



OFFICIAL REPORT
AITHISG OIFIGEIL

Meeting of the Parliament

Tuesday 21 May 2024

Session 6



The Scottish Parliament
Pàrlamaid na h-Alba

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Tuesday 21 May 2024

CONTENTS

	Col.
TIME FOR REFLECTION	1
BUSINESS MOTION	3
<i>Motion moved—[Jamie Hepburn]—and agreed to.</i>	
TOPICAL QUESTION TIME	4
Rents	4
National Parent Forum of Scotland (Funding)	6
Football-related Disorder (Glasgow)	10
INFECTED BLOOD INQUIRY	13
<i>Statement—[The First Minister].</i>	
The First Minister (John Swinney)	13
POST OFFICE (HORIZON SYSTEM) OFFENCES (SCOTLAND) BILL: STAGE 1	27
<i>Motion moved—[Angela Constance].</i>	
The Cabinet Secretary for Justice and Home Affairs (Angela Constance)	27
Russell Findlay (West Scotland) (Con)	32
Pauline McNeill (Glasgow) (Lab)	37
Maggie Chapman (North East Scotland) (Green)	40
Beatrice Wishart (Shetland Islands) (LD)	42
Ruth Maguire (Cunninghame South) (SNP)	44
Murdo Fraser (Mid Scotland and Fife) (Con)	46
Keith Brown (Clackmannanshire and Dunblane) (SNP)	48
Katy Clark (West Scotland) (Lab)	51
Fergus Ewing (Inverness and Nairn) (SNP)	53
Jamie Greene (West Scotland) (Con)	55
Audrey Nicoll (Aberdeen South and North Kincardine) (SNP)	58
Clare Adamson (Motherwell and Wishaw) (SNP)	60
Michael Marra (North East Scotland) (Lab)	62
Alasdair Allan (Na h-Eileanan an Iar) (SNP)	64
Maggie Chapman	66
Pauline McNeill	68
Sharon Dowey (South Scotland) (Con)	69
Angela Constance	72
POST OFFICE (HORIZON SYSTEM) OFFENCES (SCOTLAND) BILL: FINANCIAL RESOLUTION	77
<i>Motion moved—[Angela Constance].</i>	
MOTION WITHOUT NOTICE	78
<i>Motion moved—[Jamie Hepburn]—and agreed to.</i>	
DECISION TIME	79
NATIONAL EPILEPSY WEEK 2024	80
Marie McNair (Clydebank and Milngavie) (SNP)	80
Alasdair Allan (Na h-Eileanan an Iar) (SNP)	83
Pam Gosal (West Scotland) (Con)	84
Carol Mochan (South Scotland) (Lab)	86
Tess White (North East Scotland) (Con)	87
Emma Harper (South Scotland) (SNP)	88
The Minister for Public Health and Women's Health (Jenni Minto)	89

Scottish Parliament

Tuesday 21 May 2024

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

Time for Reflection

The Presiding Officer (Alison Johnstone): Good afternoon. The first item of business is time for reflection. Our time for reflection leader today is Esther Elliott, Church of Scotland community and airport chaplain.

Esther Elliott (Church of Scotland Community Chaplain): Presiding Officer, members of the Scottish Parliament, thank you for the opportunity to address you this afternoon.

One of the things that I love about my role in a faith community is that, rather like all of you, I get to work in the world of words. I get to preach, make speeches and speak words of comfort or persuasion to individuals. I get to take part in rituals that have a performative language all of their own. As you all know, working in the world of words is a seductively powerful role. It is a privilege and a responsibility, and a real craft.

Sometimes, however, there is no crafting in the world that will nicely package up the words. Eighteen years ago, my brother murdered someone on Easter day. Words left me, and their absence was isolating. As a Christian minister, I had to rebuild how I understood and communicated the meaning of “resurrection”. Post-traumatic stress means that I still have times of losing words and language. According to theories about trauma, that is perfectly normal. Anyway, trauma has a language of its own. One psychologist calls it

“the language of the unsayable”.

Having to seriously pay attention to the times when language and words run out or are insufficient has given me a whole set of tools for community building, which is the main task of the job that I now do. I know that broadcasting—either a message or an answer—distances people. I know that empathy or anxiety often results in people filling gaps that are better held by silence. I know that weaving together the ways in which different words and understandings connect people takes a lot of hands, not just mine. I know the joy of practical problems solved through people connecting. I know, too, that time sometimes does not heal; it just provides more space to practise growing in healthy ways. I know the peace of the settling down after the right words have been found and spoken.

Last Sunday, Christians celebrated Pentecost, the day the church was born. It is a story of some of the first followers of Jesus powerfully experiencing finding words that they did not know they had to talk about their lived experience of the life, death and resurrection of Jesus. The people who heard them were bewildered and yet fascinated enough to listen and respond. It is a comforting reminder, for all of us who work with words, that it is often only after the words run out that we find deep, transformative connections with people.

Business Motion

14:04

The Presiding Officer (Alison Johnstone):

The next item of business is consideration of business motion S6M-13317, in the name of Jamie Hepburn, on behalf of the Parliamentary Bureau, on changes to the business programme.

Motion moved,

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

(a) Tuesday 21 May 2024—

after

followed by Topical Questions (if selected)

insert

followed by First Minister's Statement: Infected Blood Inquiry

after

followed by Stage 1 Debate: Post Office (Horizon System) Offences (Scotland) Bill

insert

followed by Financial Resolution: Post Office (Horizon System) Offences (Scotland) Bill

delete

5.00 pm Decision Time

and insert

5.30 pm Decision Time

(b) Wednesday 22 May 2024—

after

2.00 pm Portfolio Questions:
Wellbeing Economy, Net Zero and Energy;
Finance, Deputy First Minister
Responsibilities and Parliamentary
Business

insert

followed by First Minister's Statement: Priorities for Scotland

delete

5.00 pm Decision Time

and insert

5.15 pm Decision Time—[*Jamie Hepburn*]

Motion agreed to.

Topical Question Time

14:04

Rents

1. **Miles Briggs (Lothian) (Con):** To ask the Scottish Government what its response is to reported figures showing that average rents increased at a higher rate in Scotland than any other region or nation in the United Kingdom between September 2022 and March 2024. (S6T-02000)

The Minister for Housing (Paul McLennan):

The statistics for Scotland are based predominantly on newly advertised rents and do not take into account in-tenancy rent increases, which were initially frozen and then largely kept at 3 per cent while emergency legislation was in place. They do not represent the whole private rented sector in Scotland, so they are not suitable for like-for-like comparisons with other parts of the United Kingdom.

The Housing (Scotland) Bill includes a package of reforms to improve affordability and strengthen tenants' rights. We will continue to work with stakeholders across the sector as we develop a system of rent control that works for Scotland.

Miles Briggs: What is more important than the words, which are similar to what the minister put out in his press release at the weekend, is looking at what is happening on the ground. Scottish Conservatives warned ministers that the only outcome of the Scottish National Party and Green Party Government's approach to rent controls would be higher rents and a loss of supply, both of which are now becoming apparent. Does the minister accept that rent controls have been a disaster for tenants, by decimating the housing market, and that they are pushing up rents in Scotland?

Paul McLennan: There are a couple of things to put that into context. As stated by the Office for National Statistics, Scotland's rent data and statistics are mainly for advertised new rents, which is important. The ONS advises users to bear that in mind when interpreting estimates for Scotland and comparing them with other UK countries. It goes on to say:

"the lack of data on existing tenants benefitting from rent controls, and changes to the Rent Adjudication system, will lead to over-estimation in stock prices and indices for Scotland since late 2022."

That is important context to add.

The other important thing is that the latest figures on the number of tenancies on the landlord register show an increase of 2.1 per cent between

August 2022 and April 2024. We will continue to engage on the issue with stakeholders, and with Mr Briggs, through the Housing (Scotland) Bill.

Miles Briggs: Last week, the Government declared a housing emergency. Many in the sector welcomed that and have been expressing concern for some time that the SNP's Housing (Scotland) Bill will only make matters worse. The rent-setting provision in the bill will only prevent investment, which the minister has said he is keen to secure in Scotland. Will the Scottish Government honestly look towards a more flexible rent regulation approach than the one that the bill outlines?

Paul McLennan: As the member knows, I have met stakeholders, including investors, on a number of occasions to discuss that. There is always a balance to be found between protecting people in the most vulnerable areas under rent controls and encouraging investment in the sector. As I said, we continue to meet stakeholders as part of the bill process.

Bill Kidd (Glasgow Anniesland) (SNP): Does the minister agree that the UK Government's backtracking on even the most basic reforms to the private rented sector proves that, without a doubt, Scotland is the best place in the UK to rent in, with stronger tenants' rights and a commitment, through the upcoming bill, to fairer, more affordable housing for all?

Paul McLennan: Yes. With robust tenants' rights and an unwavering commitment to fairer, more affordable housing for all in the forthcoming Housing (Scotland) Bill, Scotland is setting high standards. In these challenging times, it is essential that we concentrate our efforts on supporting the most vulnerable people in society. That is the balance that I talked about earlier.

Our shared objective is to provide safe, affordable and high-quality homes for all. A well-regulated private rented sector benefits everyone who is involved—tenants, landlords and investors alike. That is not a novel concept. Our European neighbours have proven that a strong regulatory framework is compatible with a sizeable private rented sector. We will strive to emulate and surpass those successful models to ensure the best possible outcomes for all stakeholders in the housing sector.

Mark Griffin (Central Scotland) (Lab): I refer members to my entry in the register of members' interests, which shows that I ceased being a private landlord last summer.

The huge rent increases are a symptom of the housing emergency that Parliament and Government acknowledged last week. When does the Government expect to formally respond to that declaration and bring forward actions to lift the

country out of the housing emergency that we are experiencing?

Paul McLennan: I again come back to the context that the Office for National Statistics set out for the figures. As Mr Briggs and Mr Griffin know, I was keen to discuss the bill and the housing emergency. I engaged with stakeholders on that very recently, at the weekend, and we discussed the best way to take that forward. I am happy to discuss that with the member, as I indicated.

Patrick Harvie (Glasgow) (Green): Here we are again. The Office for National Statistics repeatedly warned that the statistics cannot be compared like for like, and those who lobby for landlord profits and against tenant interests repeatedly show that they do not care about the reality. Given that between-tenancy rent increases are too high, does the minister agree that it would be utterly perverse to use that as a justification to remove protection from those between-tenancy increases from the rent control proposals in the Housing (Scotland) Bill?

Paul McLennan: I agree with Mr Harvie on the ONS statistics, and it is really important to set out that context, as has been mentioned here before.

On the wider Housing (Scotland) Bill discussions, we continue to engage with stakeholders on achieving the balance that I mentioned previously.

The Presiding Officer (Alison Johnstone): Daniel Johnson has a brief supplementary question.

Daniel Johnson (Edinburgh Southern) (Lab): I am sure that the minister agrees that the key to solving the housing emergency is boosting investment and supply. Given that the sector is clear that the lack of clarity in the Housing (Scotland) Bill is a concern, is the Government considering a national formula for rent regulation to provide the consistency and clarity that the sector is asking for?

Paul McLennan: As Mr Johnson knows, I have met investors on a number of occasions. I have also met the likes of Living Rent to discuss its concerns.

The Housing (Scotland) Bill provisions have been published, and we are looking to engage with stakeholders on the particular point that Mr Johnson mentioned. We will listen to investors and we will continue to listen to the likes of Living Rent to try to achieve the balance that I mentioned previously.

National Parent Forum of Scotland (Funding)

2. **Pam Duncan-Glancy (Glasgow) (Lab):** To ask the Scottish Government for what reason it

has reportedly withdrawn all funding for the National Parent Forum of Scotland. (S6T-01995)

The Cabinet Secretary for Education and Skills (Jenny Gilruth): The Scottish Government recognises and celebrates the need for strong parental engagement in children's education. As such, we have concluded that there is a need to establish a broader, more representative model to support engagement from parents and carers. I am particularly conscious of the need to hear from a wider range of perspectives and experiences, including traditionally underrepresented groups such as parents and carers from minority ethnic backgrounds and those who have children with additional support needs.

Given its reach across Scotland, we have asked Connect to work with us to establish a national parent panel. Members will play a critical role in informing policy and providing advice and challenge to Government as we drive improvement in our education system.

I take the opportunity to thank the NPFS and all the volunteers who have helped to support its vital work over the years. I look forward to meeting them later this week to discuss ways in which they might be able to support the new approach moving forward.

Pam Duncan-Glancy: The cabinet secretary will, of course, be aware that the chair of the forum, Cheryl Burnett, has said that she was

"shocked that a government headed by John Swinney, who was among the MSPs that worked to found the National Parent Forum of Scotland in the wake of the 2006 Parental Involvement act, would defund our vital work without any direct consultation."

Can the cabinet secretary explain how parents were engaged in the decision-making process to defund the forum? Can she confirm how much money that decision will save?

Jenny Gilruth: I thank Pam Duncan-Glancy for her interest in the issue.

I very much recognise the need for stronger parental engagement. The approach that I have set out through the new national parent panel will give us a better opportunity to hear from a wider range of voices across the system.

On the point about consultation, my officials have been directly engaged with the NPFS throughout the process. I have had sight of the letter that Cheryl Burnett shared with the First Minister, and I will meet her this week. I again put on the record my thanks to her for all the work that she has contributed to a range of different priorities for the Government over the years. Most recently, her contributions on behaviour have been really worth while. I very much hope that all the volunteers who were involved in the NPFS,

including Cheryl Burnett, will contribute to the national parent panel.

It is worth my while saying that there was a level of duplication in the way in which we engaged with parents and carers nationally. This approach will give us a better opportunity to hear from a wider range of options in relation to views in the system.

Pam Duncan-Glancy asked a specific question about funding. I will put on the record the current funding agreement with the NPFS. It was £53,317 in the 2023-24 financial year. That covered running costs, and it included expenses for volunteer representatives. It did not include any staffing costs. As of 21 May, the NPFS had an underspend of £13,247.

I hope that that gives Pam Duncan-Glancy an understanding of the financials that are involved in the decision. My very clear steer is that the funding will now be used to support a new approach to a national parent panel, which I very much hope members of the NPFS will be engaged in.

The Presiding Officer: There is much interest in this matter, so members should keep their questions and responses concise.

Pam Duncan-Glancy: The cabinet secretary talked about engagement from her officials, but National Parent Forum of Scotland representatives have said that the decision was news to them.

The cabinet secretary will be aware that the NPFS is, in statute, a notifiable body. Can she confirm, therefore, how the Government intends to take that power from the forum and give it to a new body? Specifically, can she say whether Parliament will have a say in that change?

Jenny Gilruth: I am not necessarily clear, from the advice that I have had from officials, that Parliament requires to have a say on the changes in relation to funding, but I am happy to write to the member on that specific point.

However, I think that there is an opportunity, post pandemic, for us to look at parental engagement in the system. We know, anecdotally, that parental engagement post pandemic has been challenging for a number of our schools. For example, earlier this year I was in Aberdeen, where I talked to elected members about the challenges that schools have had in engaging with parents post pandemic. It is important that we have a renewed focus on that.

As we know, the Organisation for Economic Co-operation and Development, in the programme for international student assessment results that it published towards the end of last year, talked about strong educational systems reflecting strong parental engagement, and about that being key in disadvantaged communities.

I see this change as an opportunity to strengthen, not weaken, parental engagement, and I very much look forward to working with Cheryl Burnett, and with the NPFS volunteers to which the member alluded, to that end.

Liam Kerr (North East Scotland) (Con): What due diligence was done on the new provider before making the decision? Can we see it, along with the total anticipated costs arising?

Jenny Gilruth: My officials have been in discussion for some time with Connect, which is the organisation that is proposed to host the new national parent panel, about the potential for it to be offered funding to establish that panel. As Connect is a registered charity with professional staff and a board, it is well placed, in my officials' assessment, and from the advice that I have been given, to host a panel to establish a more robust mechanism of gathering the views of a more diverse and representative range of parents.

I go back to some of the points that I made to Ms Duncan-Glancy on that. We need to hear a wider range of views with regard to the advice that ministers receive from Scotland's parents. The detailed proposals and grant funding arrangements are currently under discussion. Connect has indicated that it will cost in the region of £50,000 a year to establish the panel, and it is working to have the new mechanism established in time for the new academic year, which I think is important.

If the member heard the figures that I shared with Ms Duncan Glancy with regard to the funding for NPFS, he will recognise the parity that is being provided in that regard

Audrey Nicoll (Aberdeen South and North Kincardine) (SNP): The cabinet secretary has comprehensively made it clear that the Government has taken the decision in order to strengthen engagement with parents and carers. Can she add anything further, in particular in and around the role that the views of parents and carers can play?

Jenny Gilruth: It is worth recounting that, to date, parents and carers have had a number of different opportunities to contribute to engagement in relation to education reform, including through the national discussion on education, which published its final report last year; the independent review of qualifications and assessment; and the consultation on the provisions in the proposed education bill.

As I have intimated today, the Government is committed to strengthening our approach to parental engagement to ensure that we have a range of different opportunities for parents and carers to shape and influence policy development and to provide challenge to Government, too.

However, we need to ensure, at this critical juncture in education reform, that we have meaningful engagement that draws on a wide range of perspectives and experiences from all parts of Scotland. Those partnerships with parents and carers are crucial to reforming our education system and ensuring that, together, we tackle some of the challenges that we currently face, such as attendance, behaviour and mobile phone use in schools. We are confident that our new approach, in establishing a national parent panel, will achieve that.

Stephen Kerr (Central Scotland) (Con): It is good to hear the cabinet secretary talk about broadening engagement with parents, but the obvious question is this: why could the National Parent Forum of Scotland not be the vehicle for broadening that engagement? Why did that require such an abrupt and radical change?

Jenny Gilruth: I do not accept that it is particularly radical, nor that it is particularly abrupt, given some of the changes to funding that I described in my response to a previous question today. I am happy to share details of the change with Mr Kerr. Connect, which is a parental charity organisation with a professional staff team and reach across Scotland, has been asked to establish the national parent panel to ensure that a strengthened approach is delivered. As I mentioned, it is aimed at ensuring that a broader range of views is captured.

Detailed work is well under way between Connect and my officials to set up that mechanism. As I said in my response to the member's colleague, Liam Kerr, it will be operational in time for the new academic year, which is crucial.

Football-related Disorder (Glasgow)

3. John Mason (Glasgow Shettleston) (SNP): To ask the Scottish Government what its response is regarding any implications for community safety to the events that occurred in Trongate, Glasgow, following Celtic Football Club's league title win. (S6T-01996)

The Minister for Victims and Community Safety (Siobhian Brown): The Scottish Government condemns the incidents of violence, vandalism and antisocial behaviour that took place in Glasgow on Saturday. Any threat to public safety and any damage that was caused as a result of that disorder is not acceptable.

We fully support Police Scotland and other emergency services, and thank them for their response. We also support Glasgow City Council, which was left to clear up the rubbish and damage. I appreciate the help that Celtic fans gave in the aftermath as well as the engagement

that has taken place with football clubs to prevent future incidents.

Although the vast majority of fans are well behaved, it is clear that, when a minority are not, there are wide-ranging implications. Governing bodies and individual clubs must consider what measures they can take and how they can use their influence to help to tackle misconduct.

John Mason: The minister has already been quite strong in her condemnation of what happened, but does she agree that it is unacceptable that a major road junction in Glasgow was completely blocked to buses and other traffic? The Tron theatre had to cancel its performance that evening. Allegedly, four police officers were injured and the Glasgow royal infirmary accident and emergency department was completely swamped. I walked in the area at 6.30 on Saturday and I saw people urinating in pends and closes. Residents were afraid to leave their homes.

Siobhian Brown: I agree 100 per cent with the member. It is absolutely unacceptable that businesses had to close, that public property was damaged, that people were not able to go about their business and, indeed, that people were injured. There is no reason why a celebration should degenerate into disorder, cause damage to property and result in loss of custom and business, as well as, of course, the cost to the public purse in terms of policing, the national health service response and the clean-up afterwards. Although I do not know the full cost yet for the council, I understand that last year's clean-up cost amounted to more than £34,000. Police Scotland has confirmed that it will continue to work to identify those who are responsible to bring them to justice.

John Mason: Looking ahead, does the minister agree that clubs need to get more involved in taking responsibility for their fans? Does she agree that consideration should be given to whether, for example, they should organise fan zones and whether they should be subject to strict liability, which could include partial stadium closures, points deductions and fines, as happens in Europe? Can she give any reassurance that the clubs will take responsibility for their fans' behaviour this coming Saturday?

Siobhian Brown: We will continue to work with football authorities, Police Scotland and fan groups to address the issues and ensure that football matches are an enjoyable experience for everyone during the game and afterwards.

We have never ruled out strict liability as an option for incidents at football within stadiums. However, our preferred solution has always been that the football authorities proactively shape and

deliver a robust and meaningful solution to tackle any unacceptable conduct by a minority of supporters. I understand that Glasgow City Council has had discussions with clubs to discuss organised celebrations, and I fully encourage such dialogue between football clubs and local authorities about conducting safe events for their fans, which minimise the impact on the community.

