must happen in tandem. We need a good society and a good economy; they are mutually dependent.

I agree with Daniel Johnson about the challenges that businesses face in choosing to invest in their people, particularly in a UK cost crisis. I ask him to applaud the Scottish Government's efforts to invest in the Poverty Alliance and the real living wage campaign, which has resulted in five times the proportion of employers in Scotland paying the real living wage because of the work that we have done. That means that 91 per cent of employees over the age of 18 receive the real living wage. That is success, is it not?

**The Presiding Officer:** In conclusion, Mr Johnson.

**Daniel Johnson:** Of course I applaud that, because I was one of those employers before I entered this Parliament.

There is a very simple choice. The previous Labour Government introduced the minimum wage, enhanced trade union recognition rights and introduced the Equality Act 2010. The next Labour Government will get rid of zero-hours contracts, ban fire and rehire practices and give day 1 employment rights. The choice that faces the Scottish Government is more of the same or a Labour Government that will make a difference to fair work and workers' rights.

16:41

**Brian Whittle (South Scotland) (Con):** I rise to close the debate on behalf of the Scottish Conservatives. When the debate was first mooted, it filled me with so much hope that we would finally see a Scottish Government that is prepared to accept its poor record of supporting Scottish business and begin to repair that relationship. I hoped that we would see a Scottish Government that is finally prepared to accept that economic growth was, in fact, important in delivering capital to support our public services, especially in light of

the fact that, since 2014, Scotland's economic growth has lagged behind that of the rest of the UK. As highlighted by my colleague Murdo Fraser, had Scotland's economy just matched that of the rest of the UK, the Scottish budget would have benefited to the tune of £7 billion. However, my hope was dashed on the rocks of Scottish Government grievance.

**Neil Gray:** Will the member give way?

**Brian Whittle:** Let me make a wee bit of progress.

As Murdo Fraser went on to say, this Scottish Government debate has followed every other Scottish Government debate, and the SNP is not willing to take responsibility for any subject. There is no subject that the SNP is not prepared to twist into a constitutional grievance. In its obsessive drive for divergence from any UK policy, it seems that the SNP does not care about the impact on the ground for our businesses and our workforce, be it higher taxation or different and more restrictive employment law. As Murdo Fraser pointed out, the SNP lent a deaf ear to major industry bodies such as the Scottish Retail Consortium or the Confederation of British Industry when they warned the Scottish Government about the harm that such divergence would place on Scottish business. There is no price that the Scottish Government will not pay, and there is no Scottish business or potential Scottish revenue that it will not sacrifice at the feet of the constitutional altar.

**Neil Gray:** Two of Brian Whittle's assertions need to be challenged. First, in the very first line of my opening paragraph, I said:

"Our vision is for a wellbeing economy that supports fair and green economic growth".

His second assertion is that business somehow does not want to see fair work progress. In Scotland, five times the number of employers, proportionately, are paying the real living wage. They want to see fair work and they are implementing it. Why can the member not accept that?

**Brian Whittle:** I thank the cabinet secretary for that intervention, because it allows me once again to highlight to him how many of those businesses want devolution of the law. There is no recognition from the cabinet secretary that the higher inequality and lower productivity in Scotland's economy that he talks about in the motion rest squarely at the feet of the tired, one-trick pony of an SNP-Green Government that has no understanding of the real world of business.

Sixteen years of the SNP, with its delusions of adequacy, have left Scotland's business community in no doubt that their needs have been

a distant afterthought in the SNP world of constitutional grievance.

I highlight what I thought was an excellent speech from my colleague Liz Smith, who took the opportunity to examine where we should be going when we discuss fair work linked to the wellbeing economy. If we had followed that suit, we could be discussing the drag on the economy that is the result of economic inactivity, especially with the greater proportion of Scotland's inactivity being attributable to a persistent poor health record.

**Bob Doris:** Will the member take an intervention on that point?

**Brian Whittle:** I will finish this point and then give way.

It is a health record that now sees the cost of obesity to Scotland's economy rising to £5 billion. The cost of poor mental health now stands at £4.5 billion, and diabetes and related conditions cost 10 per cent of the NHS budget—not to mention our frightening levels of drug and alcohol abuse. Liz Smith eloquently stated that the pursuit of wellbeing is dependent on the delivery of economic growth—which the SNP's partners in government, the Greens, do not believe in. She went on to say that wellbeing depends on our success in creating growth, improving productivity and widening the tax base. That is hitting a very big nail with a very big hammer.

