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AITHISG OIFIGEIL

DRAFT

# Meeting of the Parliament

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# Scottish Parliament

Thursday 30 May 2024

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

## General Question Time

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

### Road Equivalent Tariff (Northern Isles Ferry Routes)

1. **The Deputy Presiding Officer:** To ask the Scottish Government whether it will provide an update on work to extend the application of road equivalent tariff to northern isles ferry routes. (S6O-03508)

**The Cabinet Secretary for Transport (Fiona Hyslop):** The Scottish Government remains committed to providing affordable ferry fares for the northern isles, and we have reduced fares where we have been able to do so. Significant fare reductions have been introduced on routes from Aberdeen to Orkney and Shetland, including a 20 per cent discount on cabins, a three-year fares freeze for islanders and a freeze on all fares in 2023-24.

Ferry fares policy, including RET, is currently being reviewed. The draft “Islands Connectivity Plan—Strategic Approach” paper, which was published for consultation on 1 February 2024, made a number of proposals on ferry fares policy, including RET. The online consultation concluded on 6 May 2024; responses are being collated and analysed; and further detail on next steps and timescales will be confirmed in due course.

**Liam McArthur:** The Scottish National Party introduced RET on Western Isles ferry routes in 2008. Since then, the excuses for not providing the same cheap fares on Pentland Firth routes have changed almost as often as transport ministers. Last year, the transport secretary advised me that, under the United Kingdom Subsidy Control Act 2022, the Government could not move forward, because of potential distortions of the market. The Scotland Office subsequently confirmed that the act allows devolved Administrations and local authorities to give subsidies that are tailored to local needs.

In addition, there has been an increase in ferry fares of 8.7 per cent from April this year. Is it not the case that Scottish ministers have been stringing the people of Orkney along for 16 years,

with no intention of providing them with a fair deal on lifeline ferry routes across the Pentland Firth?

**Fiona Hyslop:** That is not the case. Indeed, the three-year fares freeze for islanders and the freeze on all fares in 2023-24 represented a significant subsidy to and support for islanders at a time when the costs of operation were increasing as a result of increased wage costs and, as everybody will remember, eye-watering increases in energy costs. Fares were frozen at that level for a considerable period of time.

As for subsidy control and competition law, the Scotland Office can speak for itself, but I would not interpret its remarks as a get-out clause on subsidy control and competition matters. As Liam McArthur well knows, because he is an experienced member of this Parliament, competition law and subsidy control matters are very serious issues that can lead to legal challenge to the Government and severe consequences. I do not take such issues lightly, and they have been continuous over the period of time to which he refers.

**The Presiding Officer:** I call Rhoda Grant for a brief supplementary question.

**Rhoda Grant (Highlands and Islands) (Lab):** Will the cabinet secretary confirm that state aid rules and competition law are no longer a barrier to having RET on northern isles routes? Will she also confirm that the people of Orkney and Shetland will enjoy the same subsidies as people on other islands?

**Fiona Hyslop:** Brexit is still happening, and it is not a “Get out of jail free” card for state aid issues. Indeed, as part of its agreements with the European Union, the UK Government was to continue to have competition law and subsidy control measures that would enable equivalence with regard to its previous activity. I think that there has been a misunderstanding by Rhoda Grant, and I am happy to explain things in more detail, at a later date, if she so chooses.

**The Presiding Officer:** I will be grateful for concise questions and responses.

### Climate Targets (Legislation)

2. **Sarah Boyack (Lothian) (Lab):** To ask the Scottish Government when it will introduce legislation on climate targets, as announced by the net zero secretary in her ministerial statement on 18 April. (S6O-03509)

**The Cabinet Secretary for Net Zero and Energy (Màiri McAllan):** The Scottish Government’s commitment to achieving net zero by 2045 is unwavering. However, we must now base our actions on the Climate Change Committee’s long-standing position that the interim

2030 target, set by Parliament on a cross-party basis, is beyond what can be achieved. As soon as is practicable, therefore, we will introduce legislation to ensure that our emissions pathway takes account of the latest advice. I ask members across the parties to collaborate with me on the issue to ensure that we follow the CCC's advice.

**Sarah Boyack:** I ask the cabinet secretary for clarity on what she meant by introducing "expedited legislation", as she said in her statement to the chamber, to address the matters that the Climate Change Committee had raised and to ensure that our legislative framework better reflects the reality of long-term climate policy. Has she given up on her plan to introduce that legislation in an expedited manner? We are waiting for it now. Is it not the case that the longer the Scottish Government delays such legislation, the longer Scotland will go without a climate change plan and the longer we will have to wait for urgent action to tackle the climate emergency?

**Màiri McAllan:** I understand Sarah Boyack's point, but I absolutely confirm to her that the Government's intention remains the same. Earlier in the week, I had a long evidence session on the subject at a meeting of the Net Zero, Energy and Transport Committee. I want the legislation to be introduced as soon as possible, and the bill's scope to be as narrow as possible, not only to address the impediment that we currently face on progress towards meeting the 2030 target but to remove that impediment as soon as we can so that we can continue to make progress. That is important to me and, as I understand it, to Sarah Boyack.

**Bob Doris (Glasgow Maryhill and Springburn) (SNP):** Achieving full delivery of our climate policies will require full funding, yet the United Kingdom Government is to cut around 9 per cent—£1.5 billion—from Scotland's capital budget. Given that the Climate Change Committee has called for partnership working between Scotland and Westminster, has the Scottish Government had any indication from the UK Government that cuts that undermine such climate commitments will be reversed?

**Màiri McAllan:** Bob Doris is absolutely right to point out the significant costs of moving to net zero and how our ability to make the required investments is being undermined by the UK Government's failure to inflation proof its budget. I firmly believe that, done correctly, investment in net zero represents an economic win. Indeed, the chair of the Scottish Fiscal Commission, Professor Graeme Roy, recently said:

"Doing nothing, not responding to the challenge of climate change, will be far more expensive and damaging to the public finances than investing in net zero ... it is simply not an option."

I put that call to current and future UK Governments, and I urge them to reverse Scotland's capital cut.

**Edward Mountain (Highlands and Islands) (Con):** The cabinet secretary has made it quite clear that such legislation can be introduced, and that it should be done quickly. Given that it would have to be introduced and agreed to before November, will the cabinet secretary undertake to ensure that there will be sufficient time for not only the committee but the people of Scotland to consider the information contained in it?

**Màiri McAllan:** I absolutely will. I reiterate what I said in response to Sarah Boyack: I want the legislation to be introduced as soon as is practicable. That will depend partly on the capacity of the Parliament's committees, particularly that of the Net Zero, Energy and Transport Committee, which Edward Mountain convenes. I will be sure to engage with him on timetabling as part of the planning for the bill.

### **British Sign Language Users (Access to Culture)**

3. **Karen Adam (Banffshire and Buchan Coast) (SNP):** To ask the Scottish Government what it is doing to support British Sign Language users across Scotland to access culture, in light of the publication of Scotland's census 2022 report on language, which found that 117,300 people can use BSL. (S6O-03510)

**The Deputy First Minister and Cabinet Secretary for Economy and Gaelic (Kate Forbes):** We want to ensure that everybody, including British Sign Language users, can access and engage with cultural opportunities. In the BSL national plan, which was published just last year, we committed to supporting BSL users to take part in culture and the arts as participants, audience members and professionals. One example is Creative Scotland's regularly funded organisation network; it includes Solar Bear, which works with deaf and hearing actors, theatre makers, artists and young people. In addition, targeted funding has directly supported the development of a deaf leader in the artistic director role.

**Karen Adam:** The census revealed that BSL users now make up 2.2 per cent of the population, which is almost as many as the 2.5 per cent who can use Gaelic. Both Gaelic and BSL are national languages of Scotland; it is fantastic that Gaelic has dedicated funding streams to support artists who celebrate the language and the heritage, but BSL has a lower profile in the arts and culture sector. With that in mind, what more can be done to support great initiatives such as the Edinburgh deaf festival, which I hope to take my father to later this year?

**Kate Forbes:** I would certainly be keen to work with Karen Adam to ensure that the profile of the work around supporting those who use BSL is as high as possible. We should support all of Scotland's languages. As Karen Adam has said, both Gaelic and BSL are national languages, and I offer to meet her to look at the specific initiatives and how we can work to support her objectives.

#### **Children with Complex Additional Support Needs (Provision of Full-time Schooling)**

**4. Fulton MacGregor (Coatbridge and Chryston) (SNP):** To ask the Scottish Government what action it is taking to ensure that local authorities are able to provide full-time schooling for children with complex additional support needs. (S6O-03511)

**The Cabinet Secretary for Education and Skills (Jenny Gilruth):** As members will be aware, local authorities have a duty under the Education (Additional Support for Learning) (Scotland) Act 2004 to plan and provide support for children and young people with additional support needs, including those with complex additional support needs. Despite the challenging financial climate that we face, spending on additional support for learning reached a record high of £926 million in 2022-23. The Scottish Government also provides £11 million of funding each year to directly support pupils with complex additional support needs and services for children and families.

**Fulton MacGregor:** I recently had the pleasure of meeting my constituent Nikolas McLennan, aged nine, and his parents at my surgery. Nikolas has had no full-time education for 18 months despite the best efforts of the fabulous Drumpark primary school, which is in my constituency. This young man's needs are very complex. He has global developmental delay and is unable to speak or eat, and his parents tell me that they are concerned that the lack of education has had a very detrimental impact on his overall wellbeing. Despite representations from me and others, the council has knocked back a request for a specialist placement in nearby Cumbernauld, where his needs could be met on a full-time basis. What further support can be given to children such as Nikolas to ensure that they receive the education that they deserve and are entitled to?

**Jenny Gilruth:** I thank the member for bringing his constituent's case to my attention. First, I am extremely sorry to hear about his experience and that of his parents, particularly the challenges that he has had in accessing his right to education. Clearly, there might be specific healthcare considerations in this case. However, the education authority—in this case, as I understand it, that is North Lanarkshire Council—remains

responsible for ensuring that the appropriate educational support is provided. To that end, I strongly encourage Nikolas's parents to engage with North Lanarkshire Council in order to fully understand why the placement has been refused and what the next steps might be. The Enquire service, which is funded by the Scottish Government, can also provide them with further advice on the matter.