Paul Sweeney (Glasgow) (Lab): I was struck by the stark contrast between Arsenal's trophy parade and celebrations after winning the premiership in England, where the club worked in conjunction with Islington Council in London, and what happened in Glasgow. Celtic and Rangers Football Club both contribute around £250 million to the Scottish economy every year. They are two of the biggest sporting brands in the world. Will the Government convene a meeting of key stakeholders to build capability for this showcase event for Glasgow and build it as an annual celebration that we can be proud of instead of ashamed of?

Siobhian Brown: First, I have been told that it was Manchester City that won down south.

Yes, I can confirm that we will endeavour to work with all authorities to ensure that such events are showcased.

Infected Blood Inquiry

The Presiding Officer (Alison Johnstone):

The next item of business is a statement by John Swinney on the infected blood inquiry. The First Minister will take questions at the end of his statement, so there should be no interventions or interruptions.

14:24

The First Minister (John Swinney): I am confident that I speak for every member in this Parliament when I welcome the publication yesterday of the infected blood inquiry's final report. I offer my sincerest thanks to the inquiry's chair, Sir Brian Langstaff, and all the inquiry team for their diligence and their pursuit of truth in producing such a comprehensive final document.

Our focus should now be firmly on all those who have been infected, their families and the organisations that support them: I want to pay tribute to all of them.

Those who have been infected and those who have been impacted by the tragedy have worked tirelessly to ensure that its effects and their suffering are not ignored. It is a disgrace that those who have been affected have had to work so hard to secure the outcome that was achieved yesterday. The fact that they had to work so hard and for so long is an utter condemnation of those who have put obstacles in the way of the truth being revealed.

The report's headline findings make damning reading for Governments, the national health service and others who have been responsible for patient safety across the United Kingdom during this scandal. As Sir Brian Langstaff makes clear in the report, the situation that unfolded across the United Kingdom came about due to

"systemic, collective and individual failures"

and exposed patients to "unacceptable" risks. The failure of authorities to

"deal ethically, appropriately, and quickly ... with the infections when the risk materialised, and with the consequences for thousands of families"

is an accusation that should cause both shame and reflection. The allegations of "deception" and of "hiding the truth" are deeply alarming, as are those that describe patients being kept in the dark about their own health.

The number of people who have been impacted by those failures is truly harrowing. More than 30,000 people across the United Kingdom were infected by contaminated blood products and transfusions between 1970 and 1991, with about 3,000 of them being here in Scotland. Those are

not just numbers on a page; they represent 3,000 families in Scotland who have faced decades of unnecessary heartbreak and pain—3,000 people who have had their lives, dreams, friendships, families and finances destroyed, as the report makes clear.

The report states that Governments and the health service failed people with bleeding disorders and those who were transfused. The tragic results of those failures were deaths, illness and unimaginable suffering.

The harms that have been done to those who were infected and affected were compounded by repeated failures to acknowledge that they should not have been infected and repeated failures to offer any meaningful apology and redress. Indeed, the fact that it has taken four to five decades to get to this point is a failure that the Prime Minister described yesterday as a matter of "national shame".

In March 2015, my colleague and former First Minister, Nicola Sturgeon, made a heartfelt apology on behalf of the Scottish Government to everyone who had been infected in, or affected as a result of, the infected NHS blood and blood products scandal in Scotland. The Minister for Public Health and Women's Health, Jenni Minto, who attended the launch of the inquiry's report in London, apologised to victims yesterday.

Today, in the light of the final report from the inquiry, on behalf of the Scottish Government and as First Minister of Scotland, I apologise unreservedly to everyone who has been affected in any way by these events. To everyone who has been affected, I say that you have been failed by the organisations and processes that should have been in place to protect and support you, and I am sorry for the hurt, worry and damage that you have suffered.

I acknowledge and welcome the apology that was issued by the Prime Minister yesterday on behalf of the United Kingdom Government. It was, rightly, a fulsome apology, but it was not only that: the Prime Minister's statement also contained two solemn promises. The first was that comprehensive compensation will be paid to both the infected and the affected, and the second was that a fundamental rebalancing of the system will be required in any consideration of the report's recommendations. On the first point, the Scottish Government will work collaboratively with the United Kingdom Government to put that into effect. On the second point, the Scottish Government will take the necessary steps, within our own responsibilities, to make that happen.

When I was elected as the member of the United Kingdom Parliament for North Tayside in 1997, one of the first constituents who came to

see me was Bill Wright. Bill contracted hepatitis C from contaminated blood products. He has faced, and continues to face, acute health challenges as a result of that treatment. It has had an overwhelming effect on his life and the family who love him. However, despite that intense level of suffering, Bill has, with enormous dignity, campaigned tirelessly on behalf of Haemophilia Scotland to secure justice for those who have been affected. On top of his campaigning, Bill has been a valued member of the Scottish infected blood support scheme's advisory board and has contributed his expertise and wisdom in a number of other areas to advocate for better care for patients with haemophilia and other bleeding disorders across Scotland.

Without the leadership and unrelenting work from individuals such as him, this report would not have happened, this truth would not have been exposed and this justice would never have been secured. Having walked on this journey with my constituent Bill Wright for the past 27 years, I am humbled that he is now able to hear directly from his local member of Parliament—now this country's First Minister—a direct and unreserved apology from the Government for the suffering that he has endured.

Countless others deserve recognition for their campaigning and work on the issue, including the Scottish Infected Blood Forum and many individual campaigners. To all those who have worked so hard to make this report happen, and to seek justice for those who have been impacted by this tragedy, I express my heartfelt thanks, my admiration and my appreciation for the tenacity that they have demonstrated in getting to this point.

People who were infected with HIV or hepatitis as a result of NHS treatment have endured unimaginable suffering. I know that the report will not change what has happened, nor will it bring back the loved ones who have been lost or repair the lost moments of life that could have been. I hope, however, that it is a step forward in the journey towards a semblance of justice and that it offers a sense of peace in their lives.

The Scottish Government will carefully consider the inquiry's report in full, and all the recommendations for Scotland. In doing so, we will be able to build on the work that has already been done with victims since Scotland's earlier Penrose inquiry into infected blood. We will do so as quickly as we can, because the infected and affected communities have already waited far too long to see action.

The Scottish Government has already accepted the moral case for compensation for infected-blood victims, and we are very much committed to working with the UK Government to ensure that

any compensation scheme works as well as possible for those who are infected or affected. Compensation for victims of infected blood is long overdue. For that reason it is welcome that the recent amendments to the UK Government's Victims and Prisoners Bill will ensure that people in Scotland will have access to the scheme on the same basis as those elsewhere in the UK.

Today's UK Government's announcement of further details of the compensation scheme is another step towards ensuring that those who are infected and bereaved relatives in Scotland will receive compensation as soon as possible. I welcome the Minister for the Cabinet Office's confirmation that Sir Robert Francis, who developed a proposed compensation framework for the Cabinet Office back in 2022, will act as interim chair of the new Infected Blood Compensation Authority. I am aware that the victims trust him to do right by them.

I urge the UK Government to implement the Victims and Prisoners Bill as quickly as possible, because I know how important it is that all those who are affected are able to access compensation as soon as possible.

I welcome the confirmation of further interim payments of £210,000 each to infected people and £100,000 to each of the estates of victims who have, sadly, died. The Scottish Government will work with the UK Government and the Scottish infected blood support scheme to ensure that those payments can be made as soon as possible.

The Scottish Government is now working, along with charities that represent the infected and the affected, to consider the report's recommendations for Scotland and to address its implications. We are steadfastly committed to using the inquiry's report to ensure that lessons are learned and that such a tragedy can never happen again. That is why I want to reassure all those who have been impacted, and the general public, that lessons have already been learned and that significant and widespread improvements in patient safety have been made.

The Scottish National Blood Transfusion Service now has extremely high standards of blood safety. I continue to encourage anyone who can do so to give blood, because giving blood remains essential for thousands of patients. All donated blood in Scotland is now tested for a range of viruses, including hepatitis and HIV, before it is distributed to hospitals.

There is another important lesson that must be learned. It is a lesson about the culture that we must expect in our public services. That culture must be of the highest standards—a culture of openness and transparency, in which patient

safety is paramount. That is the culture that I will insist upon in our public services.

Perhaps the most striking, and indeed disturbing, statement from Sir Brian about the report is this:

“This disaster was not an accident. The infections happened because those in authority—doctors, the blood services and successive governments—did not put patient safety first.”

That is something that must never, ever happen again.

It has taken more than 50 years to get to this point. I will do everything in my power to ensure that we learn the lessons from the report and from the infected blood scandal, and that we take all necessary steps so that no one else has to endure the heartbreak and the suffering that so many families have had to face.

The Presiding Officer: The First Minister will now take questions on the issues raised in his statement. I intend to allow around 20 minutes for questions, after which we will move on. It would be helpful if members who wish to put a question to the First Minister were to press their request-to-speak buttons. I call Douglas Ross.

Douglas Ross (Highlands and Islands) (Con): The infected blood inquiry and the report that was published yesterday delivered complete and absolute vindication for the campaigners who have fought for truth and justice for far too long—victims of the most appalling breach of trust by individuals and organisations that should have been there to help and protect them.

Now, Sir Brian Langstaff and his inquiry team have set out in agonising, painful and disturbing detail, across 2,527 pages, the truth. Patients were lied to by doctors whom they had put their trust in to get better. In some cases, people were infected as part of research that they had no knowledge of, let alone had consented to. Just reading that aloud is still unimaginable, but it happened. Lives were ruined. Many people died, never to witness the justice and recognition that they deserved.

I was in the House of Commons yesterday as we sat in silence to hear the Prime Minister apologise on behalf of every Government since the 1970s. His remarks were echoed by every party at Westminster, and I know that we will see the same consensus here today at Holyrood. It was a devastating and appalling failure by the British state.

The actions of individuals and organisations over decades are a stain on our nation. Far too many tried to cover it up, dismiss the victims, delay justice and destroy evidence simply to protect themselves. Their disgusting betrayal of

fellow citizens will never be forgotten or forgiven. Now that the inquiry has published its report, legal proceedings could be taken forward, because their behaviour was not just immoral, it was surely illegal.

Today, we have a statement about compensation. No amount of money can compensate for the impact that this disaster has had on the victims who are still alive today, the children who have grown up without a mum or dad or a parent who has grieved the loss of a child, but I ask the First Minister what support he needs from Opposition parties to ensure that the UK and Scottish Governments deliver the compensation as quickly as possible. I give a commitment on behalf of the Scottish Conservatives that we will do everything that we can to support the Government's efforts in that area.

Finally, I pay tribute to the victims and campaigners. There are far too many to mention individually, but, quite simply, it is only because of their commitment, strength and determination that we are where we are today. The First Minister mentioned Bill Wright from Birnam. Speaking ahead of the report being published, Bill said this:

“I believe that this is not going to be a ripple for the Government, this is going to be an earthquake for the Government when this report comes out.”

Bill was correct, as he has been throughout the entire time that he and many others have fought for justice for victims here in Scotland and across the whole UK. I know that the whole Parliament will wish Bill well as he awaits a liver transplant after being diagnosed with liver cancer.

Yesterday was the culmination of a decades-long fight for justice. Today is about the compensation for victims and their families, but tomorrow, and every day after that, must be about ensuring that this can never, ever happen again.

The First Minister: I thank Mr Ross for his remarks. He is absolutely correct that yesterday represents a vindication for campaigners. Today must also be a vindication for campaigners, and tomorrow must be a vindication for campaigners. He is also absolutely right that, as we look forward, we must ensure that the processes, practices and behaviours that led to what was revealed yesterday form no part of the future delivery of our public services or the way in which we address issues of this magnitude.

Mr Ross correctly highlights the fact that trust has been eroded because of the experiences that are highlighted in the report. That trust must be rebuilt and repaired so that the public can have confidence in the delivery of services.

Mr Ross asked what support and assistance Opposition parties could give to the Government. One thing that would help would be to maintain

cross-party agreement on the steps that are necessary to implement the United Kingdom Parliament's Victims and Prisoners Bill. Obviously, that might well have implications that we have to consider, and I hope that I have given sufficient reassurance to the Parliament that the Scottish Government will engage substantively with the UK Government on that question and will apply all the co-operation that is necessary.

We must ensure that the steps that we now take are taken with urgency to address the issues that are raised here, and I give that commitment on behalf of the Scottish Government.

Anas Sarwar (Glasgow) (Lab): I begin by joining the First Minister and others in offering an apology to the victims of the scandal and their families. As a collective, we are truly sorry for the pain that people have suffered and for the failure of politicians, clinicians and the state to keep them safe over decades.

Sir Brian Langstaff's report is damning. Thousands of people have died and people continue to die as a result of the scandal. At every turn, victims and families have been stonewalled by powerful institutions and individuals who were determined to cover up the scandal, regardless of the human cost. That includes 3,000 individuals in Scotland who have been unforgivably failed again and again.

I welcome today's commitments on compensation and the First Minister's comments that the Scottish and UK Governments will work together to deliver compensation as soon as possible. The horrific reality is that the truth has only come to light because of those who relentlessly campaigned for justice. We, as a collective across the nation, owe them huge thanks.

Does the First Minister accept that too many institutions still look inward and try to protect themselves and individual reputations rather than deliver justice and support victims? If so, what steps will he take to end that culture? He will have the full and unequivocal support of the Scottish Labour Party in taking those steps.

This is a significant moment in our country's history. As I say, we thank Sir Brian Langstaff and the team of the inquiry, but the single biggest "Thank you" has to go to those who, day after day, week after week, month after month and year after year, were willing to tell and retell the most horrific parts of their life to get justice and to try to ensure that it would never happen again. The victims of this scandal were failed, and we have a collective duty to make sure that it never happens again.

The First Minister: Mr Sarwar is absolutely correct that we have reached this moment because of the tenacity and determination of

campaigners. He is also correct that those individuals have had to, in Mr Sarwar's words, go through the retelling of the unimaginable suffering that they have experienced month after month and year after year. The reason why I cited my personal experience of the issue is that it was literally one of the first constituency cases that came to me when I became an MP 27 years ago.

As we reflect on the 25-year anniversary of the Scottish Parliament, we should reflect collectively on the fact that, although it might have its imperfections, it created a platform, through the petitions committee process, that did not allow issues of this nature to be swept aside. It took tenacity from campaigners to continually come to press ministers to act and take matters forward, and this Government responded by establishing the Penrose inquiry, which, previously, reported on some of the issues. However, tribute must be paid to the Scottish Parliament for the way in which it has engaged substantially on the issue and helped to get us to where we are today.

Mr Sarwar asked me about the culture of organisations in which there is poor practice. I say to Mr Sarwar—and I said in my statement—that we cannot have cultures of that type in our public organisations. We have to be open about where there are failings. I give my commitment to the Parliament that I will do everything that I can to preside over an approach of that nature. Where that needs to be set out, it will be set out. I did that last week at First Minister's question time, when I made it clear that I thought that a particular example of healthcare delivery was unacceptable. That is now being addressed, and that is how the Government will proceed. In that respect, the offer of support that Mr Sarwar has given in his statements today is welcome, and the Government will engage constructively on that basis.

Emma Harper (South Scotland) (SNP): I welcome what the First Minister is describing as the Scottish Government's determination to ensure that lessons are learned from the infected blood scandal. Will the First Minister say a wee bit more about the make-up of the oversight group that the Scottish Government has established to consider the inquiry's recommendations for Scotland?

The First Minister: The approach that the Government will take will be to draw together the expertise that is required across a range of professional disciplines and backgrounds to address the detailed recommendations. However, that process will have embedded in it the contribution of representatives from Haemophilia Scotland and the Scottish Infected Blood Forum, because I want to ensure that the voices of the people who have got us to this point resonate loud

and clear in the way in which we take forward our response. Therefore, we will bring together the professional disciplines that are required and, crucially, we will bring together the voices of those who have been affected, so that they can shape the response of our country to the challenges that are laid down by the report.

Sandesh Gulhane (Glasgow) (Con): I declare an interest as a practising NHS general practitioner.

The infected blood inquiry report has laid bare the harrowing failures that led to 30,000 people's lives being devastated. I am so glad to hear the First Minister speak of culture, because there is an issue with culture at the top of NHS boards in Scotland today. One example is the bullying culture that is found at NHS Highland. We do not want to be reactive to issues—we want to be proactive. What changes will the First Minister implement to improve culture, to prevent cover-ups such as this from ever happening again?

The First Minister: Part of the process that the Government will take will be to ensure that our public bodies engage in an open and transparent manner with the wider public. The scrutiny process that the Cabinet Secretary for Health and Social Care presides over in relation to the conduct and performance of health boards is a meaningful approach to scrutiny. It is about ensuring that existing practice is challenged, performance is challenged and people are held to account.

Dr Gulhane put to me concerns about bullying in NHS Highland. The Government has responded to that and has engaged substantively in that process. There has been active confronting of those questions, and so there should have been.

I give Dr Gulhane the commitment that ministers will lead the public services of Scotland on the basis that we must be open to challenge about performance to ensure that the needs of members of the public are properly and fully met as a consequence of our interventions.

Emma Roddick (Highlands and Islands) (SNP): I recognise how meaningful yesterday will have been for many people, because the first case that I ever dealt with in my role was also one of infected blood.

I was glad to hear the First Minister say that co-ordination between the Scottish and UK Governments is on-going to ensure that much-needed compensation can be accessed as quickly as possible by those who deserve it. Will the First Minister say more about how the UK inquiry will impact the wider support scheme in Scotland and about how we will continue providing the best support that we can?

The First Minister: The principal vehicle through which we have made that support available has been the Scottish infected blood support scheme. Although that is not a compensation scheme, it is a support scheme. There may well be some degree of interaction between the compensatory approach, as set out by the UK Government in the statement given by John Glen in the House of Commons today, and the operation of the Scottish infected blood support scheme.

We will, of course, take forward our engagement with the United Kingdom Government as part of the commitment in principle that I have given today to work collaboratively to take forward the delivery of support to individuals who have been affected.

Paul Sweeney (Glasgow) (Lab): In his statement, the First Minister said that around 3,000 of those infected by contaminated blood products were living here in Scotland. The main hospital that dealt with cases of hepatitis, HIV and AIDS in this country in the 1980s, Ruchill hospital, was situated in north Glasgow. Many people died as a result of treatments, such as factor VIII, that were supposed to help them but, sadly, actually killed them in what was probably the worst scandal in the history of our national health service.

Although the UK Government is leading on compensation for victims of the infected blood scandal, the impact of that tragedy is clear in Scotland, particularly following revelations that patients were being studied rather than being fully informed about what was going on.

Will the First Minister set out what the involvement of the Scottish Government in the delivery of compensation will look like? To what extent will the compensation authority be accountable to the Scottish Parliament? What support can the Scottish Government provide for victims groups, such as the Scottish Infected Blood Forum, that are running low on funds?

The First Minister: Mr Sweeney makes a number of important points.

The compensation scheme is a UK one, so we will engage constructively to ensure that it can be accessed by people in Scotland on exactly the same basis as in the rest of the UK. The point that I made in my earlier response to Douglas Ross is that the amendments that were successfully made to the Victims and Prisoners Bill are helpful in ensuring that we can take forward our involvement in that scheme, in order to benefit individuals in Scotland.

I know from my own ministerial experience that any process that involves John Glen of the Cabinet Office will be one of good engagement. John Glen is a very good interlocutor for the

Scottish Government and is a man of great integrity and decency. I look forward to that engagement and I know that ministers will have that opportunity, because that has always been my experience of dealing with John Glen and such things count and help when it comes to intergovernmental relationships.

Lastly, I say to Mr Sweeney that we will remain open to engaging with all the support organisations in Scotland to ensure that there is appropriate assistance in place so that the all the issues that need to be addressed here can be properly addressed, within the support schemes that we have available.

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): The First Minister referred to the Public Petitions Committee, which, in 2003, said:

“The proper way is to get a full public and independent inquiry ... We support the petition 100 per cent and will now refer it to the Health and Community Care Committee with our strongest recommendation that it support a full public inquiry.”—[*Official Report, Public Petitions Committee*, 18 March 2003; c 2994.]

I chaired the Health Committee in 2003. We tried to push for that but failed, and it took another 20 years, which is a disgrace.

Apologies are one thing; responsibility is another, but it is not enough. Does the First Minister agree that, where deliberate delay, obfuscation or downright cover-up is evident, prosecution should and must follow without delay, and does he agree that that would deliver even better justice for the victims and survivors?

The First Minister: I am very familiar with Christine Grahame’s leadership of the Health Committee in a past parliamentary session. I also note that Mr Carlaw, who is convener of the Citizen Participation and Public Petitions Committee, is in his place in the chamber. I have made the point before that that channel of dialogue and access to parliamentary justice is one of the strengths of this institution and we should be immensely proud of it. I know that Christine Grahame and her colleagues did a huge amount of work on a cross-party basis to advance the arguments for a public inquiry, and we should be proud of that work.

Christine Grahame is a distinguished lawyer and she knows that I cannot determine issues in relation to criminal charges and criminal justice. Those issues are for the proper authorities to consider in Scotland and the rest of the United Kingdom, and it is important that I leave them to exercise their independent functions without further comment in that respect.

Gillian Mackay (Central Scotland) (Green): I echo others by offering my party’s condolences to

those who have lost a loved one and thanking all those who have campaigned for justice.