We need sustained economic growth to pay for the efforts to tackle increasing inequality of opportunity and to create the reality of a wellbeing economy for Scotland. In that vein, I reiterate the point about economic inactivity in Scotland and the concerning proportion of Scotland's inactivity that is attributable to health problems, some of which I have already mentioned. That includes an increase in flows into early retirement, because of that poor health record.

**Bob Doris:** Brian Whittle mentioned economic inactivity. Forty per cent of people on universal credit are part-time workers and still claim universal credit. Is it part of the fair work agenda for the UK Government to sanction people who are in work? That is what the UK Government is doing right now.

As part of the fair work agenda, does the member think that sanctions for those who are in work and on universal credit should end? I certainly do.

**Brian Whittle:** I am sorry, but I do not recognise what Bob Doris is describing. I recently did some work with the DWP, which is doing phenomenal work around universal credit and making sure that the uptake is correct. *[Interruption.]*

**The Presiding Officer:** Let us hear Mr Whittle.

**Brian Whittle:** If a person is in part-time work, it is important that their salary is augmented by universal credit. I do not see where the problem is in that.

**Neil Gray:** Will the member give way?

**Brian Whittle:** I do not have a lot of time left.

I have always said that education was the solution to health and welfare. If the Scottish Government tackled the crisis in our healthcare from a preventative perspective, it would allow the spend on preventable conditions, for which there would be a decreasing need, to be reinvested in other areas of healthcare that so desperately need it.

The starting point for that is investment in our education system, where so many interventions could be made that would directly tackle poor health and inequality outcomes—inequalities that will currently probably follow a person throughout their life.

It is about investing in our education system, increasing access to opportunity, linking education to the huge potential that the green economy can bring to Scotland, and giving pupils access to a much broader education that includes physical activity and sport for all, as well as music, art, drama and outdoor learning. That kind of approach fosters confidence, resilience and aspiration. The inevitable outcome is improved attainment, which, in turn, feeds economic growth.

Those are just a few examples of how spending on one page of a ledger means reducing the need to spend on another. Unfortunately, the SNP and the Greens do not seem capable of joining up policy dots, and cannot think beyond their one and only obsession. Until we have a Government that considers the economy outwith the extremely narrow bandwidth of the constitution, Scotland's economy will continue to suffer. I do wonder how long the SNP-Green Scottish Government can go on dodging responsibility for the mess that it has created. I suspect that it is dawning on many that that time has already passed.

I urge the chamber to support the amendment in the name of Murdo Fraser.

**The Presiding Officer:** I call Jamie Hepburn to wind up. If you can, take us to 5pm, minister.

16:49

**The Minister for Independence (Jamie Hepburn):** I welcome the fact that we have had the debate. If nothing else, it has offered us clarity on who stands where on the question of where responsibility and power for creating a fair work society through employment law should reside.

I will take the amendments in turn, starting with the one in the name of Mr Fraser, which is what, traditionally, we might have called a wrecking amendment. The debate is supposed to focus on how we can create a fair work nation. However, much as was the case in the vein of his and other Conservative members' contributions, in Mr Fraser's amendment there is only a cursory reference to fair work.

Let us look at the wording of the amendment, which refers to the Scottish Conservatives' paper entitled "Grasping the Thistle".

**Craig Hoy (South Scotland) (Con):** You should read it.

**Jamie Hepburn:** Mr Hoy says that I should read that paper. I will come to that. We have been implored to read "Grasping the Thistle". I reassure members that no great Government expense has been spent on securing a glossy copy such as the one that Pam Gosal is waving; we have a printout. I have, in fact, read "Grasping the Thistle". Let us turn to what it says. *[Interruption.]*

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

**Jamie Hepburn:** First, I should say that the foreword contains a very nice picture of Mr Fraser leaning casually against a fence, with the countryside in the background. I can also say that the fence takes a wonderful picture. *[Laughter.]*

Some aspects of the paper are not objectionable in their own right. For example, it discusses achieving parity of esteem between apprenticeships and tertiary education. There is no problem with that. It also covers the need for a repopulation strategy. The Scottish Government has a population task force.

Just to re-emphasise to Mr Hoy that I have, in fact, looked at the paper, I note that it talks about the need to incentivise international migration, which is why we look forward to next week's debate on the "Building a New Scotland" paper on migration and independence in Scotland—a debate that the Conservatives do not want to happen.

The rest of "Grasping the Thistle" seems to be straight out of the Milton Friedman school of thought, which is unsurprising, because it is Mr Fraser's document. That was characterised by his use of the term "restrictive" when discussing how we might use employment law. That was telling, because what he really means by that is that he does not want to see employment law being used in any fashion to support people in the labour market.