The legislation on the presumption of mainstreaming has very clear exceptions to allow children and young people to learn in a special school or in specialist units if that would best meet their needs. Although school placements are, of course, a matter for our councils, parents have the right to make a placing request to the school of their choice. Although I cannot interfere in this specific case, I would certainly welcome it if Fulton MacGregor could provide further details on it so that my officials can provide more detailed advice.

**The Presiding Officer:** Again, I would be grateful for concise questions and responses.

#### **Support for Cultural Activities (Cowdenbeath)**

**5. Annabelle Ewing (Cowdenbeath) (SNP):** To ask the Scottish Government what plans it has to support cultural activities in the Cowdenbeath constituency. (S6O-03512)

**The Cabinet Secretary for Constitution, External Affairs and Culture (Angus Robertson):** The Scottish Government supports a range of cultural activities in communities across Scotland. We provide targeted support for culture through our funding of local authorities and public bodies, including Creative Scotland. Our funding for the youth music initiative has supported projects in Cowdenbeath that offer meaningful music-making opportunities to young people, helping to build their confidence and enhance their attainment. Projects that have been supported include Charanga, which is a digital resource that supports class teachers to deliver progressive music programmes, and Fischy Music, which helps pupils to develop their own music around a curricular topic.

**Annabelle Ewing:** Although the various projects that the cabinet secretary has referenced are welcome, it would nonetheless be fair to say that local groups would welcome greater support than they have had to date.

Looking to the immediate future, with many community events planned to mark the 40th anniversary of the miners strike, including in Ballingry on Saturday 15 June, what specific support does the Scottish Government intend to offer?

**Angus Robertson:** The Scottish Government recognises the significant impact that the miners

strike continues to have in communities throughout Scotland. That is why we introduced legislation to provide a pardon to miners and other participants in the strike. We continue to call on the United Kingdom Government to undertake a full UK-wide public inquiry into the strike.

I appreciate that Ms Ewing wrote to the former Deputy First Minister about the anniversary event that is taking place in Ballingry in June. My colleague Tom Arthur, the Minister for Employment and Investment, has confirmed that he will be in attendance.

### Public Transport (Women's Safety)

**6. Graham Simpson (Central Scotland) (Con):** To ask the Scottish Government how it plans to take forward the recommendations in the Transport Scotland report, “‘There’s an app for that!’—Women’s Safety on Public Transport in Scotland”. (S6O-03513)

**The Cabinet Secretary for Transport (Fiona Hyslop):** It is unacceptable for anyone—especially women and girls—to feel unsafe travelling on public transport in Scotland, including on our railway. On 15 May, I met British Transport Police to discuss how we might prevent and reduce antisocial behaviour on Scotland’s railway. That included consideration of campaigns that promote and encourage the use of the Railway Guardian app. That app is operated by British Transport Police, which keeps under review how it might be enhanced. It can be downloaded via the British Transport Police website or via the App Store or the Google Play Store.

More generally, through the violence against women and girls policy forum, discussions continue about the role that technology can play in awareness raising, education and empowerment to create sustainable societal and behavioural change as part of a broader community safety approach in Scotland.

**Graham Simpson:** I am pleased to hear that the cabinet secretary has spoken to British Transport Police. However, I am sure that she agrees that women should not have to rely on apps to ensure their safety on public transport. Given that, what progress is the Scottish Government making with regard to the changes that were identified in its own report in March last year, such as on transparent bus stops, improved network coverage and visible staffing—guards on trains, for example, which was backed by my friends in the National Union of Rail, Maritime and Transport Workers?

**Fiona Hyslop:** The visibility of staff is really important, and there has been an increase in the safety team that operates in and targets particular areas.

Graham Simpson is right to say that everybody has a responsibility. That includes men on trains. The “Speak up, interrupt” campaign, which was launched in July 2022, has had a good uptake. There is something about how we, as a society, collectively tackle antisocial behaviour. I was very pleased that, at my most recent stakeholder meeting, the White Ribbon UK campaign was very good at identifying how, generally, men and women—particularly men—can help in that regard.

I am happy to continue that discussion with Mr Simpson.

### Sheriffhall Roundabout (Update)

**7. Colin Beattie (Midlothian North and Musselburgh) (SNP):** To ask the Scottish Government whether it will provide an update on the progress of the Sheriffhall roundabout project. (S6O-03514)

**The Cabinet Secretary for Transport (Fiona Hyslop):** Given the large number of objections received following publication of draft orders, a public local inquiry was held from 31 January to 8 February 2023. The independent reporter submitted her conclusions and recommendations to the Scottish Government in October 2023. Those are under active consideration prior to advice being provided to, and a decision being made by, the Scottish ministers on whether to complete the statutory process.

Although we are keen for improvements to be delivered as soon as possible, the statutory right for individuals to have their say on proposals cannot be set aside.

**Colin Beattie:** The Sheriffhall roundabout is used heavily, and it regularly creates a bottleneck of traffic, to the detriment of my constituents and local businesses. There is huge public support for completion of the project, and there are serious concerns about the perceived delay. Although I appreciate the need to reduce our reliance on car transport to reach our net zero targets, does the Scottish Government agree that encouraging the use of public transport should not equal restricting improvements to road infrastructure?

**Fiona Hyslop:** There needs to be both. We need to continue to improve road infrastructure for safety, asset management and effective traffic flow—for example, for potential bus lanes and car use.

The vision for our national transport strategy is that we will have

“a sustainable, inclusive, safe and accessible transport system helping deliver a healthier, fairer and more prosperous Scotland”.



Clearly, in respect of the investment hierarchy, transport options that focus on the need to travel sustainably and reduce inequalities are prioritised.

## First Minister's Question Time

11:59

### Michael Matheson (Sanction)

1. **Douglas Ross (Highlands and Islands (Con)):** This week, John Swinney spoke about the process of sanctioning Michael Matheson and said:

"In no other walk of life would this be judged to be acceptable."

In what other walk of life would Michael Matheson still be in a job?

**The First Minister (John Swinney):** The issues relating to the case of Michael Matheson have been well exercised within Parliament, and Parliament came to its conclusions yesterday. I accept the conclusions that Parliament arrived at last night.

**Douglas Ross:** I am not surprised that John Swinney wants to move on as quickly as possible. He accepts the judgments that Parliament came to last night, but what the people of Scotland want to know is John Swinney's judgment, because we have not heard that yet. He refused to support any sanction at all for his friend Michael Matheson. That MSP has now been banned from Parliament for 27 days, but he has not been suspended from the Scottish National Party by John Swinney.

People across Scotland think that Michael Matheson should have been sacked, because they would have been sacked in the same circumstances. It is one rule for the SNP and another for everyone else in Scotland. Not only has the SNP refused to support any sanction for Michael Matheson; incredibly, one SNP member of this Parliament said yesterday:

"we need more MSPs like Michael Matheson"—[*Official Report*, 29 May 2024; c 61.]

That is incredible, just as it is incredible that the First Minister is still defending his disgraced colleague.

Given that the First Minister refused to support the 27-day ban for Michael Matheson, what does John Swinney personally think would have been a suitable punishment for the disgraced former health secretary?

**The First Minister:** I fear that Douglas Ross was not listening to my earlier answer, because I said that I accepted the decision that Parliament arrived at last night.

The reason why I did not vote for that last night is that I felt that the process was tainted, for the reasons that I rehearsed at First Minister's question time last week.

Yesterday, Parliament said, in relation to the points that I have raised—and Mr Ross voted for this—that the actions that led to the issues that caused me concern ran the risk of the committee report

“being open to bias and prejudice and the complaint being prejudged, thereby bringing the Parliament into disrepute.”

That is what I put to Parliament last week, and that is why I took the view that I could not support the sanction—[*Interruption.*]

**The Presiding Officer:** Mr Ross.

**The First Minister:** —because the process was tainted.

I make it clear now, for a third time, that I accept the decision that was made by Parliament yesterday.

**Douglas Ross:** That is not clear, because the First Minister has just said that he does not support the sanction. Those were his words: “I don’t support the sanction.” Will he tell us what he would support? What sanction against Michael Matheson would John Swinney accept as being reasonable?

He has spoken about the Standards, Procedures and Public Appointments Committee and has spoken previously about his own correspondence to the convener of that committee. What John Swinney has not mentioned in all these deliberations is the correspondence that he himself received from one of his Perthshire constituents, which is included in the Parliament report that we discussed yesterday and that I have here today.

John Swinney’s constituent said that Michael Matheson’s £11,000 expenses claim was the equivalent of five years’ tax on their retirement income, four years of council tax payments or three years of energy bills. In the words of John Swinney’s Perthshire constituent, Michael Matheson

“removed that money from the public purse, for his own personal gain, in a false claim.”

That letter was sent to John Swinney in November. His constituent was calling for Michael Matheson to resign then, but John Swinney ignored his constituent so that he could protect his friend.

How can John Swinney keep his own integrity if he backs a man who has none?

**The First Minister:** For the fourth time, I accept the decision that Parliament arrived at yesterday. That includes an acknowledgement by Parliament that the process that was undertaken by the committee risks bringing the Parliament into disrepute, and Mr Ross cannot escape what he voted for last night.

That means that Parliament has to consider how it exercises its responsibilities in accordance with the principles of natural justice. That is why I am glad that Parliament agreed last night that the Scottish Parliament Corporate Body should

“initiate an independent review of the Parliament’s complaints process to restore integrity and confidence in the Parliament and its procedures.”

That is what Parliament has decided to do.

I will continue to engage directly with my constituents, who have returned me to this Parliament on six occasions, on a regular basis and to serve them as faithfully as I have always done, and I will extend that to faithfully serving the country of which I have the privilege of being First Minister.