The announcement of compensation should be welcomed. However, we should acknowledge that it cannot restore the health of those who have been infected or bring back the loved ones who have been lost. The full details of the compensation scheme have not yet been released, but will the First Minister ensure that the Scottish Government does everything that it can to ensure that compensation is easy to access, that it does not require excessive paperwork and that members are informed about the scheme so that we can give our constituents help where they require it?

The First Minister: I welcome Gillian Mackay’s remarks. I assure her that the Government will engage with members of the Scottish Parliament to ensure that they are adequately supported and briefed on all the issues that are relevant to accessing the scheme. As I indicated in my response to Mr Sweeney, I feel optimistic about the engagement route with the United Kingdom Government because it is being handled by the Cabinet Office minister John Glen. If there are issues that we need to raise, we will be able to raise them, and I am sure that they will be the subject of satisfactory engagement. I ask all members of Parliament, if issues emerge, to draw them to the attention of ministers and we will do our best to ensure that they are raised with the United Kingdom Government.

Clare Haughey (Rutherglen) (SNP): Can the First Minister provide any update on steps that the Scottish Government is taking to support people in Scotland who received transfusions during the 1970s and 1980s, who may be concerned about exposure to infected blood? What steps have been taken to maximise access to testing across NHS Scotland?

The First Minister: In the aftermath of the Penrose inquiry, ministers put in place a number of steps to ensure that there was encouragement to individuals to come forward for testing. The offer of testing was available to people who had had blood transfusions, and a number of steps were taken through an awareness campaign involving GP practices, hospitals, dentists and libraries to encourage people to come forward for testing. A substantial number of people came forward for testing, but if people have not yet had a hepatitis C test and they think that they had a transfusion before September 1991, it is not too late for them to be tested. The risk of any blood donation being infected is still low, but individuals should speak to their GP practice about being tested if they feel that they should do so.

Liam McArthur (Orkney Islands) (LD): I associate the Scottish Liberal Democrats with the

heartfelt tributes and apologies that have been expressed by the First Minister and other colleagues to the victims of the scandal, whose lives were torn apart and, in many tragic instances, ended by infections that were contracted through treatment that was meant to save their lives. I, too, offer my thanks to Sir Brian Langstaff and his team for their painstaking work on this landmark report, which must now lead to long-overdue justice.

When does the First Minister expect payments to be made? He says that his Government will carefully consider the inquiry's recommendations for Scotland. Can he say any more at this stage about what he expects that will involve?

The First Minister: On Mr McArthur's point, I am rather in the hands of the United Kingdom Government in respect of timescales for compensation payments. However, from listening to what John Glen has said today, I expect that the first payments will be made before the end of the year. I hope that that provides significant reassurance to Mr McArthur.

As I look through the recommendations from the inquiry, I see that a number of them relate to culture and practice in the health service in Scotland. I expect the Scottish NHS to consider and respond to those recommendations with care, and quickly. That is the point that I have been making about the importance of our having a culture that is open to challenge and is able to respond adequately to that.

In addition, specific points on aspects of clinical practice will perhaps require more detailed consideration. The clinicians whom we have identified to take forward that work will significantly advise the Government on that. Liam McArthur will be familiar with the approach that the Government takes, in that we rely on clinical input to make the appropriate judgments about how to handle such matters.

Tess White (North East Scotland) (Con): The report on the infected blood scandal has vindicated campaigners, but its findings are devastating for those who are caught up in it. The psychological impact of all that is earth shattering. Today's statement mentions that the Scottish Government is working with charities that represent the infected and affected. Will psychological support be made available in Scotland as part of the process?

The First Minister: That is an entirely reasonable point. The support that is required will vary from individual to individual as a consequence of how they have been affected. The Scottish infected blood support scheme has been designed to be that, essentially: a support scheme to make available the assistance that individuals

require. That is in addition to the wider health service support that is in place.

I take Tess White's point about the importance of psychological assistance seriously and I will ensure that that is reflected in the Government's response.

Ruth Maguire (Cunninghame South) (SNP): It will be appreciated by victims that the Scottish Government accepts the very clear case for compensation for infected blood victims. The establishment of the scheme, as a priority for those who deserve redress as soon as possible as part of their meaningful apology, is crucial. Can the First Minister provide assurances that the Scottish Government will seek to engage with those who are infected and affected, and that their voices will be central to informing the next steps?

The First Minister: In response to Ruth Maguire's question, I assure Parliament of the importance of the voices of those who have been infected and affected, which are central to the Government's response on the issues. That will cover a range of points. Some of it will affect any changes to clinical approaches. It will also relate to our input on the compensation scheme and affect the issue of culture, which has been so central to explaining why we have ended up in the situation that we have ended up in after such a long period of time. I want to make sure that we listen carefully to the voices of those who have been affected, to ensure that their concerns and their perspective are fully reflected in the Government's response.

The Presiding Officer: That concludes the First Minister's statement on the infected blood inquiry. I will allow a moment or two for members on the front benches to get organised for the next item of business.

Post Office (Horizon System) Offences (Scotland) Bill: Stage 1

The Deputy Presiding Officer (Liam McArthur): The next item of business is a debate on motion S6M-13292, in the name of Angela Constance, on the Post Office (Horizon System) Offences (Scotland) Bill at stage 1.

15:04

The Cabinet Secretary for Justice and Home Affairs (Angela Constance): I open the debate with thanks to members of the Parliament for passing the motion to treat the Post Office (Horizon System) Offences (Scotland) Bill as an emergency bill, reflecting the collective desire of the Scottish Parliament to act at pace to ensure that the victims of the Post Office Horizon scandal can finally have their convictions overturned and access redress.

I will first highlight how we arrived here. In 1996, the Post Office introduced the Horizon software, an online accounting system engineered by Fujitsu, in some of its branches. The software was rolled out across the network of branches in 2000. From there began the story of one of the largest miscarriages of justice that this country has ever seen.

Faults in the software meant that some sub-postmasters' accounts showed false shortfalls. What happened thereafter, and the horrific experiences of the sub-postmasters, are well catalogued. However, given that they are the victims in this saga—and they lie at the very heart of the bill—it is important that we revisit that painful history.

Over a 20-year period, sub-postmasters were forced to repay shortfalls shown by an erroneous system. Throughout the United Kingdom, many of them were suspended or dismissed from jobs that were a vital part of their lives. Others were prosecuted, with nearly 1,000 convicted and some imprisoned for no fault of their own. The allegations and prosecutions had a ruinous impact on innocent sub-postmasters and their families. Some were made bankrupt, some lost their homes, some were branded thieves by their communities and some took their own lives.

Following various unsuccessful attempts to expose the scandal, in 2016, a group of 555 people took the Post Office to the High Court in England. In December 2019, Post Office Ltd reached a settlement of £57.75 million to conclude the case. The findings in the litigation identified and confirmed beyond doubt the extent of the problems with Horizon and the adverse impact

that those problems had on prosecutions across the UK.

I pay tribute to the sub-postmasters who have worked to expose the failings of Post Office Ltd, and who have been relentless in their pursuit of justice. While we cannot simply undo their traumatic experiences, we must do all that we can to address the miscarriage of justice.

Fergus Ewing (Inverness and Nairn) (SNP): The Lord Advocate is not with us this afternoon, but is it not the case that, back in 2013, the Crown Office and Procurator Fiscal Service was informed by the Post Office and its lawyers that there were flaws with the Horizon system? Indeed, the Crown Office provisionally decided to terminate prosecutions. Does the cabinet secretary believe that we have had an adequate explanation from the Crown Office as to why it continued with the prosecutions despite having evidence and being told that the Horizon system was flawed? Was the Crown Office not at best naive in wholly swallowing what it was told by Post Office Ltd?

Angela Constance: I am sure that Mr Ewing will forgive me if I resist the opportunity to get drawn into the details that the Lord Advocate has now laid out twice in parliamentary statements—and she has also answered an extensive number of questions. The one thing that I would point Mr Ewing and other members to is the High Court opinion that was published on 30 April regarding those convicted cases. The judgment that was made by the court on 30 April endorsed the approach taken by the Crown Office and that taken by the Scottish Criminal Cases Review Commission in its assessment of the different circumstances in which Horizon played a role and in concluding that the appeals should succeed.

On 13 March, the UK Government introduced its Post Office (Horizon System) Offences Bill at Westminster, which aims to overturn convictions of sub-postmasters who have suffered as a result of the Post Office Horizon information technology scandal. However, the bill as introduced excluded Scotland and Northern Ireland from its remit. Despite repeated attempts to engage with the UK Government and our requests to take a UK-wide approach to the bill to ensure parity of justice for all sub-postmasters, the UK Government excluded Scotland from the remit of its bill. However, we have always maintained that, although a single UK bill would be the best way to ensure that all postmasters could access justice on an equal footing, we would not hesitate to pursue a Scottish bill, should that be deemed necessary. It is now clear that a Scottish bill is the only way to ensure that sub-postmasters can have their convictions quashed and, as a result, be entitled to UK Government compensation.

While talking about the bill, it is important to highlight the excellent work that has been carried out by the Scottish Criminal Cases Review Commission. As members know, the determination of innocence or guilt in criminal cases in Scotland is usually, rightly, a matter for the independent judiciary, and robust processes already exist under Scots law to address potential miscarriages of justice. The commission is an independent body that has the power to review and investigate cases where it is alleged that a miscarriage of justice may have occurred. Under the Criminal Procedure (Scotland) Act 1995, where a miscarriage of justice may have occurred and it is in the interests of justice to do so, the commission can refer a case to the High Court for a fresh appeal. Such a reference can be made at any time, regardless of whether an appeal has already been considered.

A number of Horizon cases have been referred to the High Court by the commission, and a number of convictions have subsequently been overturned on appeal. Of course, the High Court referrals represent only those who have come forward to have their cases considered. A number of the cases affected by the Horizon IT failings are more than 20 years old, with some of the victims having passed away. Many other victims are in declining health or have, understandably, lost faith in the justice system and do not wish to engage further.

In 2020, the commission took the unusual step of writing to those whose cases may have been impacted by the tainted Horizon evidence to advise them that they could have grounds to challenge their conviction. The majority of people who were written to did not contact the commission. The current system relies on sub-postmasters choosing to engage with the commission, which then makes a reference to the High Court for an appeal to be heard. Many people might not want to go through that process, given their lack of trust in the system. The process also relies on there being evidence to support the grounds of appeal, but in many cases that evidence no longer exists. Continuing in that way would therefore not achieve the objective of ensuring that all wrongful convictions are quashed.

Pauline McNeill (Glasgow) (Lab): Before we get to stage 2, would it be possible to get some information about the cases that have been before the criminal appeal court and any information about what is in the pipeline? It would be useful to know how many cases we might be dealing with.

Angela Constance: It might be somewhat difficult to access historical information, given the passage of time, and I want to be very up front with members on that. I can confirm for members the number of cases that are in process, and I will

do that in writing tonight. In short, 19 individuals have responded to the Scottish Criminal Cases Review Commission. Six of those have successfully appealed recently, two have cases that are currently in the appeal process and the commission is currently reviewing nine cases. I will follow up with as much detail as is available.

I recognise the gravity of taking the unusual step of quashing convictions by way of legislation. However, the unprecedented scale of the miscarriages of justice that have been caused by the Horizon IT system means that the steps that are proposed by the bill are necessary. The aim of the bill is simply to provide a quick, fair and equal solution for all sub-postmasters who were wrongly convicted as a result of the impact of the defective Horizon IT system. Through the bill, we want to ensure that Scottish sub-postmasters are not disadvantaged compared with those in the rest of the UK in respect of the quashing of convictions and that they are able to access the UK Government compensation scheme.

The bill as introduced provides that convictions for “relevant offences” will be automatically quashed when the bill comes into force. The bill provides that the conviction must have taken place before the coming into force of the legislation. At present, the bill also provides that the conviction must not have been considered by the High Court in the context of an appeal. However, I will lodge an amendment after the debate today to remove the exclusion of High Court appeals. That is, in my view, a fairer way to deal with those who may have sought to challenge their conviction by lodging an appeal, especially at a time when the flaws in the Horizon system were not known about. As the UK bill includes an exclusion for Court of Appeal cases, I have written to the Minister for Enterprise, Markets and Small Business, Kevin Hollinrake, and received a written assurance from him that the UK Government will provide identical access to compensation schemes irrespective of whether the conviction is quashed on a different basis from that of the rest of the UK.

The bill sets out five conditions that must be met in order for the conviction to be quashed by it. Those conditions are deliberately designed so as to not require any element of discretion in order to be applied, and allow for the automatic quashing of convictions that fall within the ambit of the legislation. The five conditions relate to the date on which the offence was committed or the offences were committed; the type of offence; the need for the individual both to have been working in a post office and to have carried out the offence in connection with Post Office business; and the need for the Horizon system to have been in use by that post office at the time of the offence.

I will turn to a couple of those conditions in particular. The bill covers offences that were committed between 23 September 1996 and 31 December 2018. That matches the timeframe in which the Horizon system and its pilots are known to have been in operation, with 31 December being the point at which the roll-out of the current version of the Horizon system, which is considered to be robust, was concluded.

The list of offences that are covered by the bill is one area in which the bill differs from its UK counterpart. The offences covered by the bill are embezzlement, fraud, theft and uttering. Embezzlement and uttering are not offences that exist in England and Wales. Conversely, the bill does not include the offence of money laundering or any equivalent to the English and Welsh offence of handling stolen goods. The offences selected are those that were prosecuted in Scotland in cases involving the tainted evidence from the Horizon IT system.

The bill also contains details of the administrative processes for identifying which convictions have been quashed, securing the amendment of the records of those convictions, and notifying relevant individuals. There are two important provisions in that regard that I would like to highlight to members. First, the bill places a duty on the Scottish ministers to take all reasonable steps to identify those convictions and to notify anyone whose conviction has been quashed. Secondly, the bill places a duty on the Scottish ministers to consider representations made to them by a convicted person or a third party that someone has a conviction for a relevant offence. That will ensure that, where a conviction is not identified by the Scottish ministers but a person believes that their conviction satisfies the criteria and has been quashed, the Scottish ministers are obliged to consider representations made on that person's behalf.

A further difference in the Scottish bill is that it empowers the Scottish ministers to impose a requirement on any person to provide information that they hold which the Scottish ministers consider is necessary for the fulfilment of their functions. There is no direct counterpart to that power in the UK bill. That power has been included on the basis that the Scottish ministers will need to obtain information from other persons in order to successfully identify the convictions that have been quashed by the bill. The required information is likely to be held by a range of organisations, including the Scottish Criminal Cases Review Commission, the Crown Office, Post Office Ltd, Police Scotland and the Scottish Courts and Tribunals Service.

I am of the view that stage 3 of the bill should not be completed until the equivalent UK bill has

been passed by the UK Parliament, so as to allow us to consider any amendments to the UK bill and make equivalent amendments where appropriate. We are absolutely committed to doing everything in our power to minimise any time lags between the United Kingdom bill and the Scottish bill coming into force. It is my intention, therefore, to seek to hold the amending part of stage 3 before summer recess, once it is clearer what the final form of the UK bill will be, but for the stage 3 debate on the bill as amended to be held only once the UK bill is passed.

I will also seek to shorten the timeframe for the bill receiving royal assent. I have already written to the offices of the Advocate General, the Lord Advocate, the Attorney General and the Secretary of State for Scotland indicating our desire to accelerate post-stage 3 consideration. Once the bill comes into force, Scottish ministers will work closely with justice partners in identifying those convictions that are quashed by the bill, securing the amendment of the records of those convictions and notifying relevant individuals.

As the bill rightly undergoes scrutiny, I am committed to working constructively with members across the chamber to ensure that Scottish postmasters are not left behind and that they receive the parity of justice that they rightfully deserve. I know that the nature of the bill is unprecedented, and that, as parliamentarians, we are making decisions that we have never had to make before. I hope members will agree that the bill is now the only way to overturn the horrendous miscarriages of justice that postmasters in Scotland have suffered, and I will endeavour to work closely with members on taking it forward.

I move,

That the Parliament agrees to the general principles of the Post Office (Horizon System) Offences (Scotland) Bill.

The Deputy Presiding Officer: I issue a gentle reminder to those who wish to participate in the debate that if they have not already pressed their request-to-speak buttons, they should do so now.

15:21

Russell Findlay (West Scotland) (Con): The Post Office Horizon IT system generated a wave of unexplained financial deficits, with black holes appearing suddenly in branch accounts across the country. Post Office executives concluded that hundreds of sub-postmasters—trusted pillars of local communities—were all, in fact, thieves. That was utterly implausible, but those decent people were bullied and coerced into paying back vast sums that they had not taken.

Many of those innocent people were dragged through the criminal courts, where they were wrongly convicted. They were steamrolled by

the justice system and their desperate protestations were dismissed. Left ostracised, humiliated and financially ruined, many were broken and went to an early grave. Some did so with a terrible sense of shame.

When Phil and Fiona Cowan reported apparent shortfalls at their branch in Edinburgh, they were told that there were no problems with Horizon. That lie—that no one else had questioned the veracity of Horizon—was a standard tactic. Having been charged with false accounting, Fiona was spat at in the street. She died of an accidental overdose in 2009, not having been told that the charges against her had been dropped. Phil says:

“I have no doubt in my mind that the horror of that ... Post Office fiasco was a major factor in her death.”

In 2009, Caren Lorimer was forced to admit embezzlement from her post office in Kilmarnock. As the mum of a four-year-old son, she did so to avoid being sent to prison. Her husband David is still ensnared in Scotland’s glacial justice system, fighting to clear her name. Like Fiona Cowan, Caren did not live long enough to see the groundbreaking ITV drama “Mr Bates vs The Post Office”. Nor did former police officer Mary Philp, who was publicly branded a thief and suspended from her branch in Auchtermuchty.

In Greenock, Keith Macaldowie was brought to the brink of suicide after being forced to resign and pay thousands of pounds to the Post Office. Rab Thomson was also falsely accused of theft from Cambusbarron post office. His own lawyer advised him to plead guilty to a crime that he did not commit—worse still, a crime that did not even happen. Rab describes his ordeal as “degrading and embarrassing” and laments the unbearable strain that it put on his late mother, Margaret.

Sisters Rose Stewart and Jacquie El Kasaby were ordered to hand over thousands of pounds after being falsely accused of stealing from their post office in Glasgow’s Gorbals. They knew that they were innocent but they say that they were made to feel ashamed, as if they were pieces of dirt.

The Post Office-Fujitsu Horizon scandal is perhaps the greatest mass miscarriage of justice in our country’s legal history. However, this was no mere computer glitch. It was worse than that—much worse.

The Post Office, a once trusted institution, appears to have fallen under the spell of some kind of boardroom mafia. For almost two decades, it directed armies of aggressive lawyers and thuggish investigators; it sought mediation with victims and then sabotaged the process with bad faith; it aggressively hounded and crushed those whom it knew to be innocent; and it weaponised the criminal justice system in Scotland just as it did

in England and Wales. When the truth began to slowly emerge, it lied, lied and continued to lie, conniving and corrupt. The scale and audacity of the cover-up was breathtaking and reprehensible, with a judge calling the Post Office’s dishonest defence of Horizon

“the 21st century equivalent of maintaining that the earth is flat”.

Keith Brown (Clackmannanshire and Dunblane) (SNP): My constituent Rab Thomson is from Cambus, not Cambusbarron, which is in Stirling.

We have heard, consistent with what Russell Findlay has said, that the Post Office, its lawyers and UK Government ministers continued to support the Horizon system during 2013 to 2015, by which time we knew of the issues with the software and there were worrying levels of deliberate and sustained concealment and deception. Given that, does the member think that there should be criminal proceedings against the lawyers and those in the UK Government and the Post Office who carried on that deception?

Russell Findlay: I apologise to Mr Brown’s constituent for the geographical mix-up. The Post Office inquiry will fully get to the bottom of all those matters. I will come on to the issue of criminal prosecutions.

It was 2009 when *Computer Weekly* magazine reported the first concerns about Fujitsu’s Horizon system. Sub-postmaster Alan Bates, who is a true hero of modern Britain, launched and led a campaign for justice.

For the media, telling a complex story about a flawed IT system has been challenging, but some journalists have been dogged in their pursuit. Nick Wallis was doing the hard yards long before the drama “Mr Bates vs The Post Office” reached our television screens. His website, www.postofficescandal.uk, contains an abundance of detailed and clear information. He also contributed to sustained coverage in *Private Eye*, whose in-depth report “Justice Lost in the Post” is compelling. That credits numerous politicians, not least my Conservative colleague and former MP James Arbuthnot, who fought tirelessly for victims.

We know who some of the villains are, who some of the victims are and who some of the heroes are. The on-going public inquiry will continue to work on those fronts, but what we do not yet know is exactly what happened here, in Scotland, where the Crown Office and Procurator Fiscal Service had sole responsibility for prosecuting every single Horizon case.

In England and Wales, all prosecutions were conducted by the Post Office. It controlled the evidence and it decided what to disclose and what

to keep hidden from defence lawyers and courts. There is evidence that the Post Office perverted the course of justice, and I urge a robust criminal investigation, but why did the Crown Office continue to put Scottish sub-postmasters in the dock after it was widely known that Horizon evidence was not reliable?