Let us look at where the labour market in the United Kingdom is currently. We have not seen its relatively deregulated labour market leading to higher wages, greater levels of worker retention or

higher levels of productivity. Rather, we have a high proportion of low-wage jobs, a high level of income inequality, a broad gender wage gap—although that is improving here in Scotland more than it is in the rest of the UK—and high levels of economic insecurity. John Mason was quite right to make those points.

Similarly, as Kevin Stewart alluded to, and as was reported in June, the International Trade Union Confederation’s annual report on workers’ rights reported that the UK has dropped from a rating of 3—which is applied to countries that it considers to be in regular violation of such rights—to 4, for which rating the confederation says there are systemic violations. Putting that into context, I point out that that means that the UK now ranks alongside Qatar. We have heard many concerns about the manner in which workers there were treated in the run-up to the 2022 world cup championships. The UK is now ranked at the same level as Qatar—that is the great record that Pam Gosal spoke of, and that is the reality of the UK in 2023.

I will turn back to “Grasping the Thistle”, I have mentioned elements of the paper that could be viewed as being reasonable, on the face of them. However, the rest of it was about stuff like sacking public workers, following Liz Truss and Kwasi Kwarteng, and the race to the bottom on the tax-cutting agenda. We see how well that has landed us from where the UK economy is on inflation.

In case there is any doubt, I say that the Government will not support Mr Fraser’s amendment this evening.

**Murdo Fraser:** I am delighted that the minister is taking such a close interest in “Grasping the Thistle”, and I look forward to discussing it with him further. On the question of public sector workers, has he completely forgotten what Kate Forbes said when she was Cabinet Secretary for Finance and Economy? Her evidence to the Finance and Constitution Committee and others said that the headcount in the public sector in Scotland had to be reduced. Does he not accept that that is the case?

**Jamie Hepburn:** Of course, that is in the context of the reality of our having to deal with austerity measures—[*Interruption.*—]—that are reducing the amount of resource that is available for deployment of public funds. The difference is that Mr Fraser wants to see that as a key economic objective and driver, as is set out in “Grasping the Thistle”. [*Interruption.*]

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

**Jamie Hepburn:** For the avoidance of doubt, I assure Mr Fraser that I have given “Grasping the Thistle” some attention, but I do not endorse it.

I turn now to the amendment in the name of Daniel Johnson. Mr Fraser, whom I have never taken for a cynic before, seemed to suggest that the purpose of this debate was to embarrass the Labour Party. I have to say that it does not require the SNP to embarrass the Labour Party. If we look at the amendment that Labour has lodged for us today, we see that it is the source of embarrassment for the party.

At the time of the Smith commission, there was an opportunity for us to secure additional powers for the Scottish Parliament and to devolve employment law, but the Labour Party opposed that. I was delighted when it seemed that Labour changed was changing its position and said that it wanted devolution of employment law to the Scottish Parliament—better the sinner who repenteth. However, now, as we head towards the United Kingdom general election, let us consider what the Labour Party is saying about devolution of employment law.

Clare Haughey already referred to Angela Rayner’s indication that she does not support devolution of employment law. Furthermore, when Ian Murray—the man who would be Secretary of State for Scotland—was asked by the *Daily Record* whether he was persuaded that a Labour Government should devolve more power to Holyrood, he said, “Not personally, no.”

Those are the individuals whom Labour members would have us trust to deliver devolution of employment law to the Scottish Parliament, and they are saying that they will not do it.

**Daniel Johnson:** I note that Mr Hepburn has done anything but look at what our amendment says. It says that we will legislate and then seek to devolve employment law. It is really that simple. What is the problem that the minister has?

**Jamie Hepburn:** In responding to an intervention earlier, Mr Johnson said that he thought that he had set the record straight. I think that he needs to listen to himself and read his amendment, because it does not say that the Labour Party will devolve those powers. It is meagre, tepid and insipid. It says that the UK Government should explore devolution of employment law, not that it will devolve employment law. That is in stark contrast to the position of the Scottish Trades Union Congress, which supports devolution of employment law, and that of the UK-wide Trades Union Congress, which surely believes in improving employees’ rights across the UK and can still support devolution of employment law.

**Daniel Johnson:** Does the minister acknowledge that, when the TUC said that, it said that that would be subject to a UK floor, and does

he note that, in that debate, Unite said that the SNP could not be trusted with workers' rights?

**Jamie Hepburn:** I have no problem with considering there being a UK floor. I support independence for this country, and I think that that is a way in which we can guarantee people's rights in Scotland. I understand that the Labour Party does not support that, but I would have expected, as a minimum, that it would support devolution of employment law. As I said, if that came with some sort of floor, of course we would have to consider it. I am quite relaxed about that prospect, but—again—that is not what Mr Johnson's amendment says; it says that it should be explored. Frankly, that is not good enough.