**Douglas Ross:** John Swinney claimed that he is a safe pair of hands, but even he must accept the shambles that he has made of this scandal. Let us listen to what John Swinney previously said when Henry McLeish claimed expenses and then paid them back. John Swinney’s words—if the SNP members would like to listen—were:

“People around Scotland will be staggered by the amount of money that is involved. Crucially, the bond of trust that must exist between Scotland’s First Minister and the people has been broken.”

John Swinney finished by saying:

“For the good of the Scottish Parliament ... Mr McLeish should now resign.”

What happened to that John Swinney? Where has he gone? When it does not involve someone in the SNP, John Swinney tries to talk like a man of integrity. He demands resignations. He speaks of trust. He preaches about honesty. However, now that it is his SNP friend, he has abandoned the principles that he once had. What does John Swinney’s personal handling of the scandal say about his own character?

**The First Minister:** I remind Douglas Ross that, in 2018, the Conservative group in this Parliament—I appreciate that Mr Ross was not a member of the group at that time, as he had left the Scottish Parliament—voted against sanctions that were applied by the standards committee to one of Mr Ross’s members. So, Mr Ross has absolutely no credibility whatsoever in coming here and suggesting that my conduct or my actions have been in any way inappropriate. [*Interruption.*]

**The Presiding Officer:** We will hear the First Minister.

**The First Minister:** In addition to that, the issues that I raised and went through at length last week in answering Mr Ross have now been endorsed by Parliament.

**Douglas Ross:** But not by you.

**The Presiding Officer:** Mr Ross, you are aware that we should not be hearing any member other than the member who has been called to speak.

**The First Minister:** The issues that I raised have now been endorsed by Parliament.

**Douglas Ross:** Not by you.

**The Presiding Officer:** Mr Ross, I am going to ask you to apologise.

**Douglas Ross:** I apologise. I was simply saying that they have not been endorsed by John Swinney.

**The Presiding Officer:** Mr Ross, if this occurs again, I will be extremely frustrated and disappointed.

**The First Minister:** The issues that I raised last week have now been endorsed by the democratic national Parliament of Scotland, and a process that the corporate body will lead is now under way to address the issues and restore, in the words of the parliamentary motion,

“integrity and confidence in the Parliament and its procedures”,

which matter deeply to me as a member of this Parliament. For the fifth time, I indicate that I accept the conclusions that the Parliament came to yesterday.

The last thing that I am going to say to Mr Ross is this. I think that—this is pretty instructive—when Mr Ross goes through his sequence of questions and then eventually gets to the pouring out of the volume of personal abuse that he pours out, it tells us that Mr Ross has lost the argument, just as he has lost the argument throughout all of this, because he cannot do anything other than resort to nasty personal abuse. That is what Mr Ross contributes to this Parliament.

### NHS Waiting Times

2. **Anas Sarwar (Glasgow) (Lab):** Yesterday, the Parliament agreed to suspend the former Cabinet Secretary for NHS Recovery, Health and Social Care, Michael Matheson, for attempting to misuse £11,000 of public money. Rather than defending Scots and protecting the integrity of Parliament, John Swinney chose to put his party before the country. Had Michael Matheson been at Westminster, he would now be facing a recall petition and, potentially, a by-election, but yet again, those in the Scottish National Party hold Scotland to a lower standard and believe that it is one rule for them and another rule for everyone else.

While John Swinney spent all his time this week managing his party and defending sleaze, waiting

lists in Scotland reached a record high. More than 840,000 Scots are now stuck on a national health service waiting list, and more than one in 10 have been waiting more than a year. Why is John Swinney putting the SNP, not Scotland, first?

**The First Minister (John Swinney):** I am the first to acknowledge that we face challenges in the national health service as a consequence—the issues have been well rehearsed in Parliament—of the aftermath of Covid and the implications that that has had in terms of the amount of time for which people are having to wait for treatment.

I am sorry for the amount of time for which people are having to wait. We are reducing the longest waits and making headway on that. With regard to the volume of activity in the national health service, the statistics this week indicate an increase in the level of activity in the NHS to begin to eat into those long waiting times, which I accept are far too long for too many people.

The Government is taking steps including investment of £30 million in the waiting times programme and the establishment of the national treatment centres, which are already making an impact and producing some of that welcome level of increased activity, combined with the focus in the national health service on tackling the longest waits. Those are the measures that the Government is taking forward to ensure that we tackle the legitimate issue that Mr Sarwar raises with me.

**Anas Sarwar:** Waiting lists in Scotland are going up, not down. John Swinney has to get his head out of the sand, because every day that he spends putting the SNP before Scotland has consequences for our NHS, and for patients such as Natalie from Glasgow.

In 2017, Natalie had emergency surgery for a brain tumour. In 2021, she began to feel symptoms, specifically pain around her eye. She has a tumour around her optical nerve that is causing her pain and pushing on her eye socket. In December last year, she was told that she would need surgery, and that part of her skull would need to be removed and not replaced. She has heard nothing since then. She has a brain tumour, and she has heard nothing for almost six months. She has been told that she could lose her sight if it is not treated.

This morning, Natalie told me:

“That just makes the anxiety and the concerns worse. I’m worried about the pain being an indication that the tumour is getting worse, but I have no way of knowing. I’m in the dark and feel completely alone during all of this.”

Does the First Minister understand that patients like Natalie should be his priority, rather than defence of a failed health secretary who attempted to misuse public money?

**The First Minister:** First, I say to Natalie that I understand entirely the anxiety that she faces, and I am sorry that she has not heard anything since December. If Mr Sarwar, in the aftermath of today's exchanges, would like to advise me of the details, I will take the issue up, as he will understand I would do.

I say also that patients like Natalie are my focus. I am spending huge amounts of my time as First Minister focusing on the real and legitimate concerns of people in Scotland about our public services. I said to Parliament last week that my priorities would address the challenges in our public services, and that that would be one of the four major themes, along with eradicating child poverty, the transition to net zero and the stimulation of economic growth.

Those reforms and developments, and progression in our public services will be, and are, at the heart of my priorities. That is what the Cabinet was talking about in our meeting this week, and we will continue to do that. I assure Mr Sarwar, and I assure Natalie, that the concerns of people in Scotland about getting access to healthcare treatment when they need it, at the earliest possible opportunity, will be fundamental to the priorities that I take forward on behalf of the people of Scotland.

**Anas Sarwar:** We hear the same answer week after week, month after month and year after year, but things keep getting worse for people right across the country. I have heard what the First Minister has said, but it does not change the fact that he has spent the past week fighting for Michael Matheson when he should have been fighting for patients such as Natalie and hundreds of thousands of Scots like her.

After 17 years of this SNP Government, one in six Scots is stuck on an NHS waiting list. Our NHS desperately needs change. In 1948, Labour created our NHS; in 1997, we rescued our NHS; and on 5 July, the 76th birthday of our NHS, we will begin the process of rescuing it again.

However, that also needs change in Scotland, because the priorities of the SNP Government are all wrong. *[Interruption.]*

**The Presiding Officer:** Let us hear Mr Sarwar.

**Anas Sarwar:** Why is John Swinney more interested in defending Michael Matheson than in defending our NHS? Why is John Swinney putting his party before the country? Why is John Swinney failing NHS staff and patients every single day?

**The First Minister:** I reiterate that my primary concern is to make sure that people such as Natalie receive the treatment that they want at the earliest possible opportunity, to address their anxiety and acute health requirements. If Mr

Sarwar gives me the details, I will attend to that after First Minister's questions.

However, some of the rest of what Mr Sarwar went on to say is just a little bit hollow. On Wednesday morning, the Labour shadow health secretary, Wes Streeting, said:

"The NHS is in crisis in every part of the United Kingdom because decisions that are taken in Westminster don't just affect England, but Wales, Scotland and Northern Ireland."

Earlier in the month, he said that

"all roads do lead back to Westminster"

because of the austerity that we have suffered for 14 years.

In relation to that austerity programme, Rachel Reeves, the shadow chancellor, has indicated that the Labour Party, if it is elected to office, will not increase income tax, national insurance, corporation tax or VAT, and that it has accepted very strict borrowing limits within very strict fiscal and tax rules, and squeezed spending budgets. That amounts to austerity on stilts from any incoming Labour Government.

If that was not bad enough, Wes Streeting said yesterday that he will

"hold the door wide open"

for the private sector in the national health service. He went on to say:

"We will go further than New Labour ever did. I want the NHS to form partnerships with the private sector that goes beyond just hospitals."

Mr Sarwar should not give me that stuff about the anniversary of the national health service, because Labour is preparing to sell us out on austerity and the national health service, and cannot be trusted to deliver for the people of Scotland.

### Public Sector Contracts (Illegal Settlements)

3. **Patrick Harvie (Glasgow) (Green):** This week, the First Minister gave clarity on one issue, when he called on the United Kingdom Government to recognise the state of Palestine and end arms sales to Israel. However, the same clarity is needed on the Scottish Government's devolved responsibilities in relation to Israel's genocidal action against Palestine.

The United Nations has published a list of about 90 companies that it considers to be complicit in the illegal settlements that Israel has been constructing on Palestinian territory in the west bank. In November, my colleague Ross Greer asked the former First Minister to agree that those companies should be banned from receiving public sector grants and contracts in Scotland from within the devolved Government's responsibilities. The then First Minister agreed in principle that no

company that is profiting from occupation should profit in Scotland, too.

It is now seven months and tens of thousands of deaths later, including those of at least 13,000 children. In the west bank, hundreds of Palestinians have been killed by Israeli soldiers and extremists, but the Scottish Government has not yet taken action to ban companies that are on the UN's list of complicit companies from receiving grants. Will the First Minister send a clear signal today by immediately banning those companies from receiving grants and other support from the Scottish Government?

**The First Minister (John Swinney):** I acknowledge the seriousness of the issues that Mr Harvie raises with me. The other day, I indicated that there should be an immediate ceasefire in Gaza, that the hostages who have been taken should be returned to their loved ones—to whom they should have been returned a long time ago—and that arms sales to Israel should stop. As Mr Harvie correctly said, I went on to say that I believe that the United Kingdom should recognise the state of Palestine as an independent state. That is long overdue, and it would be a contribution towards trying to stabilise the situation in the middle east. I hope that Mr Harvie takes from that the direction of my thinking on the matter and my desire to do as much as I can to help to resolve the situation from our position.