Some legal experts believe that, with the Crown Office in control of all Scottish cases, our sub-postmasters should have been protected. The Crown Office had to be independently convinced about the integrity of the Post Office evidence, and its prosecutors had to stand up in court and lead that evidence with absolute confidence.

Furthermore, under Scots Law, Horizon evidence would have needed to be corroborated by other evidence. Was the corroboration rule properly applied? In one recorded interview, Caren Lorimer was told by a Strathclyde Police detective that Horizon was

“completely and utterly fool proof”

and that nobody would believe her. Fearful of being thrown behind bars, she pled guilty. A desperate young mum’s confession to the Scottish police was used to corroborate Horizon evidence in a Scottish court.

We know that, as far back as 2013, as we have heard from Fergus Ewing, some concerned Crown Office prosecutors believed that all Horizon cases should be “terminated”. Post Office lawyers came to Edinburgh on a mission to persuade the Crown and to placate its jitters. They were successful. Did the Crown just take what it was told at face value? Where was the curiosity? That moment seems to have been a massive missed opportunity for Scotland’s prosecution service and Post Office victims.

Fergus Ewing: [*Made a request to intervene.*]

Russell Findlay: I am not sure whether I have time to take an intervention.

The Deputy Presiding Officer: I can give you a bit of the time back.

Russell Findlay: Thank you.

Fergus Ewing: On that point, Mr Kenneth Donnelly, a senior figure in the Crown Office, stated that the Crown Office was provisionally minded to terminate prosecutions when it got the information in 2013 about Helen Rose from Second Sight. However, it did not do so after Post Office lawyers said that that would—this comes from Mr Donnelly’s statement—

“raise a considerable public relations storm”.

Since when was that a proper consideration for the Crown Office?

Russell Findlay: I absolutely share Fergus Ewing’s incredulity at that statement.

After that 2013 meeting, at least four more people were prosecuted and convicted. It was not until two years later, in 2015, that the Crown decided that it would no longer prosecute Horizon cases due to mounting concerns. However, the Crown appears to have done nothing in relation to the convictions that it had already secured. It appears that, for five years, no victims were written to, no cases were re-examined and no convictions were overturned.

In 2019, Mr Bates and hundreds of others won their group action. Surely that should have jolted the Crown into taking responsibility for its past actions. I would have expected it to conduct a thorough audit of every Horizon case and to do whatever was needed to urgently contact every possible Scottish victim. The Crown’s legal duty to disclose all relevant evidence to an accused does not end at the point of conviction, but it was not until 2020 that the Scottish Criminal Cases Review Commission wrote to 73 potential victims. It is staggering that we still do not know how many potential Horizon victims there are in Scotland. Of the 73 written to, only 19 came forward. Did it just stick a letter in the post and hope for the best? Did it write to dead people? The take-up seems to be remarkably low. Four years later, just six of those 19 people have had their convictions overturned.

The Lord Advocate, who sits around the Cabinet table, has twice attended the Parliament to answer questions. She was not in charge when all this was happening—that was Frank Mulholland, who is now a High Court judge, and the Parliament has not heard from him. A BBC journalist resorted to challenging him in the street, which resulted in a welcome apology but little more. The current Lord Advocate does not appear to support the blanket exoneration in her Government’s bill. In January, she told the Parliament:

“The process that we have in place is the right one.”

She said:

“It is imperative that due process be followed”.—[*Official Report*, 16 January 2024; c 27.]

Last week, I asked her whether she backed the bill, but she would not say, citing collective ministerial responsibility.

We welcome the bill, but I remain dismayed by the Scottish National Party’s tactics of using Horizon to pick a silly fight with UK ministers. It is evident that the most effective route to justice is through separate Scottish legislation, not least, as we have heard, in respect of specific Scottish offences. Every political party is committed to that. Speed of delivery and simplicity are vital. At some point, someone will put a financial cost on this

shameful episode. However, the human cost will remain incalculable, so let us get this done.

15:33

Pauline McNeill (Glasgow) (Lab): This is a very important week in the Post Office inquiry, with Paula Vennells giving evidence for three days from tomorrow. As others have said, this is the biggest miscarriage of justice in British legal history. I agree with Keith Brown that the result should be criminal proceedings, and I hope that there are such proceedings.

The cover-ups, the lies that were told and the dysfunctional nature of the Post Office's internal investigation and prosecution functions led to many lives being ruined—not just the lives of sub-postmasters but their families' lives—suicides, financial ruin and families leaving the country due to the talk of scandal in small villages.

It must never be allowed to happen again. Politicians, including Government ministers, should take note of the role of those who did not listen to sub-postmasters or did not question things when there was an obvious sniff about the reliability of Fujitsu's Horizon computer system.

We owe Alan Bates a great deal for having the strength to take on an institution that did everything to intimidate, bully and make criminals of sub-postmasters. In 2019, the Justice for Subpostmasters Alliance won a High Court case. Bugs, errors and defects were found in the Horizon system, which had caused discrepancies in postmasters' branch accounts. However, despite that case winning compensation for victims, the question of compensation has still not been dealt with satisfactorily.

As far back as 2009, *Computer Weekly* wrote an article questioning the Horizon issues, so they have long been known about.

What we have heard during the public inquiry in the past few weeks has been quite shocking. Following news that sub-postmaster Martin Griffiths, who had suffered huge unexplained losses, was critically ill after attempting to take his own life, Post Office chief communications officer Mark Davies's actions were to hire a specialist media lawyer, while he bragged about his political connections and how he might steer MPs away from looking closely at the Horizon issues. Thankfully, however, many MPs did not turn away.

Dr Alisdair Cameron, the chief finance officer, said that, when he joined the Post Office in 2015, there was an attempt to shut down the work of the forensic accountancy organisation Second Sight, which had been hired to independently review Horizon. There was unease that it was, in fact, doing its job. Second Sight was sacked after

completing its damning report. Surely by then alarm bells must have been ringing up and down the United Kingdom. Second Sight revealed that the Post Office had prosecuted some postmasters for theft and false accounting without investigating claims that the Horizon system was to blame for the shortfalls.

Last week, Jarnail Singh, an in-house lawyer who had saved an attachment about discrepancies to his hard drive, claimed in his evidence not to know how to save a document. What we are hearing is incredible. That was the man who led the team to which Russell Findlay and Fergus Ewing referred, which came to Scotland after panic set in that the Crown Office in Scotland was about to recommend that all cases involving Horizon be terminated. By 2013, it was clear that the Post Office had a secret agenda to prevent that policy from happening. We can imagine the implications of Scottish authorities saying that they would terminate all cases, and the ripples that that would have caused in England and Wales. If that had happened, I believe that things would have been different. That is why I think that the Scottish Government was wrong to pursue legislation at Westminster. I believe that there would have been less scrutiny of the role of our Crown Office and Procurator Fiscal Service. There must be accountability for such decisions, but we still do not have full accountability for them.

Another example that has been mentioned involved a Gorbals post office that was run by sisters Jacquie El Kasaby and Rose Stewart, where the accounts were beginning to show deficits to the tune of £34,000, which we know now did not exist. In 2014, the sisters handed over £10,000 of their own money to settle the case, as many others did in their own cases. That was despite the Second Sight report being available for all to see.

In 2014, prosecutor Angus Crawford became unconvinced by the Horizon evidence, which he thought was too weak to stand up in court. I believe that other cases were not proceeded with, and I would like those to be clarified.

As has been mentioned, following the meeting with Jarnail Singh and senior procurators fiscal, the guidelines for the Crown Office appeared to change from recommending that cases using Horizon for corroboration be terminated to one of assessing matters on a case-by-case basis. That was on the basis of a full report. I assert that if the Post Office had not lied to procurators fiscal and the Crown Office had stuck to its original recommendation, and—as I said at First Minister's question time a few weeks ago—had been a little less naive, those four cases would not have proceeded.

It is the duty of all procurators fiscal to disclose, if they uncover the fact, that there have been unsafe convictions, and we still require an answer from the Lord Advocate as to why, from 2019 to this day, no victims were written to. It is not acceptable.

Murdo Fraser (Mid Scotland and Fife) (Con): Pauline McNeill will remember the statement from the Lord Advocate last week. She said that there were 11 cases that procurators fiscal decided not to take forward. Should it not have been ringing alarm bells at the top of the Crown Office and Procurator Fiscal Service that so many individual fiscals were deciding not to pursue cases?

Pauline McNeill: Exactly. If I may paraphrase, the dogs in the street knew that there was a sniff around Horizon, as did *Computer Weekly* in 2009, so why was that not enough at least to halt cases at that time?

I maintain that, if the Crown Office had stuck to its recommendation and its officials had even contacted Second Sight forensic accountants, they would at least have had a conversation, as I have done in my office, with Ron Warmington, the director of Second Sight, who said that Second Sight could have explained why it said in its report that there were bugs and defects and that 76 branches had unreliable accounts.

I have other questions about the four cases that were proceeded with using Horizon, where there was a plea of guilty.

Fergus Ewing: Will the member take an intervention?

Pauline McNeill: I will, in a minute.

As the Lord Advocate said in her letter to me, in those four cases there was a plea of guilty when the people concerned were obviously innocent—a plea of convenience, it would be called—and it is obvious that those victims pleaded guilty in order to get a way out of prosecution.

Fergus Ewing: Does Pauline McNeill also agree that, as Kenneth Donnelly conceded in his evidence to the Wyn Williams inquiry, the obligation of disclosure is in perpetuity? It applies to previous convictions and, therefore, in 2013, both the Helen Rose and the Second Sight reports should have been copied to every person, and their lawyer, who had been convicted of Post Office Horizon cases before 2013. That, apparently, was not done either.

Pauline McNeill: I agree that that is a central question that still needs to be answered by the Crown Office. Why was that so, when it was clear that the evidence that was used as corroboration might have been unsafe? That is where the duty of disclosure should have applied. We require answers to that.

However, in cases in which no actual money was missing in the first place, as a layperson, I ask the question: were bank accounts checked? Why was it only the Horizon system that was relied on, because, in most cases of fraud, it is a requirement to find where the money went?

Crucially, contractually, sub-postmasters were obliged to make good any losses. Given that knowledge, surely any prosecutor would ask what the motive is of a sub-postmaster who is contractually obliged to make good any losses. That is the questionable bit when it comes to looking at whether the evidence was there.

I acknowledge and applaud the Scottish Crown Office, which has now stripped the Post Office of its status as a reporting body, but many other reporting bodies report to the Crown Office. It is vitally important that lessons are learned here, because it is not inconceivable that other reporting bodies are relying on poor evidence. We need to be sure about that.

Scottish Labour supports the Government in its emergency legislation to ensure that all victims are exonerated. We will never be able to put those lives back together, but, in our dealings, we can record this as a monumental miscarriage of justice with breathtaking levels of cover-up and cruelty beyond comprehension. We will stand up today and do what we think is right, and get those who should be answerable for this dreadful situation held to account.

The Deputy Presiding Officer: I advise the chamber that the little time that we had in hand has now been exhausted, so interventions will need to be accommodated in members' speaking allocations.

15:44

Maggie Chapman (North East Scotland) (Green): On behalf of the Scottish Greens, I welcome the bill and recognise its urgency. It is clear that the convictions that we are discussing today are miscarriages of justice, and they must be quashed.

There is, as we have heard, a shared understanding across the Parliament, as there is across Scotland, of how very important the issue is. Therefore, I believe and hope that we can work together during the week to ensure that our legislation is as robust, inclusive and effective as it can possibly be.

I want to say just a little about the areas in which I consider that there is room to make the bill stronger. I am grateful to hear the cabinet secretary state her intention to remove the provision that a conviction must not have been previously addressed by the High Court in the

context of appeal. As I said in my question to the Lord Advocate after her statement last week, new information on and understanding of how the scandal has been handled and dealt with is coming to light via various sources, not least the public inquiry, on an on-going basis. In the absence of that newer information, the earlier convictions cannot be considered safe. I have amendments planned along similar lines to those of the cabinet secretary on that.

I also want the provisions of the bill to apply to people who were not themselves working in a post office but were convicted along with someone who is covered by the bill. Additionally, if a close relative of someone who worked in a post office was convicted instead, perhaps to save their relative some distress, they should also be covered.

The amendments that we will discuss on Thursday will make the bill more robust, more inclusive and more effective, but the bill is neither the beginning nor the end of the story. It is not the beginning, because it builds on the years of arduous campaigning by Alan Bates and others, the years of speaking tenacious truth to perfidious power and the years of countering lies and persecution with courage and comradeship. It is not the end, because those who have survived the ordeal, and the families of those who have not, still have not received what is properly due to them.

As well as passing the legislation, it is our responsibility to scrutinise meticulously the UK Government's schemes of redress. We must ensure, as far as we possibly can, that all those who suffered from this monstrous injustice receive full exoneration, satisfactory compensation and all that they need to resume their fractured lives. That is the absolute minimum, but that is still not the whole story.

This tragedy has causes as well as consequences. The wrong that was done by corporations and their senior personnel must be spoken, addressed and learned from. We live in a society where crimes of the powerful are almost invariably overlooked, erased or treated as anomalies. One bad apple, they say, but sometimes the barrel itself is rotten, with a culture of impunity, collusion, abuse and greed. When the time is right, we must be bold in seeking robust and appropriate penalties, including criminal charges that reflect the immense harm that has been done to individuals and their families most of all, but also to communities, to the reputation of once-respected institutions, to the rule of law and to trust itself. I will lodge a further amendment on that issue for our discussion on Thursday.

We must learn, at last, some wider lessons about those processes of privatisation and corporatisation that enhance personal rewards for

those at the top while removing accountability to the society that they are supposed to serve. We must also learn lessons about outsourcing without transparency, about what is sacrificed to preserve reputation, and about the privileged acting with neither responsibility nor care.

It is chilling to reflect on the fact that the chief executive of the Post Office for much of this time was also a minister of the Church of England, preaching a gospel that is largely about the oppression of the poor by the rich, the conscientious by the hypocrites and the open-handed by the greedy. It seems that there is an acceptable disconnect between the personal lives of the powerful, which might be characterised by kindness and decency, and their professional roles, in which integrity is disregarded in a game of status and profit. However, this is not a game. It is fundamentally a question of justice for those who have been wrongly convicted in this situation. We need to address the fact that they endured incarceration and humiliation and lost their livelihoods, their reputations, their homes and even their lives. It is not a game for them and it should not be for us.

Finally, I would like to reflect on the fact that the scandal might have stayed secret for years and robbed hundreds of others of their freedom and wellbeing had it not been for the work of those few brave, stubborn and dedicated individuals.

The bill is a tribute to all those who, when faced with injustice, did not give up and did not allow themselves to be fobbed off with reassurances, scared off by threats or bought off with less than that which justice demands. We salute and thank them.

The Deputy Presiding Officer: Before I call the next speaker, I remind members that we are still listening to the opening speakers. Anybody who is participating in the debate will need to be present for both the opening and closing speeches.

15:50

Beatrice Wishart (Shetland Islands) (LD): I, too, welcome the opportunity to speak in the debate. On behalf of the Scottish Liberal Democrats, I confirm that we will support the general principles of the bill today and, of course, we support the intentions of the bill.

The treatment of sub-postmasters and sub-postmistresses who were caught up in the Post Office Horizon scandal has been disgraceful. They were victims of a monumental cover-up, with the Post Office long having knowledge of the flaws in the Horizon IT system, gaslighting sub-postmasters and outright lying to ministers when concerns were raised.

I pay tribute to all the victims in the Post Office scandal for their search for truth and justice. It should not have taken the ITV drama “Mr Bates vs The Post Office” to capture the minds of viewers across the UK and bring to a head the form of redress that we see today with the Westminster legislation and this mirror bill.

We recognise the need for the bill to remain as close as possible to the similar Westminster legislation, as any deviation could cause delays. The mirrored legislation will ensure that those who are caught by the provisions of the bill are able to access the UK Government compensation scheme.

Some have argued that using legislation to overturn the convictions is not the ideal route for justice. However, many of those who will be covered by this narrow bill have already experienced the justice system and lost. I recognise the feeling that asking victims to once again battle in the courts is not the ideal way to address the scandal. Some of the cases go back 20 years, and the reality is that persuading those who are caught up in this to go back to court could be a big ask. However, if even one wrong conviction stayed in place, justice would not have been realised.

The UK-wide compensation scheme will require those seeking compensation to sign a legal statement declaring that they did not commit the crime for which they were wrongly convicted before they receive financial redress. Anyone found to have falsely signed could be found guilty of fraud. That should build in some deterrence against anyone looking to cash in on the miscarriage of justice that has been suffered by others. Indeed, as the Lord Bishop of Manchester said during the House of Lords’ second reading of the UK bill,

“the principle that it is better that a guilty person go free than an innocent one be convicted lies at the root of our British justice system.”—[*Official Report, House of Lords*, 13 May 2024; Vol 838, c 436.]

Too often, we have seen those in charge cover up following systemic failures: the NHS with infected blood products, the Hillsborough disaster and the once highly respected Post Office. The way in which ordinary people are treated by authority figures in those situations does little to address the issues. Rather, the establishment is more concerned with covering up whatever has gone wrong, fearing any resulting negative public relations coverage, as Fergus Ewing has alluded to. It can take years for the relevant authorities to even acknowledge that there is a problem. In the case of the Post Office, it was Alan Bates and other affected persons who built networks and tirelessly campaigned to expose establishment cover-ups. Yet we still have dangerous cladding

on buildings, reinforced autoclaved aerated concrete in schools and sewage in our waterways. There needs to be a cultural shift towards a more transparent and honest way of working, in which those in positions of authority take responsibility when things go wrong, own it and put it right at the first possible opportunity.

When the bill passes, those who have been wrongly convicted will finally have their names cleared. As we saw from the ITV drama, that will have significant impacts on many lives in which a past conviction is a barrier—for example, in situations such as helping out in a school. The bill will not give back the lives of those who tragically took their lives from the stress of the struggle, nor will it reverse the mental ill health that some still endure. It will not give back time spent in prison, nor will it give back birthdays missed, children growing up or homes sold.

We must pass this bill under the accelerated emergency mechanism to bring about swifter justice, we must realise compensation for those who have been caught up in the scandal and we must learn from this.

The Deputy Presiding Officer (Annabelle Ewing): We move to the open debate.

15:55

Ruth Maguire (Cunninghame South) (SNP): The use of tainted evidence that was provided by the Post Office in criminal cases right across the United Kingdom is one of the biggest miscarriages of justice to have occurred in recent history. Some sub-postmasters were suspended or dismissed; others were prosecuted for offences of dishonesty, with a number being convicted and, in some cases, imprisoned.

That miscarriage of justice has had profound impacts on the people who have been affected by it. They experienced bankruptcy and the loss of family homes. Individuals were hounded as thieves in the communities that they lived in and provided a trusted service to. There were breakdowns in relationships with partners, children and friends and the mental and physical health problems that result from the devastating toll of such a distressing and unjust situation. Several died by suicide.

Estimates from across the UK suggest that almost 1,000 individuals were convicted on the basis of evidence from the Horizon system over a 20-year period. In Scotland, those prosecutions were brought by the Crown Office and Procurator Fiscal Service. In 2020, the Scottish Criminal Cases Review Commission, which investigates possible miscarriages of justice in Scotland, wrote to 73 potential victims of the Horizon scandal.

In line with the approach that is being taken by the UK Government, the Scottish Government believes that anyone who was wrongly convicted as a result of the impact of the defective Horizon IT system should have their conviction quashed and should, as a result, be entitled to UK Government compensation.

A number of the cases affected by the Horizon IT failings are more than 20 years old. Some victims have passed away, while many others are in declining health or have lost faith in the justice system and, understandably, do not wish to engage further with it. The current system relies on sub-postmasters choosing to lodge an appeal, which many will not want to do, for obvious reasons. It also relies on there being evidence that the conviction is unsafe when, in many cases, that evidence no longer exists. Continuing with the current system would not achieve the objective of ensuring that all wrongful convictions are quashed.

The effect of the bill is both symbolic and practical. By quashing the convictions of sub-postmasters, it removes the stain from those who were wrongly convicted. However, it also has a practical effect. Under the overturned convictions scheme that has been established by the UK Government, anyone who was wrongfully convicted as a result of Horizon evidence is eligible to receive compensation, but only after their conviction has been overturned, which means that the many sub-postmasters and others who were wrongfully convicted but who have not appealed through the courts are unable to access the compensation that they deserve. The UK bill will remove that barrier to access for those who ought to be entitled to financial redress through the UK Government's compensation schemes and the bill before us today seeks to do likewise for Scottish sub-postmasters.

Given the unique circumstances arising from the endemic failings of the Horizon IT system, it is absolutely right for our Scottish Parliament to take unprecedented action in the form of primary legislation to quash the relevant convictions, rather than relying on the existing justice system to cure the miscarriages of justice that arose.

That said, the quickest and easiest route to overturn those miscarriages of justice would undoubtedly have been for the UK Government to extend its Post Office (Horizon System) Offences Bill to cover sub-postmasters in Scotland. I think that many Scottish citizens will find it strange that the UK Government excluded them and I remain unclear as to why the Scottish Government's repeated requests for the inclusion of Scottish victims were refused.

However, the requests were refused, so the Scottish Government bill before us mirrors the UK legislation to ensure parity between affected sub-

postmasters in Scotland and those elsewhere in the UK and, crucially, to ensure access to the UK Government's compensation scheme.