A question was raised—to be fair, it is a legitimate question—about what we are doing to try to create a fair work nation with the limited powers that we have. I am pleased to say that this Government is doing plenty. If members look at our promotion of the real living wage—not the Tory con-trick living wage but the real living wage that is being celebrated this living wage week—they will see that we are supporting the accreditation scheme for the real living wage, which has seen five times the level of businesses being accredited in Scotland than are accredited in the rest of the UK, with Scotland emerging as the best-performing of all four UK nations in terms of the proportion of the workforce that is paid the real living wage.

Members will also see that we are supporting the living hours accreditation scheme to try to make sure that employers provide a guaranteed minimum of 16 hours a week, and are putting in place the fair work first guidance, which has seen the application of some £4 billion-worth of public sector funding since 2019 to implement fair work in our labour market.

That is what we can do with the powers that we have in our hands, but we are working against a system in which we have a UK Government that is putting in place something that is pulling in the opposite direction, with inadequate enforcement of minimum employment standards, the introduction of the Trade Union Act 2016, plans to introduce fees for employment tribunals and, most recently, the introduction of the Strikes (Minimum Service Levels) Act 2023.

We can do better than that. We can do better with devolution of employment law to this place—not just for this Government to administer but for the whole Parliament to legislate for. Surely that is something that we can get behind. We should vote for the motion in the name of Neil Gray.

**The Presiding Officer:** That concludes the debate on fair work in a wellbeing economy.

## Decision Time

17:00

**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-11161.2, in the name of Murdo Fraser, which seeks to amend motion S6M-11161, in the name of Neil Gray, on fair work in a wellbeing economy, 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.

17:00

*Meeting suspended.*

17:03

*On resuming—*

**The Presiding Officer:** We move to the division on amendment S6M-11161.2, in the name of Murdo Fraser. Members should cast their votes now.

The vote is closed.

### For

Balfour, Jeremy (Lothian) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Findlay, Russell (West Scotland) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Greene, Jamie (West Scotland) (Con)  
 Gulhane, Sandesh (Glasgow) (Con)  
 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)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whittle, Brian (South Scotland) (Con)

### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)

Arthur, Tom (Renfrewshire South) (SNP)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 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) (Alba)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)

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

**The Presiding Officer:** The result of the division on amendment S6M-11161.2, in the name of Murdo Fraser, which seeks to amend motion S6M-11161, in the name of Neil Gray, on fair work in a wellbeing economy, is: For 28, Against 91, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The next question is, that amendment S6M-11161.3, in the name of Daniel Johnson, which seeks to amend motion S6M-11161, in the name of Neil Gray, on fair work in a wellbeing economy, be agreed to. Are we agreed?

**Members:** No.

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

**For**

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mochan, Carol (South Scotland) (Lab)  
 O'Kane, Paul (West Scotland) (Lab)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Smyth, Colin (South Scotland) (Lab)  
 Sweeney, Paul (Glasgow) (Lab)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)

**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)  
 Balfour, Jeremy (Lothian) (Con)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)

Burgess, Ariane (Highlands and Islands) (Green)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowey, Sharon (South Scotland) (Con)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hoy, Craig (South Scotland) (Con)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lochhead, Richard (Moray) (SNP)  
 Lumsden, Douglas (North East Scotland) (Con)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 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) (Alba)  
 Rennie, Willie (North East Fife) (LD)  
 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)  
 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)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)

**The Presiding Officer:** The result of the division on amendment S6M-11161.3, in the name of Daniel Johnson, which seeks to amend motion S6M-11161, in the name of Neil Gray, on fair work in a wellbeing economy, is: For 19, Against 101, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The final question is, that motion S6M-11161, in the name of Neil Gray, on fair work in a wellbeing economy, 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)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)

Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 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) (Alba)  
 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)  
 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)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)

### Against

Balfour, Jeremy (Lothian) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (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)  
 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)

**The Presiding Officer:** The result of the division on motion S6M-11161, in the name of Neil Gray, on fair work in a wellbeing economy, is: For 88, Against 33, Abstentions 0.

### *Motion agreed to,*

That the Parliament agrees that the position of the UK Government on trade union legislation, industrial relations and employment law works against the ambitions to make Scotland a fair work nation; recognises that the current approach of the UK Government contributes to lower productivity and higher inequality than is the case in countries comparable to Scotland, and calls, therefore, for the devolution of employment powers to the Scottish Parliament, as supported by the Scottish Trades Union Congress.

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

*Meeting closed at 17:08.*



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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