I will consider carefully the points that Mr Harvie has raised about any support for companies that are involved in this activity. Our enterprise agencies have appropriate safeguards in place to ensure that any funding provided is used only for the specific purpose for which it is intended. From Mr Harvie's question, I suspect that he wants me to extend beyond that protection. On that matter, I would have to take great care to ensure that we had a legal justification for so doing. If Mr Harvie and Mr Greer would care to provide me with the material about which they are concerned, I will investigate and determine whether the Government can do more. I will, of course, update Parliament on those investigations.

**Patrick Harvie:** I strongly agree with every element of what the First Minister said that the UK Government should do, but he is not yet providing clarity on what the Scottish Government should do within its powers. I mentioned the companies on the list that the UN deems complicit in illegal Israeli settlements in the west bank. The First Minister might have been moving on to answer in relation to arms companies that are provided with grants and other forms of financial support by the Scottish Government. He is right that those grants do not support the production of munitions, but that simply is not enough. If we contribute to building a bigger bomb factory, we do not get to

say that we have not funded the production of the bombs. Even since 7 October, Raytheon, BAE Systems and Leonardo have all received eye-watering sums from the Scottish Government's agency, Scottish Enterprise.

**The Presiding Officer:** I must have a question, Mr Harvie.

**Patrick Harvie:** This is in a time when the world is recoiling in revulsion at the appalling attacks, including the most recent attacks against Palestinians sheltering in Rafah. It is shocking and inexplicable that, at the same time—

**The Presiding Officer:** Mr Harvie, can I have a question, please?

**Patrick Harvie:** —as the Scottish Government is calling for an end to arms sales, it is directly funding those manufacturers. Will the First Minister change that policy immediately?

**The First Minister:** I take seriously the point that Mr Harvie puts to me. I do not think that the analogy that he strikes about the construction of a weapons factory is a particularly fair analogy for the support that we put in place, but I will go away and look at that carefully.

The point that I was making in my earlier answer is that there will be a legal basis for us to apply safeguards in relation to the issuing of grants, but we have to have a legal basis for saying, for matters that are not related to the Israel-Gaza conflict, that we are not providing a grant. That is not me being pedantic—that is simply the legal basis on which the Government has to act. We must always act within the law, and I must take the views of the law officers deadly seriously in the actions that we take. If Mr Harvie would care to correspond with me in more detail, I will happily explore the issues that he raises, which I recognise are important and sensitive to people in our country.

#### Health and Care Worker Visa Applications

4. **Clare Haughey (Rutherglen) (SNP):** I refer members to my entry in the register of members' interests. I hold a bank nurse contract with NHS Greater Glasgow and Clyde.

To ask the First Minister what assessment the Scottish Government has made of the potential impact on the health service in Scotland of Home Office data showing that health and care worker visa applications are 76 per cent lower in January to April this year, compared with last year. (S6F-03174)

**The First Minister (John Swinney):** Workers from overseas are filling vital roles supporting people who rely on them for the care that they provide. This Government values people who have chosen to come to Scotland to make a

positive contribution to our public services. Stopping people from bringing dependants to the United Kingdom is short-sighted and risks exacerbating shortages in the care sector. It is wrong that those changes have been driven by arbitrary decisions to reduce numbers rather than the needs of our public services and communities. It is therefore very concerning that the number of health and care worker visa applications has fallen, as Clare Haughey has recounted.

**Clare Haughey:** The impact that the UK Government's cruel immigration policies are having on Scotland's health and social care sector is a substantial concern. Will the First Minister confirm that the Scottish National Party, both in Holyrood and in Westminster, will ensure that Scotland remains a welcoming and fair country for health and care staff to live and work, particularly those from overseas?

**The First Minister:** I give Clare Haughey that assurance. The question that Clare Haughey puts to me highlights some significant issues. Mr Sarwar completely legitimately raised an issue about national health service waiting times with me today. One of the challenges that we face in the health service is the congestion in our hospitals that is created by delayed discharge. One of the issues with delayed discharge is that we do not have enough people able to deliver care packages in our communities and, as Clare Haughey indicates in her question, some of the supply of those workers is being eroded by the decisions that have been taken on immigration by the United Kingdom Government. There is a very direct effect on our ability to deliver sustainable health services because we simply do not have an available workforce to enable us to do that. As members will know, we have a very low level of unemployment in Scotland today.

The issue that Clare Haughey raises may be about immigration, but it has a direct effect on the delivery of public services in Scotland. I assure Clare Haughey and Parliament that the Government will do all that we can to address the issue in order to ensure that we have adequate supplies of people to deliver social care and other healthcare activities in our country.

### Synthetic Opioids

**5. Russell Findlay (West Scotland) (Con):** To ask the First Minister what the Scottish Government's response is to reports of a National Crime Agency warning about synthetic opioids being linked to rising numbers of deaths. (S6F-03185)

**The First Minister (John Swinney):** The Scottish Government is working closely with Public Health Scotland, as we are very concerned about the growing threat posed by synthetic opioids and,

in particular, the increased appearance of nitazines in the drug supply. Public Health Scotland has been issuing alerts via RADAR—rapid action drug alerts and response—to healthcare staff and the public to highlight the increased dangers associated with nitazines. That alert was last updated in March 2024.

The Scottish Drugs Forum launched a public campaign in December 2023 to spread awareness and to reduce risk. We are working with third sector delivery partners and with directors of public health to ensure that health boards are prepared at the local level. We are meeting regularly with the United Kingdom Government and other devolved Governments to ensure that we are aligned in our activities.

**Russell Findlay:** There have been almost 50 known deaths in Scotland linked to synthetic opioids, and it is inevitable that more people will die. Just last week, there was a mass overdose in Paisley. The terrifying potency of these man-made narcotics cannot be overstated. The death and devastation that they cause nails the lazy lie that there is any safe way to consume them. Does the First Minister agree that it is entirely right that they remain categorised as class A substances under the Misuse of Drugs Act 1971?

**The First Minister:** I have quite a bit of sympathy with the depth of concern that Mr Findlay raises and expresses to Parliament, because the potency and devastating impact of synthetic opioids is difficult to fathom—it is on such a different scale. Mr Findlay is absolutely correct to sound the warnings that he is sounding. That is why Public Health Scotland, in association with RADAR, is communicating that message.

Mr Findlay will appreciate that a combination of activity is necessary to tackle the threat. It is a combination of three elements: first, there is awareness raising, which Mr Findlay has contributed to in raising the issue with me at First Minister's questions; secondly, an effective policing response is needed to counter the supply of synthetic opioids; thirdly, there is the whole process of harm reduction that the Government is engaged with. I assure Mr Findlay that the Government is deeply engaged in activity on those three grounds to address what I recognise is a significant threat.

### Teacher Numbers

**6. Pam Duncan-Glancy (Glasgow) (Lab):** To ask the First Minister what the Scottish Government's position is on whether teacher numbers should be maintained, in light of the reported concerns of many parents, pupils and school staff in Glasgow. (S6F-03176)

**The First Minister (John Swinney):** We remain fully committed to protecting teacher numbers and are offering local authorities £145.5 million in this year's budget for that purpose. That funding will allow councils to protect teacher numbers in order to support children's education. I hope that our local government partners share that goal. The Government remains determined to close the poverty-related attainment gap and to reduce teacher workload, and I do not believe that those aims will be achieved by councils employing fewer teachers in our schools. We are currently in discussion with the Convention of Scottish Local Authorities and wish to work with our local authority partners to deliver our shared commitments on education.

**Pam Duncan-Glancy:** I thank the First Minister for that answer, but I am afraid that it will be cold comfort for teachers, parents and pupils in Glasgow, because the reality is that his Scottish National Party and Green colleagues there are slashing teacher numbers, which impacts the poorest and most disadvantaged pupils the most. It is not the first time that that has happened on the First Minister's watch. As one young person said at the most recent rally against the cuts, the First Minister owes it to young people to intervene after his decision in the 2020 exams fiasco resulted in the downgrading of the poorest pupils.

Today, the First Minister has talked about Parliament endorsements. On 15 May, Parliament sided with teachers, parents and pupils and endorsed calls on the Government to intervene and protect job losses. What exactly is the First Minister's Government doing to deliver the will of Parliament, and when will the jobs be saved?

**The First Minister:** Obviously, those are matters for individual local authorities to take forward. That is the constitutional arrangement in this country, which ensures that the delivery of education is a matter within the competence of local authorities.

Pam Duncan-Glancy asked me what the Government is doing to help with that situation: the Government is offering £145.5 million to local authorities to protect teacher numbers. That is what the Government is doing.

I have to say that I find Pam Duncan-Glancy's concerns about this rather difficult to accept. If the Labour Party had its budget proposals accepted in the city of Glasgow—£30 million cuts in education on Glasgow City Council—that could have meant the loss of up to 650 teachers. The Labour Party's proposition to people in this election is to prolong austerity—that is what Labour will carry on with. There will be no new money coming along the track, there will be prolonged austerity and Labour will continue where the Tories have left off. When the Labour Party is in council chambers around

the country, it wants to reduce teacher numbers by 650. That is just unacceptable. The Scottish Government is doing what it can to support local authorities to protect teacher numbers, and we will engage with local authorities to enable that.

**Liam Kerr (North East Scotland) (Con):** In 2021, the SNP promised not merely to maintain teacher numbers but to deliver an additional 3,500 teachers and classroom assistants. However, the latest data shows that there are 250 fewer teachers than there were when that promise was made. Will the First Minister confirm that, like the laptops, bikes and free meals, that is another broken promise?

**The First Minister:** You know, when they were giving out brass necks, they gave them out in abundance to that part of the chamber—*[Interruption.]*

**The Presiding Officer:** Members!

**The First Minister:** Since 2021, two significant factors have undermined the public finances in the United Kingdom. The first has been the rampant inflation that has eroded the value of public sector budgets. Although inflation is lower today than it was a year ago, prices are still very much higher because of the effect of double-digit inflation—the first time that we have that in the United Kingdom for over 40 years.