I am heart sorry that justice has taken so long and that it is coming far too late for some, but I will be glad to vote to progress this bill and to move us towards delivering action to ensure that sub-postmasters in Scotland who were affected by wrongful convictions can receive justice by having their convictions quashed and can have access to the compensation that they so gravely deserve.

16:00

Murdo Fraser (Mid Scotland and Fife) (Con):

The Scottish Conservatives welcome the Post Office (Horizon System) Offences (Scotland) Bill, which deals with a striking and appalling miscarriage of justice. There is a striking parallel with our item of business earlier this afternoon on the contaminated blood scandal, which is yet another horrendous matter of injustice.

This week, we will devote two afternoons of parliamentary business to the Post Office Horizon situation, in which, as we have heard from a number of speakers, hundreds of innocent sub-postmasters across the United Kingdom were unfairly accused of theft and fraud. The personal impact of that was horrendous. Hundreds lost their livelihoods, with some having to repay tens of thousands of pounds. Others were prosecuted. Some went to prison. Some took their own lives. For all those who were affected, the personal, financial and emotional impacts were enormous. Russell Findlay reminded us of some of the personal stories of those who were impacted. As we now know, those victims were all innocent. There were serious issues with the Horizon software. Horrifically, we now know that, at the top of the Post Office, the problems with Horizon were well understood, yet nothing was done to stop the prosecutions.

Now, at last, the UK Government has accepted that all those who were convicted require to be exonerated, and emergency legislation has been introduced at Westminster to address that. In parallel, substantial compensation will be paid out to those who have suffered. It is the least that they should expect.

I am glad that the Scottish Government has introduced its bill and I hope that the Parliament and all parties will work together to see it passed as expeditiously as possible. That said, it is disappointing that we have seen people in the SNP trying to exploit the Horizon scandal for political purposes, proving that no situation is so tragic that it cannot be turned into a constitutional football. In an interview on 23 April, the then First Minister, Humza Yousaf, said that he was "utterly

angry” about the fact that the UK Government had chosen not to extend its legislation to Scotland. He said that it was “outrageous and unacceptable”. However, justice is devolved to this Parliament, and the decisions that were made to take prosecutions in Scotland were not a matter for the Post Office but entirely a matter for the Crown Office and Procurator Fiscal Service. Had the UK Government tried to introduce a bill to deal with Scottish justice matters, we can only imagine that the very first people to complain would have been SNP ministers. However, they try to turn the current situation into a constitutional grievance.

Angela Constance: Mr Fraser is absolutely correct to say that justice is devolved, but that does not prevent me from bringing to this Parliament with great regularity legislative consent motions that are based on UK-wide legislation. I reassure him that I am one of the most pragmatic politicians that he will meet. I am not much of an ideologue. My concern was simply one of pragmatism and to look for the quickest solution.

Murdo Fraser: The legislative consent motions that the cabinet secretary refers to do not normally deal with matters of the criminal justice system in Scotland. However, I welcome the moderate tone that we have heard from the cabinet secretary, which is in stark contrast with what we heard from the former First Minister when he spoke on the issue just a few weeks ago.

The stance that the Scottish ministers have taken seems to have put them at odds with the stance that was taken by the Lord Advocate, who indicated to this Parliament back in January that she would not support blanket exoneration of those who were convicted on Horizon evidence. She was quite clear at that point that she did not believe that every conviction represented a miscarriage of justice. She referenced the fact that individuals had pled guilty in cases, not recognising—as we have heard in this debate from Pauline McNeill and others—that people who knew perfectly well that they were innocent were often advised by their solicitors to plead guilty to the charges because they were told that Horizon evidence could not be challenged so they had no alternative.

Questions remain about the conduct of the Crown Office and Procurator Fiscal Service—which, surely, had a duty to weigh the credibility of the Post Office evidence on Horizon before taking prosecutions. As Fergus Ewing reminded us, concerns were raised with the Crown Office in 2013 about the integrity of the Horizon system, but it was a further two years before a decision was taken to discontinue prosecutions that relied on that evidence. Four cases that were prosecuted after the 2013 meeting resulted in a conviction.

Pauline McNeill quoted a case in which a procurator fiscal was not convinced by the credibility of the Horizon evidence. I spoke at a lawyers conference three weeks ago. I met a retired procurator fiscal—a different individual—who told me that he personally had decided not to take forward a Horizon case because he was dissatisfied. Given what the Lord Advocate told Parliament last week, we now know that 11 cases have been identified in which individual prosecutors decided to suspend the consideration of proceedings and take no action as a direct result of their concerns over the accuracy of the Horizon system. Why did that not ring alarm bells at the top of the Crown Office and Procurator Fiscal Service? Why was a decision not taken at that point to cease all prosecution proceedings? I asked that precise question of the Lord Advocate when she gave evidence last Thursday, and I did not get a convincing answer.

It is good that the legislation is proceeding and that compensation is being paid to those who have been treated so unjustly, but that does not answer the very serious questions that remain about decisions that have been taken by the prosecution service in Scotland. We need answers to those questions.

16:06

Keith Brown (Clackmannanshire and Dunblane) (SNP): I am pleased that, at long last, we are legislating to overturn the convictions of those who were wrongly convicted in the Post Office Horizon scandal.

Many months ago, as we have heard, I was contacted by Rab Thomson, a constituent of mine and a former sub-postmaster of Cambus post office. He was one of around 100 Scots who were wrongly convicted because of the scandal. Even a year ago, when the faults with the Horizon system were widely known, Rab was struggling to get his conviction overturned.

On the issue that has now been raised—of the politicisation of where responsibility lies—it should be said that the whole scenario started in Westminster. Concerns were first raised about the system in 1997 with the Government that was new at that point. The issue centres on a body for which the responsibility is reserved entirely to the UK Government. Perhaps members should remember that, because some people seem to want to elide that point.

From the point at which I met Rab, my constituency team and I did what we could to support him—through writing countless letters to relevant organisations, being vocal in the press, and raising parliamentary questions on the issue. Indeed, I met Rab not long before his hearing, and

I am very pleased to report that, in January this year, he was among the first wrongly convicted postmasters in Scotland to get their convictions overturned.

As I have said, the postmasters have known about this scandal for decades. The public have known about the scandal for years. I think that Pauline McNeill used the phrase that the dogs in the street knew about the scandal. We therefore have to ask ourselves how it went on for so long.

We now know that a number of people in positions of power knew about it. Had they done things differently, we would not be in this situation. As the Lord Advocate said—and I do not want to attack the Lord Advocate—

Michael Marra (North East Scotland) (Lab): Will Keith Brown give way?

Keith Brown: I am sorry, but I do not have much time. We have been told that we will not get time back for interventions. I apologise to Michael Marra for that.

I have a direct quote from the Lord Advocate to the Parliament:

“The Post Office, its lawyers and ... UK Government ministers continued to support the Horizon system during ... 2013 to 2015”—

by which time we knew of the issues with the Horizon software. Throughout the scandal, there were

“worrying levels of deliberate and sustained concealment and deception”. —[*Official Report*, 16 May 2024; c 67.]

It would be good to hear a statement of a general principle that any deception should be the subject of a criminal investigation and, if necessary, criminal action. That should involve not only those with whom we disagree.

My point today is the same as the point that I made last week: given those levels of deliberate concealment and deception, what will it take for the people who are responsible for the scandal in the first place, both in the UK Government and in the Post Office, to face the consequences of their actions? The Post Office is answerable to UK ministers, who are responsible for not taking action when the faults in the Horizon system were first identified. As far as sub-postmasters in Scotland are concerned, the UK Government has been posted missing in all this.

I believe that this is the UK Government's problem to fix. It would be a rare occasion for me to stand here and ask why the UK legislature is not legislating on Scottish affairs but, on this occasion, given the necessity of speed and, as we heard from Beatrice Wishart, the necessity to mirror the UK bill as closely as possible, why do we not ensure that there is parity of treatment for

everyone across the UK who is affected? Why does the UK Government not include Scotland? Why does it include Northern Ireland, which has a different legal system, but not Scotland? That is a pertinent question.

I agree with Pauline McNeill that we should ensure that the Crown Office and others are held accountable. I am perfectly willing to accept that, but it should not be something that delays justice for the victims.

We know that the UK Government has broken the Sewel convention 11 times since 2018, ignoring or overriding the wishes of this Parliament. To me, that begs the question: if Scotland had acted first, would the UK Government have shut that down and told us to wait for the UK-wide legislation, as it has done in a number of other areas? One of those was our deposit return scheme, which was shut down in order for a UK-wide scheme to take place—although that is yet to materialise, unsurprisingly. I for one cannot make sense of the UK Government's decision making in all this.

I am glad that we are taking action to overturn the wrongful convictions. I could be wrong, and I am willing to be corrected, but I am sure that the Lord Advocate did not say, as has been alleged, that she does not support the idea of generalised pardons, or whatever the relevant terminology is. I am sure that she said that she could not do that within her powers, and that she was not willing to comment on the collective responsibility position of the Scottish Government. She said that she could not do it, not that she would not do it.

What will it take for the UK Government and the Post Office to be held to account here? Why did the UK Government, which is so keen to interfere in Scottish affairs, not include Scotland in the system? I cannot help but conclude that it is because the UK Government would rather play politics—as we are seeing from Murdo Fraser today—with the lives of people whom it has already let down severely, in a cynical attempt to show this Parliament up and avert the blame from itself. The disgraceful way in which the Lord Advocate has been talked about shows a generalised attempt to discredit institutions in Scotland as part of a wider Tory platform. It is a disgrace. In light of the UK Government's failure to act on behalf of the Scottish victims of this appalling scandal, I support the principles of the proportionate legislation that is now being proposed.

We should bear it in mind that the victims are not unaware of where responsibility lies, of who is trying to get out from underneath it and of who is not willing to take the action that is necessary. There is no logical conclusion other than that the UK Government is playing politics with its actions.

I am very pleased that the Scottish Government will take action. It is long overdue. People such as my constituent Rab Thomson have had their convictions overturned already, so I assume from what has been said in the debate that he will now be eligible for the compensation. It would be good to see that formalised for the other victims.

I do not know much about Maggie Chapman's proposed amendments, but they sound sensible to me, and I hope that they will be given serious consideration by the cabinet secretary and the Government. Let us see whether we can get the bill done as quickly as possible, given the UK Government's failure to act on behalf of the victims of the scandal.

16:12

Katy Clark (West Scotland) (Lab): The bill and the nature and tone of the Lord Advocate's statements to the Parliament raise serious issues for the justice system in Scotland. As Murdo Fraser said earlier, we heard a statement on the infected blood inquiry earlier today, and we heard representations about the culture in public bodies. The Law Society of Scotland says in its briefing to MSPs for this debate that it should be for the courts, not Parliament, to quash convictions. Indeed, that may normally be the case. It is extremely unfortunate that the Scottish courts and the Scottish justice system have failed to quash convictions on a case-by-case basis before now.

We need to identify what has gone wrong, because it is clear that there were concerns within the Crown Office in 2013 that the Horizon evidence was not safe. There have been a number of references in the debate already to the 2013 meeting and, indeed, to the Alan Bates legal cases thereafter. Although it is a pleasure to be able to speak in this important debate and to support steps to ensure that those who were convicted in the Horizon scandal have their wrongful convictions overturned now—and, indeed, compensation paid to them as soon as possible—it is the role of the Parliament to grapple seriously with the question why there have been such delays in that happening.

I appreciate that the bill is deliberately drafted to mirror the Post Office (Horizon System) Offences Bill—the Westminster legislation. This Parliament needs to ensure that all those who were wrongly prosecuted and wrongly convicted receive justice, but we also need to consider what went wrong here.

Around 100 people are believed to have been wrongly convicted in Scotland. It is hugely concerning that, like in the rest of the UK, prosecutions in Scotland proceeded when there

was so much concern that there were problems with the system.

I will talk about my personal experience, because I was an MP at Westminster prior to 2015. Although, to my knowledge, I had no constituent in North Ayrshire and Arran who was directly affected by the issue, I attended a number of meetings at the House of Commons in the years prior to 2015 organised by sub-postmasters and sub-postmistresses. They were attended by people from across the UK who had been falsely accused, and they explained what had happened to them. They were large meetings attended by MPs from all political parties and campaigners from across the UK. There was consensus among MPs from across the political spectrum, and there were robust representations about the concerns that had been raised.

Many lives were destroyed because those voices were not listened to. We need to understand as a Parliament why it required a television programme for the justice system to respond. At the time that I was learning about the issue, in the years up to 2015, it simply did not seem credible that those prosecutions were safe. Many professionals who were involved in the cases raised concerns based on what they saw, but the fact that many law-abiding citizens were being accused, prosecuted and convicted due to problems with the computer system was not recognised by the justice system, and that is what we need to focus on.

I took part in a debate in the House of Commons on the issue in 2014, and I was on the Business, Innovation and Skills Committee, which took evidence in the early part of 2015. It was clear in the debates that were taking place in 2013 that MPs from across the political spectrum were concerned. In my speech in the House of Commons, I made specific reference to my role as the chair of the Communication Workers Union's parliamentary group and to the discussions that I had been having with its sub-postmasters branch in that capacity.

It was very clear, and it was made clear in the debates, that it was not just the people who were being prosecuted who were raising concerns. Concerns were being raised by people working in post offices across the UK. It was said very clearly that the experience of people directly affected was that, when a problem was occurring in relation to Post Office financial systems, the initial response from the Post Office was to blame the postmaster or postmistress, rather than conduct a serious inquiry to see whether there had been a fault in the system and find out what had gone wrong. We know that the consequences of that were devastating for individuals whether they proceeded through the criminal courts or not. We

have many examples of years of anguish experienced by individuals as a result.

We need to pass the bill and make sure that everybody who was affected and who was taken through the criminal courts is included. That may require some amendments that might not mirror what has happened at Westminster. I hope that the Scottish Government will look favourably on that, because we need to make sure that those convictions are quashed.

There are broader issues here, not just for those who were prosecuted but for those who were accused but never prosecuted. There are also broader issues in relation to what we do when serious concerns in public institutions are raised and how the state responds.

16:14

Fergus Ewing (Inverness and Nairn) (SNP): This is what Kenneth Donnelly, deputy Crown Agent at the Crown Office, told the Wyn Williams inquiry about the appeals to the court of criminal appeal that were raised in Scotland:

“Following the conclusion of the first tranche of appeals it is anticipated that a streamlined and expedient process of review, appeal and disposal will be available for application to any future cases. It is anticipated that the rate of review and appeal will thereafter increase exponentially. It is not possible at this stage to provide a timescale for this process to be completed.”

That statement was delivered last November. What has happened to that review? Where is it? Why, in any event, was it not brought forward in 2015 at the very latest, and perhaps even earlier?

I have been a solicitor and a member of the Law Society of Scotland for 43 years, so I have great respect for it. I agree in principle that we should not transgress the separation of powers. It is for the courts to administer justice, and it is for us to pass the laws and steer clear of being involved indirectly in cases. However, I am afraid that, in this case, our legal system has completely let us down. There is no escaping that conclusion.

We have to pass the bill, and we have to get it right. There are lots of problems with it, not the least of which is something that has not been mentioned. Just yesterday, I noticed something when I was reading paragraph 35 of the financial memorandum. Up until now, I had thought that there were about 80 or 100 cases. Every time that the Lord Advocate has opined about the number of cases, she has mentioned around 80 or 100. However, paragraph 35 of the financial memorandum refers to

“the low estimate of cases to be reviewed (1,000) or the high estimate of cases to be reviewed (2,000).”

I say to the cabinet secretary that we have some work to do to find out what exactly the explanation

is for that enormous discrepancy. There might be a simple answer, but here we are at stage 1, and we have no inkling of the answer.

Angela Constance: I clarify that the explanatory notes and the financial memorandum say that the best estimate of cases to be quashed is 200. The figure could be lower or higher, but to ensure that we capture everyone who has suffered a miscarriage of justice, we will need to look at between 1,000 and 2,000 cases if we are to be satisfied that justice is going to be served.

Fergus Ewing: I absolutely agree with that. However, the question that I am asking is: why are we finding out about the possibly much higher figure only now? We did not hear about it in January, and we did not hear about it last week from the Lord Advocate.

The victims have been betrayed not just once and not just twice, but at least thrice. They have been betrayed first by being wrongly convicted; secondly, by the cover-up and the venal, deceitful, illegal, bullying, Stasi-like behaviour of those acting on behalf of the Post Office; and thirdly, by the failure of the Scottish system, which, like other solicitors here, I am proud to have been part of for all my adult life and have always thought of as a truly effective independent prosecutorial system.

The Crown Office did not come clean voluntarily. As it admits, it was forced to admit its position because of a freedom of information request from the BBC and by having to give evidence to the Wyn Williams inquiry. If it had not been for those things, we may have been none the wiser. That might have been completely covered up.

The Crown Office was told in two meetings in 2013 that the Horizon system was apparently flawed. Its first reaction was to say, “Let’s terminate the prosecutions.” I think that that must have been the right decision, but it was persuaded—we do not quite know why—to do otherwise. At the end of the second meeting, in September, the Crown Office was promised that the solicitor to the Post Office, Cartwright King, would carry out “a full examination” of all Horizon cases. If that was said in September, was there not somebody in the Crown Office shrewd enough to say, “Hang on. If everything is fine with Horizon, why do we need a full examination? Surely that is inconsistent with a bland assurance that all is well and that there are no dodgy cases.” Moreover, as Pauline McNeill asked, why did it not pick up the phone to Second Sight or Helen Rose? Did it? We do not really know. Did it make any inquiries whatsoever as our independent investigator in a system that, up until now, I was fairly proud of?

It is not exactly a huge shock to many of us that computers do not always work very well. My

goodness me: I was the Cabinet Secretary for Rural Economy and Tourism, and I spent two years of my life involved in the minutiae of trying to fix a dud computer system. In any event, which computer system is so intelligent that it can detect when it is being operated north of Hadrian's wall? That is a thing, is it not? Did any of the people in the Crown Office ask any questions about that? Moreover, as so many sub-postmasters and sub-postmistresses were being charged, did somebody in the Crown Office not say, "Hang on. These must be among the most law-abiding people in the country? How come there is a sudden flood of crooks who are running sub-post offices?"

The whole thing just looks, to me, utterly incredible. The first duty that we have is to the victims—we need to get them compensation. I support the cabinet secretary on that.

However, we must know what happened. The Crown Office must come clean. It has, voluntarily, to give us a full, thorough and credible account of what happened. Until it does so, the matter will not go away, and that would do the reputation of the Crown Office no good whatsoever.

16:25

Jamie Greene (West Scotland) (Con): It is telling that the content of chamber business today is consumed by two great national scandals: the infected blood scandal and the Post Office scandal. We do not know for certain how many people have been impacted by the latter, but, as with the former, people have had their lives absolutely ruined by institutions that demand trust and respect while forfeiting the trust of the very individuals who relied on them or made them successful in the first place.

Ultimately, innocent people were wrongly accused of malpractice and crime, thrust into debt and financial devastation and lost their lives, all in the name of protecting a great institution and, more importantly, the people who were in charge of it at the time. That is about as bad as it gets.

Those innocent people included Keith Macaldowie, a sub-postmaster from Greenock, who—as we heard—was falsely accused of theft to the tune of £15,000. He was desperately taking loans from his family and from anywhere that he could get money, just to balance the books in the Horizon hellhole in which he found himself. He lost his marriage, his friends and his money, and he was ostracised by the very community that he had served diligently. He was faced with the choice to resign or be prosecuted. Well—which would you choose?

In his evidence to the UK Horizon inquiry—the evidence is what has made the scandal so real to me—Keith said:

"The impact of the Post Office has affected my life in every aspect ... I have been treated as the guilty party."

He also said:

"I came close to suicide. At one point I had a noose around my neck."

Can you imagine what that feels like? This debate, therefore, is for them—it is not about the politics of others.

After months of ambiguity, the bill goes about as far as it can in terms of mass exoneration. It is not a perfect solution, nor will it serve any justice to Keith or so many others like him. Seeing Governments and Parliaments legislate to quash decisions that were made by the courts should make us, as legislators, uncomfortable, but it should make the Crown uncomfortable, too. Yes, there might be exceptional circumstances, and yes, the bill is not perfect—for example, it will not quash convictions that have already been appealed before the High Court and refused. The Lord Advocate confirmed that that may not affect too many people, but—as we have heard—it may do.

The UK Government faces a similar conundrum, as its bill will not quash convictions where appeals have been rejected by the Court of Appeal. Nevertheless, the UK Government has instead insisted that it will consider those cases, case by case. I hope that the same will be true in Scotland, because no victim of this scandal can be left behind. Parity between Scottish sub-postmasters and anybody else in the UK who is affected by the scandal is necessary on a moral level, if nothing else, even if bringing that about presents technical difficulties.

The cabinet secretary's letter to the Criminal Justice Committee today referred to the timescales for stage 3. My view is that we should legislate fully this side of the summer recess. If any future UK bill presents or necessitates a change, we can mop that up over the recess. It should not be the other way round, because we need to be seen to be proactive. The Crown, right here in Scotland, took decisions to prosecute Scottish postmasters. It is that difference of law and of process that makes the whole situation in Scotland more disgraceful.

Arguably, our legal system could, and should, have offered a safety net, in a way that the prosecution of the Post Office cases elsewhere did not. Our prized and unique approach to prosecuting and to corroboration should have led to that outcome, but it did not, because the Crown trusted the Post Office, seemingly beyond doubt.

Did it do so naively or conveniently? Perhaps we will never know, but we should.

When I asked her why that was the case last week, the Lord Advocate's pre-scripted response disappointed not just me but the victims. She implied that it is not the job of the Crown Office to challenge evidence. Perhaps not, but in the absence of a robust police investigation and of well-paid defence lawyers on the side of the postmasters, was it not more necessary than ever for the Crown Office to be utterly confident in its decision to prosecute cases? I would say that the Lord Advocate has endured two very uncomfortable appearances in the chamber already this year that have perhaps been unenlightening.

Yes, the Post Office has lost its status as a specialist reporting agency—rightly so—but there remain far too many unanswered questions as to why the Crown Office accepted Post Office evidence at face value without query and without questions. Even when suspicions arose—we have heard documentation of that today—those prosecutions proceeded. Why?

Referring crime to the police instead is not watertight. Anyone who saw the BBC "Disclosure" documentary will have seen the horrendous case of the late Caren Lorimer, who, when interviewed by the police, was told by them of important people

"who've worked for the post office for years"

and

"know that Horizon system upside down, back to front and inside out".

The police told her:

"It's completely and utterly fool proof and they've done all their checks and this money is not there."

That sounds like the plot of a TV drama, but that was real life.

Legislation will never restore the trust that has been lost in our justice system, the trust that has been lost in the Post Office and even the trust that has been lost in politicians' ability to hold all of them to account.

The blood scandal inquiry has called for compensation for those who have been "infected and affected" by that horrendous scandal. All the victims—convicted or not—of the Horizon scandal deserve more than warm words and 11-page pieces of legislation. Every one of them deserves compensation. Anything less than that would be morally repugnant.

16:31

Audrey Nicoll (Aberdeen South and North Kincardine) (SNP): I, too, welcome consideration of the Post Office (Horizon System) Offences (Scotland) Bill at stage 1 today. The bill, like the Post Office (Horizon System) Offences Bill that is going through the UK Parliament to legislate on convictions in England and Wales, takes the unprecedented and wholly exceptional step of providing a blanket exoneration for all those affected.

We all have memories of that familiar feature in our high streets across Scotland—the Post Office. It sold stamps, paid out pensions and benefits, and posted our parcels and Christmas cards. That makes it all the more hard to believe—and, frankly, all the more sinister—that the installation of Horizon, the software upgrade to the Post Office accounting system, which aimed to reduce fraud in local post office branches, became the focus of one of the most significant frauds in our legal history.

I extend my support to every individual who suffered the trauma, indignity and humiliation of being prosecuted and convicted of a crime that they did not commit, victimised by a horrific injustice unleashed on people who had done nothing wrong that robbed sub-postmasters and their families of their livelihood, their wellbeing, their good names and their right to having a good life—all at the hands of a greedy, reckless corporation.

We know that many people who suffered those injustices have not come forward, and I understand the conflict that many feel at the prospect of reopening and reliving a traumatic and difficult set of memories. Not everyone who was wrongly accused by the Horizon system is still with us, and I welcome the proposals in the bill for those individuals to have the wrong that they suffered addressed.

Many of us will have heard constituents, friends or even family members speak movingly about the devastating impact that the Horizon system had on them. In my case, a colleague whose father was a sub-postmaster recently reflected:

"I remember as a boy, every week, my father would say to my mum, 'I can't understand it, the takings are short again.' For years, my dad would check and double check, and if the till was short, he would top it up from his own pocket."

It would not be a stretch to anticipate that my colleague's father paid many thousands of pounds back to the Post Office, assuming that the fault was his, never questioning the integrity of Horizon.

I commend the work of the Criminal Cases Review Commission in considering Post Office Horizon convictions. To date, it has referred about

76 such convictions to the appeal courts, which has resulted in 63 convictions being overturned. I took those figures from the CCRC website today.

Russell Findlay: Does Audrey Nicoll share my curiosity about how the Crown Office and the Scottish Criminal Cases Review Commission arrived at the number of 73 convictions, given the suggestion that there could have been up to 2,000?

Audrey Nicoll: I cannot answer that, but I thank Mr Findlay for raising the issue. I hope that the bill will address that.

I have spent most of my working life immersed in the criminal justice system, reporting many serious and complex criminal cases and giving evidence in sheriff courts and the High Court. I commend the commitment and professionalism of those working across the criminal justice system, including in our courts, to seek justice for those who have been wronged by crime and to hold those responsible to account.

I am not insensitive to the concerns that members have raised about prosecutions in Scotland, but today's debate revolves around a bill that seeks to bring redress to those whose lives have been devastated, and to do so timeously.

Given the failings of the Horizon IT system that lie at the heart of this matter, I am fully supportive of the exceptional steps that are being taken through the bill to exonerate Post Office sub-postmasters who were convicted using information that infected the process of justice, with individuals pleading guilty to, or being found guilty of, offences that they did not commit.

However, it is disappointing that, despite representation from the Scottish Government, the UK Government has chosen not to extend its bill to Scotland. Frankly, if I were a Horizon victim, I am not sure what message I would take from that.

From the numerous media reports highlighting specific injustices, it has become clear that a broad range of provisions require to be included in the bill in order to capture the breadth of individual circumstances that have been faced by individual sub-postmasters. I also welcome the bill's provisions that seek to expunge any record of wrongdoing for those who have been affected. A range of crimes of dishonesty have been prosecuted and, consequently, the bill addresses the range of penalties that have been imposed.

I realise that, given the time that has elapsed for some people who have been impacted by these events, the removal of a wrongful conviction might be of limited practical effect, as issues such as previous convictions might not be eligible to be tendered in a court after all this time. However, it is important that we right the wrongs that the Horizon

IT system created in so far as that is possible. Importantly, the bill sets out to, when possible, undo the many additional wrongs that have flowed from the miscarriages of justice. That will include the repayment of fines and addressing the impact on pension entitlements for those who were wrongly imprisoned.

We do not have the power to turn back time or remove the hurt and anger of those who were wrongly accused. However, we do have the power and the responsibility to stand up for those who have been wronged, to publicly declare that there was no wrongdoing and, as far as is possible, to help them to find the place where they would have been in their lives but for this injustice.

16:38

Clare Adamson (Motherwell and Wishaw) (SNP): It is not often that an issue unifies most members of the chamber and the public in agreement on an outcome, but everyone is united in wanting justice for people who have had their lives and livelihoods ruined by one of the greatest miscarriages of justice in modern history.

In many respects, we must be realistic. The damage has been done, and sub-postmasters and their families have been put through hell. There has been a systemic abdication of responsibility by those involved. Although we can do what we can to provide redress through the bill and quash convictions that were not sound, we will never be able to fully compensate for what has happened to sub-postmasters across the country.

I am heartened that the Scottish Parliament is taking the unprecedented step of considering this emergency bill. It speaks to the severity of the issue that such a step is deemed necessary. Many people will have waited for years, if not decades, to get to this point. Tragically, some of them will not see the wrongs being righted. As the sole shareholder in Post Office Ltd, consecutive UK Governments allowed the Horizon scandal to happen unabated. The Post Office was complicit in attempts to conceal the issues from the public. Fujitsu, which I believe has remained conspicuously absent from discussions, must do more to account for its responsibility. Innocent people were caught in the crossfire of institutional systemic failure. There is consensus on redressing those historic wrongs.

I pay tribute to my Motherwell and Wishaw colleague at Westminster, Marion Fellows, for her resolute advocacy for sub-postmasters over many years, both in the all-party parliamentary group on post offices and with many colleagues across the political spectrum.

I also pay tribute to the journalists at *Computer Weekly*. As a former computing professional, I am

probably one of the few people in the chamber who has a subscription to that publication, but we all know how important its research work and its response to Mr Bates's complaints were in bringing the matter to the fore.

Our tributes must also go to the campaigners who fought tirelessly against one of the UK's oldest and most recognisable institutions, with the odds stacked against them. They took on the system and they have beaten it. We legislators now know the truth because of their efforts, and we have a moral duty to act now. Many will question why it took a TV drama to shift the dial on the issue. That should not be the focus of our discourse today, but it raises questions for us all about how much attention we paid to the warnings that were there previously.

Our collective focus should now be on expediting the bill so that equity can finally be secured for Scottish sub-postmasters. I am disappointed that the opportunity to include them in the bill at Westminster was not taken up by the UK Government. My colleague Marion Fellows moved an amendment to that bill that would have put that in place.

Russell Findlay: Does the member accept the need for Scottish legislation as laid out by the Cabinet Secretary for Justice and Home Affairs, not least because of the specific Scottish criminal offences that are involved?

Clare Adamson: The same argument could be made for Northern Ireland cases. After the bill was passed, the UK Government came back and included Northern Ireland cases, so why could it not have included cases in Scotland? That leaves a question among Scottish sub-postmasters and a doubt among those who are affected.

That is important, because there is one group of people whom we are not talking about today, in the context of the bill, but who nevertheless have been affected by the legislation. They are the sub-postmasters who signed non-disclosure agreements, gave up their businesses in response to the same bullying tactics of the Post Office and gave up the contractual payments that they would have received at the end of their terms as sub-postmasters, all to make the problems go away. Some of them have paid tens of thousands of pounds to make good their balances with the Post Office. Their lives have been affected in the same way, but, because of the non-criminal prosecution, they remain sceptical about coming forward at this stage to have their own cases brought into the public eye and exposed at this time. They are very fearful.

A blanket ban across the UK would have done some good in ensuring that those people's NDAs would not be acted upon. Sir Wyn Williams did

give an assurance during the inquiry that that would be the case, but Scottish sub-postmasters are asking whether that assurance applies in Scotland, because we have a different legal system. If the cabinet secretary can say anything to bring clarity to the situation, I would be grateful to hear it.

People must have the confidence to come forward. We should do everything that we can to make it as easy as possible for those who have been convicted and bullied or who have given up their businesses in the face of similar evidence and tactics from the Post Office to seek redress. I hope that the conversations that we have once we have passed the bill will encourage more people to come forward and obtain the redress that they deserve.

16:44

Michael Marra (North East Scotland) (Lab): The Horizon scandal is a great miscarriage of justice. Reputations were ruined, livelihoods were laid waste, dignity was destroyed and lives were lost. Many went to their graves knowing that they had been wronged, without hope of clearing their name. Although the legislation will not undo the pain, shame and suffering that has been caused, it is right that we legislate to deliver justice, however belatedly, and that wrongly convicted sub-postmasters and sub-postmistresses be exonerated.

The bill is relatively straightforward, and, to a very large extent, it exactly mirrors the UK legislation. I find the posturing of recent weeks and, frankly, some of this afternoon to be genuinely inexplicable. The bill in front of us is proof that the impossibilist claims of the SNP Government were without foundation.

The situation in Scotland is distinct, and the cabinet secretary knows that. In the case of the Horizon scandal, it was the Crown Office that prosecuted in Scotland, as opposed to the Post Office in England and Wales. The circumstances are materially different. It is right that we legislate here, with diligence and speed.

Clare Adamson: I am sorry that the member has taken what has been said as "posturing". I draw his attention to the evidence from James Chalmers, regius professor of law at the University of Glasgow, to the Westminster Justice Select Committee on 16 April, at the time of the delay. He said that

"requiring the Scottish Government to wait to see how the legislation passes through Parliament and how it is amended so as to try and mirror it later on, seems to help no one."

That was not necessary.

Michael Marra: The bill in front of us proves that we can do it here and, frankly, we should do it here, on the basis that the institutions are different. Also, it is right that we, as parliamentarians, have the opportunity to hold those institutions to account by asking specific questions about the conduct that took place—including members of the member's own party, who are raising very specific issues. Without the legislation that is in front of us now, we would not have that opportunity. That is an ancillary benefit but, I believe, a very important one.

The Horizon scandal has struck a profound chord with many across our nation. First, that is because it is about as clear a demonstration of injustice as one can possibly find: people were accused of a crime that they did not commit and devastatingly punished for it. Secondly, it is because it confirms a fear that many ordinary people have that great institutions will always protect themselves, not the people whom they are meant to serve. Those fears are well founded.

The Bishop of Liverpool's 2017 report into the Hillsborough disaster was titled "The patronising disposition of unaccountable power". That sentiment is echoed in the Post Office's interaction with the Crown Office in Scotland and repeated reassurances about the accuracy of the Horizon system, which have since been exposed as utterly false.

A part of that "unaccountable power" of the Post Office stems from its role as a specialist reporting agency, and the Lord Advocate is right to strip the Post Office of that status. However, I think that Parliament should hear more about the specific rationale for that decision, with which I agree—although, I believe, for differing reasons, according to the limited evidence that has been set out so far. Was the rationale the grievous nature of the offence? Was it that a vital piece of national infrastructure—a postal service—was inherently untrustworthy, or was it the people who ran it? Was it that the profit motive of a privatised utility is incompatible with that status?

Many more such companies remain listed as specialist reporting agencies and I remain concerned about how their standards will be enforced. That is exactly the kind of question that Parliament should have the opportunity to ask. The Lord Advocate stated that work is under way to strengthen the guidance and safeguards that exist, and it is right that Parliament is kept up to date on that work.

On 16 January, the Lord Advocate said:

"There has to be a system of reporting and a system by which the Crown prosecution service in Scotland can rely on successful Government agencies with established reputations as its specialist reporting agencies".—[*Official Report*, 16 January 2024; c 28.]

The term "established reputations" is key. Many are long established and have enjoyed that status for hundreds of years. We are debating the general principles of the bill mere minutes after the First Minister's response to the infected blood inquiry report, when he spoke about the type of culture that we cannot have in our public institutions. That is a vital reminder that we cannot blindly put our faith in the organisations.

The establishment is trusted. It protects itself and the power structures that it relies on. Those of us on the left might attribute more weight to that as a function of inequality—the imbalance of power between those with status and those without, which depends on the money in someone's pocket and the clothes that they wear. Liberals and Tories will point to the imbalance between the state and the citizen, where unbending bureaucracy too often trumps dignity. In truth, there is little more than a fine difference of perspective when it comes to the experience of citizens.

There must always be necessary checks and balances in our politics. We have to redouble our support for whistleblowers—the honest people who refuse to look the other way or to back down. This is the power of stories, the provocation of public empathy, and the witness borne by literature, theatre and television, where art becomes a mirror that reveals all of us in unsightly relief—Hillsborough, bloody Sunday, institutional child abuse and Eljamel.

We are decades past the age of deference and we are now reaping its consequences. Each day we seed more scandal, and on it goes. It begs the question of all of us of whether these are historical wrongs or a structural tenet of our state. There remains a culture of institutional cover-up that blights Scotland. Is the way in which we operate the state fit to prevent injustice in our age—a task that it has daily proven to have been incapable of in decades and centuries past?

16:51

Alasdair Allan (Na h-Eileanan an Iar) (SNP): As we have heard from members today, thousands of innocent sub-postmasters have had their lives ruined by being wrongly convicted of offences of dishonesty on the evidence of the faulty Post Office Horizon system.

I am glad that the bill's passage through the Scottish Parliament will be expedited to allow justice and redress to be delivered to victims as swiftly as possible. Of course, as members have pointed out, the quickest and easiest route to overturn those miscarriages of justice would have been for the UK Government to have extended its own bill to cover sub-postmasters in Scotland.

Unfortunately, the Scottish Government's repeated requests for that were refused.

Nevertheless, the bill that is set before us today should serve symbolic and practical purposes under the overturned convictions scheme that was established by the UK Government. Anyone who was wrongfully convicted as a result of Horizon evidence is eligible to receive compensation of at least £600,000, but that is only once their conviction has been overturned.

Many of those whose wrongful convictions have been overturned, including a constituent of mine, have yet to receive a penny in compensation. As her case is already in the public domain, I will, with her permission, take the opportunity to mention my constituent, Anne Quarm, whom I have been supporting in this matter. Mrs Quarm's late husband, William, was a sub-postmaster in North Uist.

In around 2009, Mr Quarm, who had run his sub-post office for several years, highlighted to the Post Office that he was experiencing issues with the newly installed Horizon IT system. The Post Office claimed that large sums of money were missing from the end-of-day accounts, a discrepancy that Mr Quarm could not understand. Because of what we all now know were fundamental problems with Horizon, Mr Quarm was initially ordered to pay tens of thousands of pounds. He tried to comply, but simply could not keep up.

Visiting investigators from the Post Office told Mr Quarm—as they, of course, claimed to everyone else in this sorry story—that nobody in the country was having any issues with the Horizon system except him. It has since become very clear that those investigators were incompetent, largely untrained and were telling what now seem to have very clearly been untruths.

Mr and Mrs Quarm were prosecuted on the strength of the evidence provided by the Post Office and had their sub-post office taken from them. The attached family-run shop also had to be sold. They lost their family home, much of their croft and their small bed-and-breakfast business. They soon became insolvent as a result.

Mr Quarm's health quickly deteriorated, leaving Mrs Quarm to plead for her husband to be allowed to spend his final days in his own home, ahead of that home having to be disposed of. Despite them working for the Post Office for 14 years, it was also decided that Mr and Mrs Quarm should not have anything paid out to them from Mr Quarm's pension. That decision has—incredibly—never been corrected.

Sadly, Mr Quarm died two years after being prosecuted on the strength of evidence provided

by the Post Office. Aside from their financial losses, they both suffered enormous levels of stress at a time when Mr Quarm was already seriously ill. To that must be added the strain for Mrs Quarm of trying to contain the details of her situation in a small island community where the stigma that is associated with any prosecution is very significant. The couple, who were liked and well respected, were left completely shattered. Today, Mrs Quarm is living in rented accommodation and is having to work full time at a point when she should really be thinking of retirement.

Mr and Mrs Quarm were eventually exonerated by a court of all the crimes of which the Post Office had accused them, but, unfortunately, that came well after Mr Quarm's death. To date, Mrs Quarm has not received a penny of compensation. Although I understand that the Post Office has offered to make an interim payment, that is yet to be seen, and there is still no sign of those payments being processed. At no stage has the Post Office or the UK Government—the sole shareholder in the Post Office—offered any support whatsoever, and the family have had to defend themselves at their own expense.

I am sure that members will agree that Mrs Quarm and her late husband have been treated shamefully by an organisation in which the UK Government is, as I say, the sole shareholder. I wrote to Kevin Hollinrake MP, the UK Minister for Enterprise, Markets and Small Business, on 26 February on Mrs Quarm's behalf, and I have written twice again since. I have received no reply from him, far less any indication of what has become of any interim payment, any compensation or even Mrs Quarm's pension. I hope that I will get a reply sometime. I think that members will agree that Mrs Quarm deserves that, at the very least.

16:56

Maggie Chapman: I thank all members who have told the stories of their constituents and community members who have been affected by the scandal. It is those people—the victims and survivors of this gross miscarriage of justice—and their families who must be at the forefront of our minds as we consider the bill this week. It is those people and the horrific experiences that they have been through that must be in our minds as we work to ensure that they receive effective compensation and redress, and support them to do so.

It is also those people who must be central as we learn the lessons of the scandal about our justice system, our culture around corporate power and our treatment of people who raise concerns

about systems and processes that affect and control their lives.

Innocent people lost their lives. Innocent people were convicted of crimes that did not even exist. Innocent people have suffered financial distress, emotional trauma and so much more, because of failures in both the public and private sectors. We have hard work to do to renew the trust that they will have lost—trust not only in institutions such as the Post Office and in the technology that so many of us rely on, but—in many ways, more fundamentally—in our justice system and our politics.

Of course, part of rebuilding of trust is about enabling better understanding of the responsibilities of private and public agencies. I have spoken already in the debate, as have other members, about the dangers of the privatisation and corporatisation of vital services and utilities. We must work, too, on improving the accountability of the institutions that are involved and, as a consequence, accountability for the decisions that we make as politicians, because we set the frameworks within which others—perhaps not all, but most—function.

This afternoon, I have been heartened to see the extent of consensus across the Parliament on the urgency of the bill, the need to ensure that it is comprehensive and the desire to address the causes as well as the consequences of this appalling injustice.

From a constitutional point of view—I am speaking of the constitutional issue that is actually of relevance to us today—it is deeply regrettable that we need to have legislation to overturn court judgments. It is a sign not of the breakdown of the principle of the separation of powers, but of the extraordinary scale on which that miscarriage of justice was allowed to occur.

It is important to recognise that this kind of legislation is exceptional and should not be the norm, but it is equally important to recognise that, in these extraordinary and exceptional circumstances, it is the right thing to do.

This bill is not a rubber-stamping exercise that exactly mirrors UK legislation, nor will the eventual act be a direct copy. The UK Government was asked to legislate for Scotland but chose not to do so, so we must take our responsibility seriously and we must, as I said in my opening speech, make this law as robust, inclusive and effective as possible.

Our debates today and on Thursday will give us the opportunity to do that together and I trust that today's spirit of co-operation and joint endeavour will characterise the discussions that we will have in two days.