The second thing that has happened is that the cost of investing in and supporting our public services has gone through the roof, because of the mistakes that were made by Liz Truss and Kwasi Kwarteng in that ridiculous statement to the House of Commons. *[Interruption.]*

**The Presiding Officer:** Members!

**The First Minister:** I have to say to Liam Kerr that it is preposterous for the Conservatives to come here and demand that I do more and spend more money when the consequence of their management of the United Kingdom economy has been so damaging to Scotland's interests.

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

### Rail Services

**David Torrance (Kirkcaldy) (SNP):** The Scottish National Party Scottish Government's continued investment in our rail services is very welcome, with ScotRail being brought into public ownership, action being taken to drive down ticket prices and investment being made in new infrastructure. The recently opened Levenmouth rail link will bring a transformation to the area and to many of my constituents, improving access to leisure, economic, employment and educational opportunities.

Does the First Minister agree that the next United Kingdom Government must follow the Scottish Government's lead and start to invest properly in the UK rail network while returning services to public hands?

**The First Minister (John Swinney):** I was delighted to have the opportunity yesterday, with local members Mr Torrance and my colleague Jenny Gilruth, along with the Cabinet Secretary for Transport, to be present at the opening of Levenmouth rail link. It is a wonderful project, which has come about because of tenacious campaigning by the Levenmouth rail campaign, which garnered support on a cross-party basis for a new rail link. It will connect the communities around Leven to the rail network, opening up educational, social and economic opportunities for that community and also opening up that community as a place to visit and a destination on the rail network. It is a superb investment, and I congratulate everyone involved in the Levenmouth rail link.

I would certainly want the investment and resources to be available to ensure that we can undertake other projects of that character around the country, but that will only come if there is a stimulation to capital investment, which is absolutely and desperately required after 14 years of austerity.

#### **Baberton Explosion Site (Progress)**

**Sue Webber (Lothian) (Con):** On Friday 1 December 2023 at 10.25 pm, an explosion ripped through homes on Baberton Mains Avenue, tragically resulting in the loss of one life. Some six months on, families living on the avenue and neighbouring streets relive the horror of that night every day when going about their daily lives. Families whose homes were destroyed are none the wiser regarding the future of their homes. No visible or perceivable progress has been made, and the site looks much the same as it did on that bleak morning of 2 December. Last week, one resident described the situation between the City of Edinburgh Council and insurance companies as being like a Mexican stand-off.

Will the First Minister meet me and the families and do all that he can to influence that stalemate and move things on for those who have been left in limbo?

**The First Minister (John Swinney):** I am very happy to agree to that. I was born and brought up in Edinburgh, not far from Baberton, so I know the area very well. I saw those scenes with absolute horror and I can observe from afar the horror that people there have suffered. I am happy to meet Sue Webber and her constituents on the matter.

There is a question that may be lurking about where statutory investigations are regarding the incident, which may be contributing to delays—but I am probably saying more at this stage than I should, without delving into the detail. I will look closely at the matter, and I would be very happy to meet to discuss it.

#### **Computer Science Teachers**

**Daniel Johnson (Edinburgh Southern) (Lab):** Yesterday, Reform Scotland published its "Computing the Future" report on the state of computer science teachers. It found that one in eight schools is without a dedicated computer science teacher, which is denying 32,000 pupils access to that resource. It found that there had been a 25 per cent drop in the number of computer science teachers over 15 years, which represents a denial of opportunity to young people and a brake on growth in that critical sector.

Four years on from the publication of the "Scottish Technology Ecosystem Review", Mark Logan, its author, stated to the Education, Children and Young People Committee yesterday that trying to drive reform in the system, especially with Education Scotland, had been like dragging a heavily sedated bull elephant backwards through cold treacle. Referring to the "Computing the Future" report, he said that it all adds up to a bad static picture, and it sounded to him like a crisis.

Does the First Minister agree with the Scottish Government's chief entrepreneur?

**The First Minister (John Swinney):** I take very seriously what the chief entrepreneur says, and I understand that Mark Logan has been working on the implementation of the recommendations and trying to make progress. If he needs a bit more assistance from the First Minister, I will certainly offer it.

I know that the Deputy First Minister will be keen to support him in his efforts, because pupils accessing computer science education is vital as an investment in the future of Scotland. Work is being delivered to establish new courses with the University of Aberdeen, if my memory serves me right, to take forward those priorities. I am very happy, as will be the Deputy First Minister, to engage with Mark Logan on that important question.

#### **Brexit Impacts**

**Michelle Thomson (Falkirk East) (SNP):** Thanks to Westminster economic mismanagement, businesses across Scotland, including in my constituency, Falkirk East, are facing pressures, including extra costs and red tape due to Brexit. What assessment has the Scottish Government made of the impact of the



United Kingdom Government's new post-Brexit border checks on business in Scotland—checks that are costly, unnecessary and supported by Tories and Labour alike?

**The First Minister (John Swinney):** I have touched on some of the implications of Brexit already today in response to Clare Haughey's question about the availability of people.

Michelle Thomson is absolutely correct. I cannot speak to a business in the country that is not suffering from the effects of Brexit, whether that is about the availability of staff, the cost of doing business or the loss of opportunity, because it is just so much more difficult to advance some of those questions.

The most recent information that I have is that the National Audit Office undertook a report that estimated that UK traders were facing additional costs of £469 million per year. That is on top of annual costs of £7.5 billion since 2019 for completing customs declarations on UK-European Union trade. That is the scale of the competitive disadvantage that has been inflicted by the folly of Brexit, which, unfortunately, is supported by both the Conservative and Labour parties and which the Scottish National Party would want to address by establishing Scotland's independent membership of the European Union.

### Athletic Success

**Brian Whittle (South Scotland) (Con):** Last weekend in Oregon, Josh Kerr from Edinburgh Athletic Club smashed the British mile record in an astonishing 3 minutes 45 seconds, eclipsing the great Steve Cram's record, which he had held for 39 years. Josh is now ranked sixth in the world all-time list. He is already the world 1,500m champion and the world indoor 3,000m champion, and he holds an Olympic bronze medal.

Behind Josh, from Giffnock North Athletics Club, was Neil Gourley, running an astonishing 3 minutes 47, and Jake Wightman, from Edinburgh AC, a former 1,500m world champion, running 3 minutes 47.

Does the First Minister agree that those athletes, along with female counterparts such as Laura Muir, Gemma Reekie, Eilish McColgan and Erin Wallace, are an inspiration to future sportsmen and women? Will he join me in wishing them well at the upcoming Olympic games in Paris?

**The First Minister (John Swinney):** I am absolutely delighted to do so and to pay tribute to the astonishing achievements of all the individuals whom Mr Whittle has mentioned, because they are utterly and totally inspiring.

I have to say to Mr Whittle that they will be a great deal faster than both him and me, if I may say so. They are certainly a great deal faster than I was when running through the centre of Edinburgh at the ungodly hour at which I was running this morning.

I pay warm tribute to them. They are an encouragement to us all to exercise—perhaps not as fast as they are able to exercise and compete—and to take due care of ourselves to ensure our own physical fitness. I am happy to associate myself with Brian Whittle's comments and to encourage all the athletes in the forthcoming competitions.

### Glasgow (Capital Project)

**Paul Sweeney (Glasgow) (Lab):** If the First Minister agrees that there is, indeed, a climate emergency, why is the Government's biggest capital project in Glasgow—rebuilding a 50-year-old motorway viaduct—now estimated at a staggering cost of more than £150 million, with no consultation with my constituents, while it cuts the city's public transport budget to zero?

**The First Minister (John Swinney):** There will be essential projects that have to be undertaken to ensure public safety and to guarantee that we have the appropriate level of connectivity in our communities. Obviously, there is a debate to be had about the merits of individual projects, but the Government has an obligation to work with local authorities in a spirit of partnership to agree the infrastructure improvements that are necessary to ensure that we have connectivity in our country.

### Small Vessel Replacement Programme (Announcement)

**Stuart McMillan (Greenock and Inverclyde) (SNP):** Can the First Minister clarify whether the permanent secretary's guidance concerning the United Kingdom election on 4 July will result in the delaying of the announcement on the small vessel replacement programme?

**The First Minister (John Swinney):** In an answer to a parliamentary question that I gave on Tuesday, I included the guidance that has been given to me by the permanent secretary. Regrettably, from my perspective, that means that a significant amount of the explanation of the Government's programme will have to wait until after the United Kingdom election has been concluded.

We do not anticipate that an announcement on the small vessel replacement programme will be made before the end of the pre-election period, as consideration of the business case by ministers remains on-going, but if there is any alteration to that view, I will share that with Parliament.

**The Presiding Officer:** That concludes First Minister's question time. There will now be a short suspension to allow those who are leaving the chamber and the public gallery to do so.

12:46

*Meeting suspended.*

12:48

*On resuming—*

## **NHS Physiotherapy Workforce**

**The Deputy Presiding Officer (Annabelle Ewing):** The next item of business is a members' business debate on motion S6M-12559, in the name of Alex Rowley, on physiotherapy workforce shortage in Scotland. The debate will be concluded without any question being put.

*Motion debated,*

That the Parliament is concerned about the reported shortage of physiotherapists in the NHS workforce in Scotland and notes the Chartered Society of Physiotherapy's campaign "Scotland needs more physios"; notes the belief that Scotland does not currently educate or train enough physiotherapists to supply the workforce needs, with, it understands, only 7% of the hundreds of university applicants accepted onto undergraduate physiotherapy training places, and that this leaves considerable scope to expand the supply of qualified physiotherapists; understands that undergraduate training places have doubled in England to meet demand, but that there has been no increase in Scotland in the last decade, meaning that, while Scottish course programmes are oversubscribed with applicants, not enough places are funded to meet the needs of Scotland's NHS; acknowledges the reported views of physiotherapists, stating that they are finding it extremely difficult to recruit staff for their practices across Scotland, with record high vacancy rates, averaging over 10%, and that this is having an impact on existing staff morale, with increased levels of stress and work pressures; believes that the shortage of physiotherapists impacts on local communities, their services and staff, including in Mid Scotland and Fife, and further believes that physiotherapy is essential to reduce hospital admissions, speed up discharge from hospital and reduce reliance on social care, all of which are critical.

12:48

**Alex Rowley (Mid Scotland and Fife) (Lab):** I thank the members who signed my motion for debate, and I thank my business manager for giving me the time to have the debate.

In this debate, as well as focusing on shortages in the physiotherapy workforce, I will raise the wider issue of the failure of workforce planning in our national health service. My main plea to the Government today is for it to get to grips with workforce planning, because failure in workforce planning means that we simply store up problems across the NHS, and failure in one area simply adds to the pressure in other areas.

I will read out the content of an email that I received from a constituent, as I believe that it sums up the issues to which I will refer in the debate. It says:

"As a chartered physiotherapist working for NHS Scotland and living in your constituency I wish to raise my concerns regarding the shortage of physiotherapists in the NHS workforce.

Scotland does not currently educate or train enough physiotherapists to supply the workforce needs, and this is placing enormous pressure on services.

It is extremely difficult to recruit physiotherapists to join my Community Respiratory Team. We look after the most severely ill housebound population with COPD in an attempt to prevent admission to hospital.

Reducing the need for admission to hospital is obviously a key political priority with hospitals at maximum capacity and vulnerable people lying on trolleys in corridors sometimes for their whole admission.

The shortage of physiotherapy staff impacts across our teams. Staff morale is suffering as we work with increasing levels of stress and work pressures and we are prevented from delivering the care we would wish to provide.

We have recently had to stop the provision of service to those with less acute disease where we would provide education to improve long term self-management to reduce the long term severity of COPD and ultimately hospital admissions further down the line.

Increasing numbers are leaving the team due to the increased workload and stress which only exacerbates the issues.

Patients also suffer from the effects of short staffing as the service often has to close when we are at capacity for that day. Patients are then advised to contact the GP increasing their caseload.

Patients often can't get through to the GP and end up with NHS24 and at A&E.

The Chartered Society of Physiotherapy is campaigning that 'Scotland needs more physios' and that while undergraduate training places have doubled in England to meet demand, there has been no increase in Scotland in the last decade.

This means that while Scottish course programmes are oversubscribed with applicants, not enough places are funded to meet the needs of Scotland's NHS. The shortage of physiotherapists impacts on our local communities, their services and staff. Physiotherapy is essential to reduce hospital admissions, speed up discharge from hospital and reduce reliance on social care, which are all critical this winter.

I am therefore asking you to urge the Scottish government to urgently address the physiotherapy workforce shortage in Scotland."

**Martin Whitfield (South Scotland) (Lab):** Is not one of the roles of physiotherapy to allow people to return to work that much faster—to stop their being trapped in a period of sickness in which they cannot work? Is that not the perfect answer to the perfect storm that Alex Rowley has described?

**Alex Rowley:** Martin Whitfield is absolutely correct. Those are some of the key points that I hope we will get across during the debate.

I believe that my constituent set out very clearly the issues and challenges and how the situation impacts on the current physiotherapy workforce. However, people in this chamber and across Scotland know the challenges and difficulties in accessing general practitioner services.

As the Chartered Society of Physiotherapy points out,

"Scotland's ageing society creates a growing population of frail elderly and those with multiple long-term conditions that require physiotherapy in acute and community settings."

I suggest that we must look to how we can take some of the pressure from GP practices—indeed, the chartered society's website features case studies that demonstrate good practice.

For example, a practice manager in NHS Forth Valley's area stated:

"With the new physiotherapists coming on board there has been an increase in patient satisfaction as patients are being seen quicker. There appears to be fewer and more appropriate referrals going to secondary care, specifically orthopaedics. The physio practitioners encourage patients to self-manage and patient safety is enhanced through early identification of serious pathology."

Many other examples of good practice are happening across Scotland. A GP in Greenock said:

"Of all the work that's ever been done in GP practices, this has been the one that feels like it has truly taken work away. Patients are safer—there is quicker access to the most appropriate intervention because triage assessment conducted by the physiotherapist gets people to the right place sooner."

There is therefore much evidence to demonstrate the effectiveness of such an approach.

**Paul Sweeney (Glasgow) (Lab):** I thank Alex Rowley for his powerful remarks. As this country spends more than any other developed country on acute hospitals, and the least on preventative community care, those examples are striking. Is it as frustrating to Mr Rowley as it is to me that the Government seems to be incapable of capturing examples of best practice and making them the national standard?

**Alex Rowley:** Absolutely. The key point that I hope to get across in the debate is that, as the Chartered Society of Physiotherapy states,

"Effective workforce planning is essential and has been inadequate in Scotland. This has meant that while England has increased undergraduate physiotherapy training places by 96% since 2013, Scotland's undergraduate programmes have seen virtually no increase in the last decade."

That is why I now call on the Scottish Government to plan the physiotherapy workforce, increase the number of training places for Scotland-domiciled undergraduates, open new apprenticeships to qualifying students and meet the demand for physiotherapists who are desperately needed across Scotland. We can do so much better.

12:57

**Ruth Maguire (Cunninghame South) (SNP):** Physiotherapists play a valuable role in improving

the health and wellbeing of people across Scotland. Physiotherapy is essential in preventing hospital admissions, speeding up discharge and supporting people to live independently. In turn, such outcomes not only improve the lives of individuals; they help the healthcare system to run efficiently and effectively.

I congratulate Alex Rowley on securing cross-party support for bringing the debate to the chamber. I take very seriously the real-life experience of physiotherapists and the impact on their patients that he has just set out. The Chartered Society of Physiotherapy's "Scotland needs more physios" campaign speaks to the need to expand the supply of physiotherapists to the NHS in Scotland.

Although we should acknowledge the clear challenges that Mr Rowley laid out, and always be mindful that, for someone waiting for treatment—or, indeed, for practices or teams of staff who are under pressure or unable to recruit—contexts can vary, it is helpful for us to acknowledge the Scottish Government's work on the issue and the investment that is being made.

The number of physiotherapists working in our NHS has increased by 29 per cent over the past 10 years, and the Scottish Government has significantly expanded the primary care multidisciplinary team workforce. Those teams are supported by an investment of £190 million in the primary care improvement fund. So far, 144 students have been funded towards meeting the Scottish Government's target to create 225 more musculoskeletal practitioners, thereby increasing the physiotherapy workforce. It is important, too, to note that although the number of training places in England might be higher, front-line health spending in Scotland per head remains, and has consistently been, higher than in England, against an undoubtedly challenging economic and financial context.

On training and development for physiotherapists, I am very interested in apprenticeships and other earn-as-you-learn pathways. In the context of shortages in the workforce, those things open up career progression to those who are unable to attend university because of geography—we have heard about that in the Health, Social Care and Sport Committee's inquiry into rural healthcare—and older folk who are looking for a change of career. Family commitments may mean that those people cannot attend university full time.

At the beginning of my speech, I mentioned the context for those who are waiting for treatment, and I do not want to lose sight of that. In addition, many people will not know how treatment could assist them. When I was reflecting before this debate on the number of settings and treatments

that physiotherapists provide, I thought about women's health. Physiotherapy for women's health can be life changing and prevent really debilitating problems and conditions that can have a huge impact on wellbeing and quality of life.

I ask members in the chamber to forgive me—I hope that this is not too much information, but I first experienced physio after the birth of my first child, which was only 27 years ago. [*Interruption.*] Yes—27 years. It was just a 10-minute chat in which the physiotherapist explained physiology, told me about some exercises and gave me strict instructions to do them every time my hands were wet. You wash your hands a lot when you have a newborn baby.

Twenty-five years later, I took that knowledge and used it in my recovery after cancer treatment. I believe that it helped to stave off what may potentially have been some of the worst side effects of that treatment. That side of things was not discussed in the treatment discussions that I had with clinicians, but I think that it should have been. I do not know whether that was down to a shortage of physiotherapists or whether the reason was that teams that treat folk with cancer are, rightly, laser focused on doing just that. However, we need to bear in mind the challenges and shortages that have been highlighted and understand that, where services are strained, priorities shift. I would be interested in hearing from the minister what we can do to ensure that women's health is considered as a priority, and particularly that we note the importance of physiotherapy in that regard.

13:02

**Sue Webber (Lothian) (Con):** I am really pleased to have the chance to speak in this debate, as I once considered a career as a physiotherapist, although life clearly took a different turn. I might go back to it later—that is always an opportunity if we get things right.

Amid record vacancy rates and a failure to increase the number of undergraduate training places in Scotland, patients desperately need more physiotherapists. The Chartered Society of Physiotherapy says:

"patients' recoveries are being put in jeopardy by a worsening workforce crisis, with Scotland now lagging behind other parts of the UK on physiotherapy training."

The shortage in Scotland's physiotherapy workforce creates further challenges across the healthcare system, which ultimately impacts patient care. Various factors are contributing to the demand for physios, including the ageing population, an increase in chronic conditions and backlogs for treatments, which have been made worse by the pandemic. However, it is not just that

there is an increased demand for physios; it is also the case that the supply and training of physios have not kept pace with the demand.

Addressing the shortage requires a multifaceted approach. The Chartered Society of Physiotherapy has started a campaign called “Scotland needs more physios”, which is underscored by the belief that Scotland does not currently educate or train enough physiotherapists to supply the workforce to meet the population’s needs. In England, the number of undergraduate training places has doubled to meet demand, but there has been no such increase in Scotland in the past decade. Although Scottish course programmes are oversubscribed with applicants, not enough places are being funded to meet the needs of Scotland’s national health service.

Increasing the number of training places in physiotherapy programmes and enhancing support for students could and would help to boost the number of new graduates entering the field. Furthermore, physiotherapists have stated that they are finding it extremely difficult to recruit staff for their practices across Scotland, with vacancy rates at a record high. That has a knock-on effect on existing staff morale, with increased levels of stress and work pressures and challenging working conditions. There is competition for staff, which creates an artificial pressure on the environment, with people taking staff from one practice to another. We need better working conditions, the best competitive salaries and opportunities for professional development to retain staff and attract new recruits.