We speak this week for the people who have been affected by that miscarriage of justice. It is for them that we seek not only to quash the convictions that they should never have faced but to ensure that they get compensation and redress. It is for them that we seek justice.

17:00

Pauline McNeill: The chain of wrongdoing that we have discussed today is a long one, indeed. It goes beyond the Post Office to include the Fujitsu engineers and officials who knew that they were abusing the system in order to get accounts to balance.

James Arbuthnot played a pivotal role in helping sub-postmasters to achieve justice. He never gave up and was never brushed off. Katy Clark and other MPs at the time were well aware of the controversy, so why were others unaware of it?

Fergus Ewing and Jamie Greene are correct to say that lessons must be learned. As Alasdair Allan highlighted, for hundreds of otherwise law-abiding people—who ran small businesses up and down the country and were important figures in their communities, helping people with their pensions, savings and benefits—the very role that they played in those communities was the one that hurt them, because of this unlawful scandal.

Sub-postmasters signed contracts to make good any losses. Why would 800 or so of them then defraud themselves of thousands of pounds, knowing that they would face criminal proceedings? That does not make a great deal of sense.

Even the helpline that was set up to help sub-postmasters to deal with the Horizon computer system was said to be an utter nightmare. People were kept on hold for hours on end when they were trying to learn how to use the system and could not get the money to balance. That was a tell-tale sign, in itself.

Jamie Greene: I never really understood why no one in any of the institutions, including in the Crown itself, did not question why there was a sudden onslaught of referrals from the Post Office about so many small businesses suddenly defrauding the system of tens of thousands of pounds every day. Why did that never ring alarm bells in any of those institutions, as they proceeded with prosecutions?

Pauline McNeill: Jamie Greene is correct. That is why Scottish Labour believes that we need answers, that we should be debating the matter here in Scotland and that the legislation should be dealt with here in Scotland. The system that was set up to help sub-postmasters to run efficient

businesses was the one that wrongly criminalised them.

Maggie Chapman is right to say that both Parliaments must act with emergency legislation, but it will require considerable effort to find all the sub-postmasters who were wrongly convicted. We knew following a court case in 2019 that there were unsafe convictions, so I wonder whether the Scottish Government raised any questions in 2019 about what action should have been taken following the court case to find out whether there were unsafe convictions in Scotland. Given the earlier discussion about the duty of disclosure, I wonder whether the cabinet secretary could deal with that. I know that she was not in post at the time, but the question is pertinent.

The emergency bill will be important, but it is useful to understand how many people might benefit, and to know about the pipeline of cases that exist. I will talk about a case that I mentioned to the cabinet secretary—that of Ravinder Singh Naga, who pled guilty when he was innocent, in relation to the case of a Post Office that it was ordered be shut in 2009 and which is still closed. He appeared alongside his mother. He was not employed in the post office, but helped his mother in his spare time. However, to save her, he pled guilty even though he was innocent and was given a community sentence. He sadly contracted tuberculosis and almost died. He is as much a victim as anyone else. I plead with the Scottish Government to consider how we could amend the bill to ensure that it covers him.

It would be helpful if we worked together on the issue and shared with each other all the amendments as early as possible, because we want Thursday to go smoothly. However, Michael Marra and Katy Clark are absolutely right about the institutional cover-up, the lies and the deceit by not just one official, but several among the top brass in Post Office Ltd. The star witness is appearing tomorrow for the next three days: the scandal will be even deeper than it is right now.

Alasdair Allan highlighted the compensation failures. That issue must be addressed and rightly so. Scottish Labour supports that being done as a UK bill.

Let us work together to make sure that such an injustice never happens again. Let us get the bill right, ensure that the convictions are overturned and track down as many people as possible who can benefit from the emergency legislation.

17:06

Sharon Dowe (South Scotland) (Con): The issue that is at stake demands urgent attention and action from everybody in the Scottish Parliament. Every party must put politics to one

side and focus only on delivering for the victims of the scandal and their families.

Many excellent contributions were made that, rightly, emphasised the gravity and importance of the bill. We must get it right and we must do so quickly. Around the chamber, speakers got to the heart of the tragedy that unfolded over many years when the Post Office wrongly went after sub-postmasters based on a faulty system. As Pauline McNeill mentioned, we need to question Fujitsu's role in that.

Many colleagues spoke movingly about the damage and ruin that devastated the lives of many innocent people. Alasdair Allan spoke of the devastating case of his constituents, Mr and Mrs Quarm. Few topics provoke such a strong cross-party response as horrendous mass miscarriages of justice, such as happened in this instance.

I highlight the powerful contribution by Russell Findlay, who quoted the families of victims who, sadly, lost their lives before their names were cleared. He mentioned a number of cases of those who were wrongly accused and those who took their own lives. I cannot imagine the grief and despondency that those people felt when they passed away with a guilty verdict against their names although they had done nothing wrong but had no means at their disposal to prove that they were good and honest people.

Ruth Maguire made a very emotional point about the impact that being embroiled in that horrific turn of events had on people's mental and physical health. Lives were turned upside down in ways that can never be rectified. The toll that that took on people's health cannot be calculated. I pay tribute to all the people who kept going and somehow stayed strong in the face of that terrible miscarriage of justice.

Murdo Fraser spoke movingly about the fact that sub-postmasters were often some of the most well-thought-of people in their communities. They were considered honourable, decent, honest, moral and reliable but were told that they could not challenge the Horizon evidence. They pled guilty to charges of which they were innocent. It is particularly tragic that the scandal wrecked the lives of that group of people. They were branded criminals and outcasts of society when they were the exact opposite.

Jamie Greene spoke about the consequences of the financial ruin that victims suffered. They were told to resign or be prosecuted. Who knows how many lives that has affected even beyond the victims themselves? A number of young people will have grown up in very different circumstances because their parents were wrongfully convicted. That is one of the many heartbreaking aspects of the affair.

Katy Clark and others asked the same question pointedly: why has it taken so long? Why did it take a TV programme, “Mr Bates vs The Post Office”, to get things moving? We should all keep asking ourselves that question and every party should reflect on it.

Pauline McNeill made a particularly strong speech, which focused on the inability of politicians and the legal system to correct any earlier this grotesque injustice. Why did they not question it? *Computer Weekly* wrote an article on it as far back as 2009. Why did alarm bells not ring at that time?

Finally, victims in Scotland will receive some sort of justice through the bill. It will not undo the damage, but I hope that it brings some small comfort that their name will be fully cleared.

It is right that the legislation is treated as an emergency. The existing approach, prior to the introduction of the bill, has not been anywhere near swift enough. Just six convictions have so far been quashed, and it is estimated that the number of convictions that may end up being overturned by the bill is in the hundreds—possibly, the thousands.

I will briefly pick up on the point that the Government wasted time in a constitutional spat with the UK Government instead of recognising immediately that a bespoke solution would be required in Scotland, in consideration of the unique elements of our justice system. It is disappointing that the SNP Government has attempted to politicise the scandal at various points, especially given that it appears that, for several months, it did not speak with one voice about its approach. The Lord Advocate appeared to say very different things from the previous First Minister or the cabinet secretary. At times, they seemed to be directly at odds with one another over what should happen.

I hope that the SNP will now set politics to one side, because that is what everyone here needs to do. We need to get the politics out of this, because every mainstream political party shares some blame.

As a result, I agree with the cabinet secretary about the need for the broad approach that the bill delivers. It is an exceptional response but is merited in this instance. In this scandal, justice has been undermined by the actions of the Post Office and, in Scotland, those of the Crown Office. The legislation corrects terrible mistakes. It does not undermine justice—it delivers it.

Some in the legal community, including the Lord Advocate, have suggested that mass exoneration could potentially mean the overturning of some convictions that do not represent a miscarriage of justice. However, hundreds of innocent people

deserve the most urgent action. That is why the legislation, which will bring justice to all who were wrongfully accused and convicted, is welcome.

I agree with Fergus Ewing and Beatrice Wishart that there should be an investigation into why the Crown acted as it did. That has been described as a monumental cover-up. We need a cultural shift to people’s taking of responsibility. We have to learn.

Michael Marra said that we cannot blindly put our faith in established organisations and that we need to redouble our support for whistleblowers.

The initial tainted evidence that convicted many innocent people came from the Post Office but, in Scotland, the Crown Office pursued the cases. It did so for several years after it became aware of concerns about the Horizon system. That cannot be swept under the rug. It has to be investigated and lessons must be learned. The Crown Office was often quick to prosecute, yet it has been slow to help the process of exoneration. One of the legacies of the scandal should be ensuring that the Crown Office learns from the serious failures that were involved in the scenario.

Today’s debate has been a good starting point. It has covered many key issues and considerations that should be at the forefront of our minds as the legislation quickly progresses. It is vital that we get that right, and that we do so urgently. Victims of the scandal have already lost so much. Their former lives are gone—destroyed by the actions of the Post Office. We owe it to them to put politics aside and to give them some small resolution, by quashing their convictions as swiftly as possible.

17:14

Angela Constance: I thank all members for their contributions. I agree with Sharon Dowey—or at least, with her opening remarks that, at this juncture, we should be putting politics aside. I say to her that it takes two to tango. I will, of course, take away the points that have been made today that are pertinent to the Scottish Government and the legislation that is before us, and give them all very serious consideration. Immediately after decision time, I will meet my officials so that we can proceed to the next stage.

I am particularly grateful to Beatrice Wishart and Ruth Maguire for their close and forensic attention to the bill that is before us. Like Clare Adamson, I, too, pay tribute to the work that Marion Fellows has done, and to what many others endured and tackled over many years, prior to the TV programme.

As I said in my opening speech, the bill is vital in ensuring that Scottish postmasters are not

disadvantaged compared with victims of the Post Office Horizon scandal in the rest of the UK. Everyone who has contributed to today's debate has spoken about the trauma associated with the injustice. We know that the victims have lost their homes and reputations—and some have even lost their lives. They have waited a very long time—indeed, too long—to have their names and reputations cleared. Although the bill cannot change the past, I hope that it will go some way to addressing these horrific miscarriages of justice.

I was very pained to hear what Dr Allan said about the plight of his constituent, Mrs Quarm, and that of her deceased husband, and about how that family has still to receive compensation. I can say to Dr Allan—and I make this offer to other members, too—that I have written to the UK Government on the issue of compensation, but I am more than happy to follow up on my own correspondence on behalf of the Government with individual cases reflecting the concerns that constituency and regional MSPs will have. Although the three compensation schemes in existence are the responsibility of the UK Government, I am happy to share whatever information I have, if that is of assistance to members.

I believe that it is prudent not to complete stage 3 before the UK bill is passed in its final form, notwithstanding the fact that there are some select differences between the Scottish bill and the UK bill, which our bill is designed, by and large, to mirror. That is simply because I want to ensure parity in how convictions are quashed, notwithstanding the differences in Scots law. More importantly, great care is needed to ensure that we are not rumbustious or cack-handed, and that we do not do anything that jeopardises people's access to compensation.

As I outlined to the Criminal Justice Committee, I will endeavour to make as much progress as possible, and that is why I have intimated that I will schedule the amending stage 3 process.

Jamie Greene intimated that we should complete our process before the summer recess, and I certainly hope that we can do that. We are following the UK Government's bill timetable very closely. The way things are done at Westminster is different, as is that Parliament's right: it can be a bit of a moveable feast. I do not want to burst Mr Greene's bubble, but he said that, if we were to complete the process, we could come back after the summer recess if needs be and take any further action. That further action would be a bill. I must also say to Mr Greene that I would not be waiting until after the summer recess. I can assure him that, if I need to make a respectful plea for Parliament to be recalled in the interests of swift action and swift justice, I will not hesitate to do so.

Mr Findlay raised some understandable questions about why the level of response to the Scottish Criminal Cases Review Commission was so low. Other members, Audrey Nicoll in particular, have spoken about the actions that were undertaken by the commission, which, I can assure members, did more than just write people a letter. It used tracing agents and made attempts to trace next of kin if someone was deceased. It has gone above and beyond, but the difficulties that it has encountered simply speak to the need for the bill, because people have lost faith in our justice system.

Russell Findlay: On that point, can the cabinet secretary explain why the number is now up from 73 to potentially 2,000? Where has that huge gulf in figures come from?

Angela Constance: I am grateful to Mr Findlay for the opportunity to clarify that. There are up to 1,000 cases across the UK. We do not anticipate 2,000 wrongful convictions in Scotland—I put that on record. The SCCRC's information came from the Crown and other sources, and it proactively wrote to nearly 80 people, I think it is now. I said to Mr Ewing earlier that our best estimate—and it is our best estimate—is that there are around 200 convictions to be overturned. However, to ensure that we leave no stone unturned, we will look at the thousands of cases where there is a listed relevant offence. I am happy to follow up on that in further detail, as Mr Findlay sees fit.

On non-disclosure agreements, I say to Clare Adamson that I very much appreciate her concern. NDAs are not part of the criminal law landscape, and the focus of the bill is to quash relevant criminal convictions. However, the Post Office Ltd sent a letter to Liam Byrne MP, chair of the Business and Trade Committee, and I will share that correspondence. Again, it is somewhat complex. It may give reassurance on the Horizon shortfall scheme in some respects, but it may raise other questions for members. Members may be aware that the Post Office Ltd has waived its rights under NDAs for the purposes of the Sir Wyn Williams inquiry.

Willie Coffey (Kilmarnock and Irvine Valley) (SNP): The massive failures of the Post Office have largely masked the responsibility of the software writer Fujitsu for the errors that led to the scandal. Is the cabinet secretary aware that the Post Office, which is a UK Government agency, has, incredibly, continued to award contract extensions to Fujitsu for the Horizon system, which the Post Office is still using despite continuing reports of defects, to the tune of £95 million since 2021?

Angela Constance: Fujitsu's role in the Horizon scandal is one of the issues that are rightly being reviewed by Sir Wyn Williams in his statutory

inquiry, as instructed by the UK Government. It is a matter of public record that Fujitsu has one contract with the core Scottish Government. I know that my colleague Neil Gray, when he was in his previous position as Cabinet Secretary for Wellbeing Economy, Fair Work and Energy, expressed the Government's expectations on a range of pertinent matters. The one contract that Fujitsu has—the electronic counting contract—will be retendered before the next Scotland-wide local government elections.

While we are on the issue of the public inquiry, it is important to emphasise that it is UK-wide, including Scotland, so it includes prosecution services in Scotland. The Scottish Government's agreement to that was signed off by my predecessor, Keith Brown.

On potential amendments, I understand why Maggie Chapman and Pauline McNeill have raised concerns and why they are advocating for the bill to apply to those who were not involved in operating a Post Office business or were not working in a Post Office business. There are some difficulties with that in terms of meeting the five criteria that are listed in the bill, and there are some risks around it, which I would be more than happy to discuss with Maggie Chapman and Pauline McNeill.

Pauline McNeill: I appreciate that the cabinet secretary is going to consider that, but one other thing to consider is that, in the case that I raised, in which the person was not a sub-postmaster, the evidence that was used to convict him was still the same evidence, and there was no stealing of any money. Therefore, it amounts to the same principle.

Angela Constance: In terms of the here and now, I point members to the redress shortfall scheme. Obviously, we have discussed at length the opportunities around the Scottish Criminal Cases Review Commission but, more fundamentally, I need to discuss with members whether we are getting the balance right, because we have a balance to strike. As Maggie Chapman and Jamie Greene have acknowledged, these are extraordinary circumstances that have resulted in the extraordinary action of Parliament passing a bill to overturn convictions. As justice secretary, I have to say that that should in no way be a precedent, and it is a grave undertaking. I believe that we are doing that for the very best of reasons.

The bill as it stands already carries some risk, and we are carrying that risk because the priority is to capture all those who have suffered a miscarriage of justice. At the end of the day, it will be for Parliament to decide some limits on the scope of the bill. In doing so, we will have to be absolutely clear that we have got the balance correct.

I reaffirm my commitment to working constructively with all parties in the chamber to ensure that we overturn an unprecedented miscarriage of justice and, ultimately, deliver justice for postmasters in Scotland. I say to Mr Ewing and others that of course we have work to do. We have a lot of work to do to rebuild trust and address causes and consequences. With members' co-operation, I am sure that we will do just that.

**Post Office (Horizon System)
Offences (Scotland) Bill:
Financial Resolution**

17:28

The Presiding Officer (Alison Johnstone): The next item of business is consideration of motion S6M-13232, in the name of Shona Robison, on a financial resolution for the Post Office (Horizon System) Offences (Scotland) Bill. I call Angela Constance to move the motion.

Motion moved,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Post Office (Horizon System) Offences (Scotland) Bill, agrees to any expenditure of a kind referred to in Rule 9.12.3A of the Parliament's Standing Orders arising in consequence of the Act.—[*Angela Constance*]

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

Motion without Notice

17:28

The Presiding Officer (Alison Johnstone): I am minded to accept a motion without notice, under rule 11.2.4 of standing orders, that decision time be brought forward to now. I invite the Minister for Parliamentary Business to move such a motion.

Motion moved,

That, under Rule 11.2.4, Decision Time be brought forward to 5.28 pm.—[*Jamie Hepburn*]

Motion agreed to.

Decision Time

17:28

The Presiding Officer (Alison Johnstone): There are two questions to be put as a result of today's business. The first question is, that motion S6M-13292, in the name of Angela Constance, on the Post Office (Horizon System) Offences (Scotland) Bill at stage 1, be agreed to.

Motion agreed to,

That the Parliament agrees to the general principles of the Post Office (Horizon System) Offences (Scotland) Bill.

The Presiding Officer: The final question is, that motion S6M-13232, in the name of Shona Robison, on a financial resolution for the Post Office (Horizon System) Offences (Scotland) Bill, be agreed to.

Motion agreed to,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Post Office (Horizon System) Offences (Scotland) Bill, agrees to any expenditure of a kind referred to in Rule 9.12.3A of the Parliament's Standing Orders arising in consequence of the Act.

The Presiding Officer: That concludes decision time.

National Epilepsy Week 2024

The Deputy Presiding Officer (Annabelle Ewing): The final item of business is a members' business debate on motion S6M-13087, in the name of Marie McNair, on national epilepsy week 2024. The debate will be concluded without any question being put. I ask members who wish to speak in the debate to press their request-to-speak buttons.

Motion debated,

That the Parliament recognises National Epilepsy Week, which runs from 20 to 26 May 2024; notes that this takes place to raise awareness of epilepsy, the challenges that those living with the condition face and to promote greater understanding and inclusion; further notes, in particular, the employment challenges that can face those living with epilepsy; understands that it is the most prevalent of the main neurological conditions, with around 58,000 people living with epilepsy in Scotland; recognises what it sees as the importance of National Epilepsy Week to foster conversations and greater understanding amongst the general public of the condition and what to do when someone has a seizure; welcomes the work of local groups such as West Dunbartonshire Epilepsy Support Group and, nationally, Epilepsy Scotland, for what it regards as the vital social support services that they provide to those living with epilepsy, but notes the reported difficulties that they are facing through independently funding these services, and hopes for a productive and successful National Epilepsy Week.

17:30

Marie McNair (Clydebank and Milngavie) (SNP): I am pleased to bring the debate to the chamber during national epilepsy week. I thank my colleagues for supporting my motion and participating in the debate.

National epilepsy week is dedicated to raising awareness of epilepsy and the wider challenges that those who are living with the condition face, and to promoting greater understanding, inclusion and support for those who are living with epilepsy. The theme this year is #BeyondSeizure.

In Scotland, there are approximately 58,000 people with epilepsy. It is, by some margin, one of the most common neurological conditions in the world. Despite that, however, people with epilepsy can often feel that their condition gets less attention than others. I know that many people would not know what to do if someone had a seizure in front of them. It is essential, therefore, that we, as politicians, use our position to highlight the condition and work to tackle stigma.

If you are with someone who is having a seizure, you should move them only if they are in danger; cushion their head if they are on the ground and loosen any tight clothing around their neck, such as a collar or tie, to aid breathing; turn them on their side after the seizure stops; and stay

with them and talk to them calmly until they recover. You should also note the time that the seizure starts and when it finishes. It is important to recognise that no two people experience epilepsy in the same way. For one person, epilepsy can mean complete seizure control on medication, while for another person, it can mean uncontrolled and frequent seizures despite medication.

Epilepsy has various causes—it can involve an identifiable cause such as an acquired brain injury; developing epilepsy following a diagnosis of dementia; or genetic causes. In addition, people with Down's syndrome, autism or learning disabilities are statistically more likely to have epilepsy. A study across the United Kingdom nations estimated that there are 49 new cases of epilepsy diagnosed in Scotland every day. The same study identified a connection with regard to an increased prevalence of epilepsy in areas of deprivation. People who are living in deprived areas are a third more likely to have epilepsy than those who are living in the least deprived areas. According to Epilepsy Scotland, that has also been shown in previous studies by other researchers.

That highlights the complex nature of the condition and how it can often be intertwined with other health conditions and social factors such as poverty. I commend Epilepsy Scotland's welfare rights service for its work to reduce poverty by maximising people's income, and I back the organisation's calls for general practitioners who charge for completing an NCT003 form to stop the practice. A free bus pass should be just that—free. I ask the Minister for Public Health and Women's Health to take an interest in the matter, if she has not already done so.