I recently met a physio who made it clear just how important they are to people with arthritic joints. I suppose that I would put myself in that bracket—as someone with arthritic joints, not as a physio. Right now, that condition is becoming much more prevalent among an ageing population and those who have had an active sporting life before coming here. Physiotherapy is a key profession in getting elderly patients who are stuck in hospital—Mr Rowley said this in his opening remarks—more mobile and able to function, and getting them home and much more independent. That helps, in turn, to free up beds, appointments and doctors for other cases.

A self-referral service would allow people to see a physio quickly. That would also make it important for patients to understand that it is as much down to them to be involved in their care—Ruth Maguire talked about how important it was to consistently do the exercises that her physio recommended—and that we have to buy into the treatments that physios give us.

However, it is not just the elderly who need the service. If a person suffers from pain or an injury for a long time, they are likely to get injuries

elsewhere in their body as they compensate. That can also affect their mental health.

Physios, including work physiotherapists, are an essential part of our healthcare service, and they should never be underestimated or undervalued. I thank Mr Rowley very much for bringing this important debate to the chamber.

13:06

**Jackie Baillie (Dumbarton) (Lab):** I join others in congratulating Alex Rowley on bringing this important debate to the Parliament and on the content of his speech. He is absolutely right that the issue sits in the wider context of workforce planning and the inadequacy of the current position.

I thank the Chartered Society of Physiotherapy for its very informative briefing.

There is no doubt in my mind about the value of physiotherapy, whether that is to do with its positive impact in reducing the number of hospital admissions, speeding up discharge from hospital or supporting people at home to live independent lives and move away from a reliance on social care. Physiotherapy is worth its weight in gold.

Like much of the NHS, the physiotherapy service would be nothing without its staff. However, there are simply not enough of them to meet demand. As Sue Webber said, vacancy rates are at a record high, at an average of 11 per cent across Scotland. The consequences are longer waiting times and additional pressure on existing staff and services.

We need much better workforce planning, and we need an increase in the number of training places to meet future demand. Although I am mindful of what Ruth Maguire said, I note that, in NHS England, the number of training places has increased by 42 per cent in the past 10 years—there was a further 18 per cent increase just in 2021-22 alone. By contrast, Scotland’s undergraduate physiotherapy programmes have shown virtually no increase since 2015. That simply is not good enough in the context of increasing demand.

There are steps that the minister could take. Physiotherapy could be made a controlled subject for workforce planning in higher education, which would increase the number of places. As Alex Rowley said, funding and learning routes could be established, and things such as apprenticeship models could be considered. The funded MSc physiotherapy bursary scheme could be maintained, and education and funding could be provided to support advanced practice. Taken together, those measures would go some way towards alleviating the pressure. I urge the

minister to set out the concrete action that she intends to take to address the matter.

The issue is so important because we will not fulfil our ambition to deliver more primary care services without an expansion in workforce numbers. Physiotherapists are being brought into GP surgeries to help patients with musculoskeletal conditions. That is a good thing, because it enhances patient care, better integrates services and reduces GP workloads. There is also less testing, less prescribing and fewer secondary care referrals. That is better for the patient.

There are also further opportunities in primary care. There will be patients with complex comorbidities, and physiotherapists with advanced practice skills can reduce the reliance on GPs and inappropriate hospital admissions.

As Ruth Maguire eloquently said, there are opportunities in women's health—in pelvic, obstetrics and gynaecology services—that might lead to surgery being avoided.

There is huge potential for community rehabilitation to reduce the number of people who become needlessly disabled and to contribute to their leading full and active lives.

Physiotherapy is good for patients and reduces the pressure on secondary care. We know that there is a beneficial impact for patients, GPs and secondary care if more physiotherapy can be delivered in primary care, but there are simply not enough physiotherapists.

If the Government agrees that that is the right direction of travel, we must see the warm words matched by action. Let us see an increase in the number of training places, and let us see that now.

13:10

**The Minister for Public Health and Women's Health (Jenni Minto):** I am grateful to Alex Rowley for securing this important debate, and I thank members for their excellent, thoughtful and thought-provoking contributions, which are very much appreciated.

It is clear that colleagues in the chamber value the critical role that physiotherapists play. They support our NHS and help improve the health and wellbeing of people across Scotland. It is likely that everyone here has benefited from a physiotherapist's expertise at some point in their life—I know that I have.

Every day, physiotherapists right across Scotland work with people of all ages and with a wide variety of health conditions, from those who have acute neurological disorders or are in intensive care to those managing long-term conditions. Physiotherapists can help people to

achieve and maintain movement and function, as Alex Rowley and a number of other speakers have said.

I know from my own portfolio that physiotherapists play an important role, as Ruth Maguire and Jackie Baillie have said, in improving women's health. Ms Maguire's eloquent description of her own experience was incredibly helpful. I specifically discussed that area when I was preparing for this debate, and I will follow it up with my women's health team after the debate.

As I have said, physiotherapists work in a range of places, including hospitals, GP practices, people's homes and their workplaces. I was able to see the innovative nature of their work alongside other allied health professions, nurses and bioengineers from the University of Strathclyde at University hospital Wishaw, where their skills were put to good use—alongside new technology—in the rehabilitation of people living with strokes.

As Alex Rowley has noted, rehabilitation is a key area of work for physiotherapists, along with other members of the multidisciplinary team. That might involve helping people who have a wide variety of problems by reducing their pain, improving their mobility and independence and helping them back to a full life.

However, prehabilitation, which ensures that people keep fit and are ready for treatment, is also vital, with physiotherapists working alongside the leisure sector and third sector partners. Indeed, I have seen the value of that in Oban in my constituency. As Paul Sweeney has said, it is important that we capture good examples, and, in that respect, I was pleased to see Moray leisure centre in Elgin doing something that Sue Webber touched on, by encouraging people to take up—and keep up—exercises prescribed by physiotherapists. The fact that that is happening in a leisure centre, as opposed to a hospital, might have other benefits.

Furthermore, as Martin Whitfield noted, physiotherapists are now able to legally certify and issue fit notes. They also act as the first point of contact for many people with musculoskeletal problems, which helps reduce the pressure on NHS doctors, particularly GPs.

When I attended last year's Scottish health awards, which Jackie Baillie also attended, I was delighted to see physiotherapist Paulina Raniszewska winning the allied health professional category. That trophy was awarded in recognition of Paulina's incredible compassion and expertise, which have brought hope and relief to many people living with long Covid. I thank each and every one of our physiotherapists for the

invaluable role that they play in our daily lives, and for their positive impact on wider society.

Both the motion and members' contributions today have raised concerns about a shortage of physiotherapists in Scotland, but it is important to note that there are currently more than 3,500 people working in physiotherapy across NHS Scotland, which represents an increase of 29 per cent in the past 10 years. That includes physiotherapy support workers, who are an integral part of the workforce and play a vital role in achieving the best outcomes for individuals.

At the end of December 2023, physiotherapy had a vacancy rate of 6.7 per cent, which compares with 9.3 per cent the previous year. Although it is positive that the vacancy rate is coming down, we have to recognise that NHS Scotland is a large organisation and will, given the natural turnover of staff in an organisation of such size, always carry some vacancies.

The Scottish Government is not complacent. I recognise the need to recruit and train greater numbers of physiotherapists, and for two reasons, the first of which is to support the workforce needs of the future and to ensure the sustainability of such a vital profession. Secondly, if we are serious about reforming our NHS and delivering more preventative care, physiotherapists will be a key component of that, as we heard from the constituent whom Alex Rowley quoted.

Our determination to address workforce challenges and increase the number of physiotherapists is not just warm words—it can be demonstrated by our actions. In December 2019, the integrated health and social care workforce plan for Scotland committed to creating an additional 225 advanced musculoskeletal practitioners in primary care by increasing training places for the physiotherapy workforce, and the physiotherapy funded places scheme has provided funding for the tuition fees for selected postgraduate pre-registration students to increase the number of home students to support the workforce. Delays were experienced due to the pandemic but, to date, 144 physiotherapy students have been recruited, with the first cohort of students having graduated in September 2023. That is all down to Government policy ambitions to increase workforce numbers, with the approach designed collaboratively with higher education institutions and health boards to ensure that its implementation benefits every part of Scotland, particularly rural and island areas.

The Scottish Government also concluded an allied health professional education and workforce review at the start of 2023. Leaders across allied health professions, including physiotherapy, worked collaboratively to examine workforce and education issues to improve our understanding of

and alignment between the two. The review made a number of recommendations, including widening access through the earn-as-you-learn model, as noted by members today, and the promotion of AHP careers.

The AHP review also recognised the importance of improving our data so that we design a workforce that is fit for the future and which reflects the needs of our population. Our physiotherapy student intake numbers have generally remained consistent throughout the past four years, but by building greater capacity within our workforce to support practice placements, we will give our higher education establishments the opportunity to increase current student intake numbers. An advisory board is overseeing the effective implementation of the recommendations to ensure that we develop an AHP workforce that will meet the current and future needs of Scotland's health and care system.

I am pleased that we are engaging with the Chartered Society of Physiotherapy in Scotland, and I hope that that engagement will continue. I am sure that it will.

I close the debate by thanking all those who have participated and have shared their views on this inspiring profession, and I thank Alex Rowley again for lodging the motion. I am happy to discuss with members any of the points that have been raised today, particularly those that relate to public health and women's health, if that would be helpful. I am sure that the cabinet secretary would be open to that, too. I hope that, today, we have demonstrated that physiotherapists are integral to delivering the health and care services that we need, as well as shown the regard in which the Government holds them.

**The Deputy Presiding Officer:** That concludes the debate.

13:18

*Meeting suspended.*

14:00

*On resuming—*

## Portfolio Question Time

### Social Justice

**The Deputy Presiding Officer (Liam McArthur):** Good afternoon. The first item of business is portfolio questions, and the portfolio on this occasion is social justice. I remind members that if they wish to ask a supplementary question, they should press their request-to-speak buttons during the relevant question. There is quite a bit of interest in asking supplementaries, so I make the usual appeal for questions not to come in four parts with a long preamble, and for responses to be similarly brief.