The impacts of epilepsy and the challenges that it brings are wider than just seizures. Epilepsy can result in mental health challenges; a feeling of social isolation; and feelings of stigma or judgment from others who do not know enough or who make assumptions. I was struck by one comment in a briefing that Epilepsy Scotland provided to me. It said:

“They don't know because they lack the education of how to support someone who is epileptic and when they see you taking or not being well, they think that you have taken drugs. Sometimes they just leave you.”

That type of stigma can be debilitating and dangerous, so we must do more to challenge it.

Epilepsy can also impact sleep and memory and can, unfortunately, make it more difficult for individuals to find or remain in paid employment. According to the Office for National Statistics, only 34 per cent of working-age people with epilepsy are in employment. For those who are living with epilepsy, social support services that are provided

by charities such as Epilepsy Scotland can be vital.

Douglas Lumsden (North East Scotland) (Con): I thank the member for taking an intervention and for bringing the debate to the chamber. In February, Epilepsy Scotland had to stop the provision of in-person support in Aberdeenshire as a result of lack of funds. Fortunately, a private company stepped in to provide short-term funding so that the service could start again, just this month. Would the member agree that local health boards need to step up and provide funding for that vital service?

Marie McNair: Absolutely.

For those who are living with epilepsy, social support services that are provided by charities such as Epilepsy Scotland can be vital, as they create a safe space for people to discuss their challenges free from stigma, and to access important information and guidance. Access to solid social support has been shown to help to reduce the use of clinical care, as people gain a better understanding of how to manage their condition and better mental health, and have support structures in place if they encounter crises. Those social services are essential, but I understand that funding them to continue can be challenging. I would welcome greater consideration at both national and local levels of funding for such services.

When I met the West Dunbartonshire epilepsy support group, I was interested to learn from its members about the possible positive benefits of medicinal cannabis for those who are living with the condition. I would be interested to see further research in that area, and greater consideration given to that option.

I take the opportunity to thank the West Dunbartonshire epilepsy support group and, nationally, Epilepsy Scotland. I also thank Brian and John of the West Dunbartonshire group for meeting me to tell their stories and increase my understanding of epilepsy. The group does commendable work to tackle social isolation and provide support to those with epilepsy, and it has my support. I thank Epilepsy Scotland for taking the time to meet me and provide me with helpful statistics and information. The social support services that the organisation provides to people across Scotland are vital. I also put on record my thanks to the Scottish Parliament cross-party group on epilepsy.

Individuals who are living with epilepsy possess an abundance of strength and resilience. They navigate a world that is not often accommodating of their needs, yet they persevere with confidence. Let us use our Parliament to amplify the voices of individuals with epilepsy and their stories,

challenges and achievements. By doing so, we foster empathy, break down stigma and help to raise awareness of the condition among our society.

I urge all members in the chamber to take the time to do their bit, whether that involves raising awareness on social media or meeting constituents who have epilepsy. By doing so, we will create the inclusive and passionate country for which we strive.

17:38

Alasdair Allan (Na h-Eileanan an Iar) (SNP): I thank Marie McNair for bringing this important debate to the chamber. This week, as she said, is national epilepsy week, which is an opportunity to raise awareness of epilepsy, in particular the challenges that those who are living with the condition can face. I am pleased to take part in the debate as convener of the cross-party group on epilepsy. I also do so as someone who has epilepsy, although thankfully it has been controlled via medication for many years now.

Epilepsy is one of the most prevalent neurological conditions nationally, with an estimated 58,000 people in Scotland being thought to have it. Unfortunately, however—as Ms McNair mentioned—it is still misunderstood by many, and its wider effects are often underestimated. There remain lingering misconceptions around the condition, some of which are relics of the very considerable stigma that attached itself to epilepsy until well within living memory.

Some of that lack of understanding affects those who are living with the condition in many ways, including in relation to the job market. According to figures from 2022, as we have heard, only 34 per cent of working-age people with epilepsy are in employment. In addition, 61 per cent of respondents to Epilepsy Scotland's national survey last year said that their epilepsy affected their employment to some degree.

Much of that comes down to a serious lack of awareness, in particular on the part of employers, of what epilepsy actually is and how necessary adjustments to working practices can often very easily be made. In 2023, I was pleased to be involved in the launch of Epilepsy Scotland's national survey, "Epilepsy on the Mind", which examined the impact of epilepsy on individuals and their support network, in particular in relation to mental health. Although it is important to say at the outset that epilepsy is not—as was often assumed in the past—a mental illness, the study showed that 85 per cent of respondents believed that epilepsy had, nonetheless, impacted on their mental health, with half of respondents saying that

they had anxiety and a third reporting that they had depression.

Many people who are living with epilepsy are not permitted to drive, for good reasons. As someone who grew up in, and now lives in, a rural area, I cannot stress enough what a serious obstacle that can present to both work and social life. In my case, I am fortunate enough now to be able to drive, although it has been commented that perhaps my driver's licence should be restricted in its validity in some way to the Outer Hebrides. Nonetheless, it is important to ensure that those who have epilepsy can access the right support and advice to help them to overcome some of the problems around employment that I specifically mentioned.

In addition to the essential clinical care that is required by those who are living with epilepsy, the work of charities such as Epilepsy Scotland in providing social support is vital for improving the wellbeing of those with the condition. That involves facilitating access to the relevant resources and knowledge, counselling, peer-support activities and welfare rights assistance. That work helps to relieve pressure on the national health service in the long term, with studies showing that those who receive good-quality social support can manage their epilepsy better, and that they use fewer clinical and social care services as a result.

I commend Epilepsy Scotland and other third sector groups for the incredible work that they do to support those who are living with epilepsy, and for spreading awareness about the condition and its effects. During national epilepsy week, I encourage as many people as possible to learn a little bit more about epilepsy. Everyone can play a part in reducing the misconceptions that can needlessly and unfairly exclude so many people from the employment opportunities and social life that are so important for anyone's mental health.

17:42

Pam Gosal (West Scotland) (Con): I thank Marie McNair for raising this important issue in her members' business debate. I also thank all the organisations and charities for the excellent work that they do to improve the lives of people with epilepsy. National epilepsy week is a time for us, as parliamentarians, to come together to raise awareness and extend our support to those who are living with epilepsy and to their loved ones.

Epilepsy is a condition that affects the brain and causes frequent seizures. Unfortunately, epilepsy is often misunderstood and stigmatised. A report from Epilepsy Scotland has shown that a third of those who are living with epilepsy experienced depression; 46 per cent admitted to having

anxiety; and 54 per cent said that the condition had impacted their mental health.

According to Epilepsy Action, only 42 per cent of the working-age population of those with epilepsy are in employment. As the Trades Union Congress has noted, people with epilepsy earn, on average, 11.8 per cent less than their peers. However, we must remember that epilepsy is the most common neurological disease, affecting an estimated 50 million people worldwide; that includes 630,000 people in the United Kingdom and 58,000 people in Scotland. Epilepsy knows no age, gender, geographical location or socioeconomic background.

Although national epilepsy week cannot offer a cure, it helps to raise awareness of what epilepsy is. The first step towards helping those who are affected is to recognise the symptoms of a seizure and to know what to do when it occurs.

We must also use this week to challenge misconceptions and to break down barriers that prevent those with epilepsy from experiencing the joys of everyday life. I take the opportunity to recognise the work that is done by local groups such as the West Dunbartonshire epilepsy support group, which celebrated its 20th anniversary last year, as well as the Epilepsy Connections group and Carers of West Dunbartonshire, in raising awareness of epilepsy and providing those who are living with the condition and their loved ones with the support that they need. However, more needs to be done, especially on behalf of the Scottish Government. Karen Albrow of East Dunbartonshire, who is an unpaid carer and mother of a 17-year-old son with epilepsy, is struggling with getting support from the limited local services. With funding to local services having been cut, Karen worries that it will be challenging for her son to get through further education and become self-reliant.

As has been mentioned, those who are living with epilepsy often experience mental health issues. The onus is, therefore, on health boards to set up routine mental health screening in epilepsy clinics, with immediate referral to mental health support when it is required.

Those who are living with epilepsy are entitled to a bus pass. However, some GPs are charging between £10 and £40 to sign an official form that comes with the application for a pass. Public transport is a lifeline for many people with epilepsy, and imposing a fee risks cutting them off from the rest of the world. I would, therefore, like to hear the minister, when she is winding up, announce that that fee will be scrapped.

In conclusion, I reiterate my support for all those who are living with epilepsy. I am hopeful that members in the chamber can unite and work

together for a future in which epilepsy no longer casts a shadow of stigma and fear.

The Deputy Presiding Officer: I call Carol Mochan, who joins us remotely.

17:47

Carol Mochan (South Scotland) (Lab): I, too, thank Marie McNair for bringing this important debate to the chamber. On behalf of Scottish Labour, I welcome national epilepsy week 2024, and recognise—as other members have said—its importance in raising awareness of epilepsy and the challenges that are faced by those who are living with the condition.

As the motion states, and as other members have mentioned, epilepsy

“is the most prevalent of the main neurological conditions”,

impacting around 58,000 people across Scotland. It is right, therefore, that we use this week to draw attention to the condition and have conversations about epilepsy, and perhaps to have a look ourselves at what to do when someone has a seizure, which Marie McNair explained. Awareness of how to respond is key, and I pay tribute to Epilepsy Scotland and local epilepsy support groups in Ayrshire and Arran and across the South Scotland region for the work that they do. Their work in raising awareness and in providing individual and family support and care, and their level of expertise, are absolutely critical, and they are deservedly recognised in the motion.

I also thank our NHS nurses and doctors, and epilepsy specialists, who diagnose epilepsy, provide first-class healthcare and family support where it is required and respond in emergency situations, including when someone has their first seizure. As we all know, our NHS is under significant pressure, but the determination of our NHS staff to provide the best level of service is greater now than it ever has been, and it is right that members have recognised their contribution in the chamber today.

I turn to Epilepsy Scotland’s #BeyondSeizure campaign, and reiterate its broader points surrounding the wider impacts of epilepsy—as other members have highlighted—in respect of mental health, memory, feelings of isolation, employment and driving. As we know, epilepsy is not defined simply by having seizures; it is much more than that. It can completely change an individual’s day-to-day life, their abilities and their mental and physical health. Support must, therefore, not be restricted to raising awareness of seizures and how to respond—it must cover the other impacts that may not immediately come to mind for people.

Although I recognise the need for Epilepsy Scotland's funding to match the service delivery that it provides and enable it to extend the support that it offers, I believe—as has been said many times by members across the chamber—that the Scottish Government has to reflect on how the third sector is funded. It is easy for the Scottish Government to pin responsibility on the NHS and local government, but in reality those bodies are absolutely cash-strapped as a result of decisions that have been made by Governments across the UK.

This is an important debate, and I believe that it has achieved its aim of raising awareness in the chamber of the wider impacts of epilepsy and the need for better resources to ensure that support can be delivered. Epilepsy is a topic that we must speak about more. The scale of its prevalence in Scotland and across the UK confirms that, and I hope that this national epilepsy week will go some way towards achieving that.

As I said, Scottish Labour welcomes Epilepsy Scotland and epilepsy support groups across Scotland and within the NHS, and we hope that this week helps to deliver some long-term stability and progress in the area. I thank all my colleagues for their contributions, and I thank Marie McNair once again for bringing the debate to the chamber.

17:51

Tess White (North East Scotland) (Con): I, too, thank Marie McNair for securing the parliamentary time to mark national epilepsy week. Having experienced a grand mal seizure myself, I want to make a brief contribution, because it is so important to increase people's understanding of this neurological condition and its impact on everyday life. I commend Dr Alasdair Allan for also sharing his story with us.

Having somewhere to share stories and experiences can be transformative for people who are living with epilepsy, and for their carers. I pay tribute to support groups such as Quarriers epilepsy community outreach, which has groups in Inverurie and Banff in my region, and a parents support group in Stonehaven.

After experiencing my seizure, it felt as though the whole world had fallen apart. I was told by my consultant that I might never work again. I could not drive or get to work, I could not go swimming and I could not ride my bike, which I did often. At that time, I also had to think very carefully, as I wanted to have children.

It felt as though I had lost complete control of my life and the freedom to live it in the way that I wanted to. I felt panic and fear as doctors worked to unravel the cause of what can be a complex condition. Fortunately, I was able to work—I was

the head of a human resources department—but I know that not everybody in employment is as lucky as I am. I was grateful to my employers at the time for their support in helping me to get to and from work.

Last year, as we have heard, Epilepsy Scotland published "Epilepsy on the Mind", a report on the impacts of epilepsy on mental health, which found that one in three people with epilepsy said that they have depression, half said that they have anxiety and one in four said that they have both. Those are sobering findings, and they reinforce why we must encourage conversations, like this one, about epilepsy. I was pleased to support Epilepsy Scotland's call during mental health awareness week for health boards across Scotland to implement mental health screening in epilepsy clinics. That is very important.

Another finding in Epilepsy Scotland's report that struck me was that 48 per cent of those who were surveyed were not in paid employment. Looking back at my experience, it was so devastating that I could have stopped work, but I was given support that really helped me to understand what the condition was, and I had very supportive employers—as I said, I am grateful for that.

More than 60 per cent of respondents to the survey thought that epilepsy had affected their employment prospects. That is true; among disabled people across the UK, people with epilepsy have one of the lowest rates of employment. When I saw that figure, I found it alarming, and it is one of the reasons why I felt that I had to speak in the debate. I share Epilepsy Action's ambitions for more support to help people with epilepsy to find and stay in work. As a society, we must do better in that regard.

I have one final reflection. As co-convenor of the CPG on medicinal cannabis, I have heard some really difficult stories of parents desperately trying to secure medicinal cannabis oil to ease the symptoms of their children with epilepsy. We seem to be going round and round in circles on that issue, and we need to find an answer to it. The UK Government has rescheduled certain cannabis-based products for medicinal use. More than five years on from that change, we need to address the barriers to prescribing those products.

17:55

Emma Harper (South Scotland) (SNP): I did not intend to speak, but on listening to the contributions—and having read the epilepsy briefing that was sent to us by Andrew Lindsay ahead of the debate—I thought that I would jump to my feet. I thank Marie McNair for bringing the debate to the chamber.

On reading the briefing, I was surprised by the additional items on depression, anxiety, obsessive-compulsive disorder and post-traumatic stress disorder; Pam Gosal mentioned depression and anxiety. It is an important issue. Briefing papers to us in the Health, Social Care and Sport Committee also included something about raising awareness on anxiety and depression in persons with epilepsy.

I am a type 1 diabetic. As part of my care, about once a year, when I go to my doctor's appointment they give me a self-assessment tool for depression and anxiety, because those are higher in type 1 diabetics. The self-assessment that is used is the hospital anxiety and depression scale—the HADS scale—which uses the scale 3, 2, 1 and zero to assess the level of anxiety and depression.

I am also co-convener of the lung health cross-party group and the diabetes cross-party group, where we have had discussions on the assessment of anxiety and depression in people with chronic obstructive pulmonary disease, as well as persons with diabetes.

I just want to raise awareness of assessment tools such as the HADS, and I seek to make sure that people who self-assess know that they can access a healthcare professional if they score highly on a scale that might indicate that they need to do so. I would be interested to hear from the minister any comments on self-assessment—including, crucially, the need for people who act on any self-assessment scale to know when they should seek assistance and support.

17:58

The Minister for Public Health and Women's Health (Jenni Minto): I am delighted to respond on behalf of the Government as we mark national epilepsy week. I extend my thanks to all members who have spoken for their thoughtful contributions, and to Marie McNair for lodging what is an important motion. As she has said, it allows us to amplify the voices of those who live with epilepsy.

I recognise how debilitating epilepsy can be and the importance of high-quality, accessible care for people who live with the condition. It has been sobering to listen to the wide array of difficulties that people can experience, and I agree with Tess White and Alasdair Allan that the ability to share stories here can be transforming. I thank them both for sharing theirs.

I express my gratitude to our third sector partners for their communication of the challenges that are faced by people who live with epilepsy, and for their commitment and desire to work with us to further develop integrated and person-centred care.

Tess White: Would you be willing to meet me and my co-convener, Pauline McNeill, to talk about the issue that I raised? One mother has had to crowdfund to treat her child's epilepsy. I think that she pays about £2,000 a month because the treatment is available only on private prescription. We have been going round in circles, so would you be willing to meet to have a discussion to see whether we can chart a way through?

The Deputy Presiding Officer: Always speak through the chair.

Jenni Minto: I thank Tess White for her intervention. I would be happy to meet her and Pauline McNeill, as co-chairs of the CPG.

It is fair to say that it has been a productive year since our previous epilepsy debate, and I am delighted to update members on the progress that we are making in supporting projects and developing work to improve outcomes for people with the condition. Since the introduction of our neurological care and support framework in 2020, we have committed almost £650,000 to projects that improve the health and wellbeing of people with epilepsy, despite the pressure on Scottish Government priorities.

The work that is being funded is wide in scope and has delivered direct improvements in care, such as through supporting Epilepsy Scotland to work with NHS Lothian on piloting mental health screening and interventions for people with epilepsy. We have funded Epilepsy Connections to test a partnership model of delivering dedicated online and phone counselling, and we have funded work by Quarriers to deliver community outreach support and epilepsy awareness workshops, and to develop a programme that empowers people with epilepsy to make informed decisions about their own care and increases their capacity for self-management.

I am also delighted that we have continued to invest in the development of a Scottish epilepsy register, to improve delivery and access to care across the country. The register alerts clinicians to patients who may need a review or care intervention—for example, following an accident and emergency attendance—and seeks to improve epilepsy care in pregnancy. It will also provide crucial data for service improvement, audit and research. The register is a key objective in improving the safety and quality of care for people with epilepsy, and we are currently supporting its further adoption across Scottish health boards.

We have heard a lot—

Douglas Lumsden: Will the minister take an intervention?

Jenni Minto: I would like to touch on some of the points that have been raised, including the

point that I think Douglas Lumsden is going to raise.

I absolutely recognise that the third sector needs stability and the opportunity for longer-term planning and development. We are committed to developing a fairer funding approach for the third sector. Regrettably, the on-going economic circumstances present additional challenges, which means that we were not able to take forward multiyear funding to the extent that we would wish in this financial year. However, we will continue to progress fairer funding arrangements, including by exploring options to implement multiyear funding, which will help to enable the third sector to secure greater resilience and capacity. I am not sure whether that is the area that Douglas Lumsden wanted to come in on, but I will give way.

Douglas Lumsden: I thank the minister for taking my intervention, which is on this area. When the minister was speaking, it sounded as though everything is rosy, but on the ground, in Aberdeenshire, it is very different, with in-person support closing due to lack of funds and the private sector having to make that up that support. I do not think that the complaint from Epilepsy Scotland was about multiyear funding for in-person support; it was that there is no funding at all.

Jenni Minto: The Scottish Government is currently working with Epilepsy Scotland to look at its sustainability model, so I hope that that gives Douglas Lumsden some comfort that we are working closely with that organisation.

A number of members also raised the issue of employment. I absolutely recognise that there is a gap between disabled and non-disabled people in the labour market, which remains too high. The Scottish Government remains committed to at least halving the disability employment gap in Scotland by 2038 from its 2016 level. We invested £108 million in employability services last year, providing intensive and personalised pre-employment and in-work support for unemployed disabled people and those with health conditions or other barriers to progressing in work.

Marie McNair, Alasdair Allan and Pam Gosal all highlighted the issue of bus passes. My officials are in discussion with Epilepsy Scotland to explore more options around improving access to concessionary travel. The decision to charge for the signing of such forms is a matter for the GP practices because that is not covered in the GP contract. However, we are exploring other possible solutions.

We have heard about how epilepsy can have profound impacts on people's mental health and the social barriers that it can create. I assure

members that the Government has a vision of a Scotland that is free from stigma and inequality, where everyone fulfils their right to achieve the best possible mental health and wellbeing. I know that members across the chamber share that vision, as we have heard from many of the contributions to the debate.

I am pleased to say that we have committed £213,000 over two years to support work by Epilepsy Scotland to improve the mental health, social connectedness and self-management skills of children and young people with the condition. That funding has been provided through the children, young people, families and adult learning fund.

I note the findings of Epilepsy Scotland's 2023 "Epilepsy on the Mind" report, which Alasdair Allan spoke about. Jointly with the Convention of Scottish Local Authorities, we have published a new mental health and wellbeing strategy, which focuses on outcomes, with an increased focus on wellbeing and prevention.

I thank members who have shared stories and experiences in their contributions today. I know that they will need no reminder of the current challenges that are faced by projects across the Government. Despite those challenges, we are making substantial progress, but we have a distance still to go. The work that we have supported through the neurological care and support framework has made a significant contribution to improving services for people with epilepsy in Scotland. Our focus is now on building the networks to drive local and regional improvements.

I recognise the dedication of those who are impacted by epilepsy and the professionals who are involved in their care, who are all working with us to make a difference. This national epilepsy week, I commend the tireless commitment of Scotland's epilepsy charities in supporting people through the physical and emotional challenges that their condition brings. I agree with Carol Mochan that we should also pay tribute to NHS Scotland staff across our health boards. I assure members that we will continue to work with those with lived experience and our third sector and clinical partners to nurture the relationships that we have developed and to build on our existing achievements to maximise the quality of life of people living with epilepsy across Scotland.

Meeting closed at 18:07.

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

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