### Child Poverty

**1. Gillian Mackay (Central Scotland) (Green):** To ask the Scottish Government whether it will provide an update on what steps it is taking to address child poverty. (S6O-03500)

**The Cabinet Secretary for Social Justice (Shirley-Anne Somerville):** Eradicating child poverty in Scotland is the First Minister's, and the Government's, top priority. We are providing a range of support to families, including our game-changing Scottish child payment, which—as statistics that were published this week show—was benefiting more than 329,000 children by the end of March. We have also funded childcare, free bus travel for under-22s and free school meals for more than 277,000 children.

Modelling that was published in February estimates that our policies will keep 100,000 children out of relative poverty in 2024-25. On 4 June, I will provide an update to Parliament on the progress that has been made on tackling child poverty.

**Gillian Mackay:** Given that around a quarter of children in Falkirk, in my Central Scotland region, are living in poverty, according to the most recent statistics that have been published, what specific steps is the Scottish Government taking to ensure, through its strategy, that take-up of social security benefits is maximised and that automatic access to benefits is advanced?

**Shirley-Anne Somerville:** Gillian Mackay is right to point out the importance of automation. I am pleased to see that the statistics for the Scottish child payment also demonstrate the automated payments that are now being made for best start grants, for example. Those came in before the Scottish child payment was in place, and we have now enabled aspects of the application forms and the payments to be

automated to ensure that people can get what they are entitled to. I am determined to see what more we can do on that over the years ahead.

**The Deputy Presiding Officer:** There are a couple of supplementaries.

**Bob Doris (Glasgow Maryhill and Springburn) (SNP):** Last week, Professor Danny Dorling told the Social Justice and Social Security Committee that Europe is paying close attention to the Scottish child payment as an example of how policy can radically reduce child poverty levels.

Given how Barnett consequentials work, would the cabinet secretary encourage the United Kingdom Government to do likewise—taking an evidence-based approach to tackling child poverty and removing the many barriers from Westminster that have an impact in that regard?

**Shirley-Anne Somerville:** I thank Bob Doris for bringing to my attention Professor Dorling's remarks. I had the pleasure of meeting Professor Dorling when I was down in London a few months ago, which I found very insightful.

The member is right to point to the fact that the Scottish child payment is available only in Scotland. If a UK Government of whatever persuasion was to follow our lead and ensure that it had a universal credit and welfare system that actually met people's essential needs, which is why we have asked for an essentials guarantee to be introduced at UK level, some of the changes that could be made through that would allow the Scottish Government to receive Barnett consequentials in that area. We should think about what more this Parliament could do if we were funded effectively to eradicate child poverty.

**Foyso Choudhury (Lothian) (Lab):** One Parent Families Scotland has found that

“39% of children in single parent families live in poverty”,

but the delivery of 1,140 hours of free childcare is not sufficient to enable single parents to work, as it covers only the school day. What steps is the Scottish Government taking to ensure that the provision of 1,140 hours of childcare is delivered more flexibly in order to meet the needs of families, in particular single mothers?

**Shirley-Anne Somerville:** I had an interesting discussion with One Parent Families Scotland on that matter and other matters when I met its representatives recently. I point out to Foyso Choudhury that the Government is exceptionally proud of our record on delivering childcare. Since the Scottish National Party came to power, we have seen a doubling in the hours of free childcare that are available.

Under the current system, it is up to local authorities to ensure that there is flexibility to be



able to meet the needs of the public in their area. I am sure that the member would wish to take up the matter with the City of Edinburgh Council, as I presume that that is the area in question, or with whichever councils are involved, to ensure that they are delivering for everybody, including single parents.

### **Discretionary Housing Payments (East and South Ayrshire)**

**2. Elena Whitham (Carrick, Cumnock and Doon Valley) (SNP):** To ask the Scottish Government what funding it provided to East and South Ayrshire councils in 2023-24 for discretionary housing payments. (S6O-03501)

**The Minister for Housing (Paul McLennan):** The Scottish Government provided more than £2.6 million to East Ayrshire Council for discretionary housing payments in 2023-24, which supported more than 3,400 households. South Ayrshire Council received more than £1.7 million, which supported more than 2,000 households.

In 2024-25, the Scottish Government has increased the total discretionary housing payment budget by £6.8 million. The extra money that the Scottish Government provided through discretionary housing payments is just one of the actions that we are taking to help households across the country through the cost of living crisis.

**Elena Whitham:** Statistics that were released this week show that more than 135,000 awards were delivered across Scotland for discretionary housing payments in 2023-24, with more than 4,000 in East Ayrshire and more than 3,300 in South Ayrshire. As they are our main tool for mitigating harmful United Kingdom Government welfare policies, such as the bedroom tax, can the minister comment on the importance of discretionary housing payments as a means to prevent vulnerable households being driven into homelessness in Scotland? How can we promote their uptake?

**Paul McLennan:** Discretionary housing payments are a vital tool in reducing poverty, safeguarding tenancies and preventing homelessness. That is why we have invested more than £613 million since 2017. Discretionary housing payments are just one action that we are taking to help households across the country to mitigate more than a decade of austerity from Westminster Governments. We are investing around £3 billion a year in policies that protect people as far as possible in the cost of living crisis. That includes an extra £6.8 million in the budget for discretionary housing payments in 2024-25 to directly mitigate punitive policies such as the bedroom tax.

**The Deputy Presiding Officer:** Question 3 is from Paul O’Kane, who joins us remotely.

### **Food Poverty**

**3. Paul O’Kane (West Scotland) (Lab):** To ask the Scottish Government what action it is taking to address food poverty, in light of the recent figures published by the Trussell Trust showing that its network distributed 262,400 emergency food parcels in the last 12 months. (S6O-03502)

**The Cabinet Secretary for Social Justice (Shirley-Anne Somerville):** It is not acceptable for anyone to have to rely on emergency food parcels.

This week, I visited the Courtyard Pantry Enterprise in Glasgow, where I saw at first hand how trusted community organisations can support families to access healthy, affordable foods and refer them to financial advice services.

Scottish Government policy choices have helped to slow the pace of demand for food parcels in Scotland, and Scotland is the only part of the United Kingdom not to see an increase in the number of parcels distributed through the Trussell Trust network last year. However, we must work with any incoming UK Government to urgently fix the issues with universal credit that are driving food bank use.

**Paul O’Kane:** Last year, the cabinet secretary published a nine-point plan to end food bank use, but the Trussell Trust stated unequivocally that it was “disappointed” with the lack of ambition in the plan and that it failed to show the “requisite leadership and urgency”.

I hear the cabinet secretary saying that the Scottish Government would want to work with an incoming Government, so I am sure that she will agree that an incoming Labour Government—which would prioritise ensuring that work pays and that we support the stabilisation of the economy so that food prices go down—would be very welcome.

How does she respond to those comments by the Trussell Trust? When will she return to her nine-point plan and ensure that it is delivered with the ambition that is required?

**Shirley-Anne Somerville:** I am happy to work with any UK Government of any persuasion that has the best interests of the people of Scotland at its heart. That is why I am disappointed to note that Paul O’Kane’s party does not seek to change any of the Tory austerity welfare policies that we have.

Given the level of concern from trade unions on some of the employability and fair work measures that may or may not happen if Labour is elected, I wait to see what happens in reality.

It is important to point to the fact that the cash-first approach that the Scottish Government has developed has been welcomed by many people within anti-poverty charities and organisations. I was pleased to see how that work has helped people; it is not just about establishing more dignity for people but about ensuring that we support them out of poverty.

I hope that Paul O’Kane will join me in recognising the Trussell Trust’s call for a UK Government to establish an essentials guarantee—something that the Scottish Government has been calling for for some time. *[Applause.]*

**The Deputy Presiding Officer:** I call Bill Kidd for a supplementary question.

**Bill Kidd (Glasgow Anniesland) (SNP):** Thank you, Presiding Officer, and I thank my colleagues for the applause. *[Laughter.]*

Will the cabinet secretary comment on the Fraser of Allander Institute data that shows the significant impact that the Scottish child payment has already had on food bank usage in Scotland?

**Shirley-Anne Somerville:** The latest research demonstrates the impact of the Scottish child payment in assisting people who are struggling to feed their families. It has successfully reduced food bank usage for specific types of households. The families of more than 329,000 under-16s were benefiting from the Scottish child payment at the end of March. However, I absolutely recognise that we need to do more, because any family or individual who goes to a food bank is in crisis, and we should not be at that point in this day and age. That is why we have a social security system that is here to deliver for the people of Scotland. I can only hope that, at some point, we have a UK Government that does the same in relation to its responsibilities for social security.

### Employment Injury Assistance

**4. Richard Leonard (Central Scotland) (Lab):** I remind members of my voluntary entry in the register of members’ interests.

To ask the Scottish Government when it anticipates the first payment of employment injury assistance will be made. (S6O-03503)

**The Cabinet Secretary for Social Justice (Shirley-Anne Somerville):** The Scottish Government launched a consultation on employment injury assistance on 30 April. The consultation, which closes on 24 June, will provide vital insights into how employment injury assistance can better meet the needs of disabled people in Scotland in the future and is an important first step in the longer-term reform of the

United Kingdom industrial injuries scheme in Scotland.

**Richard Leonard:** Four years after the devolution of the benefit, the Government has finally launched this consultation paper, in which it admits that there is widespread concern and in which it admits that this has been a low priority. The new First Minister has promised us more concrete actions and fewer strategy documents, and yet here we are with yet another consultation paper. Does the cabinet secretary not understand that those former professional footballers with dementia, those firefighters with cancer, those workers across occupations who are suffering from long Covid, and all those women workers with industrial injury and disease contracted through their work expect more understanding, demand more urgency and deserve more concrete actions from this Government?

**Shirley-Anne Somerville:** The Women Against State Pension Inequality deserve urgent action, and the women who required equal pay deserved urgent action. I am not entirely sure where Richard Leonard was when those issues were being discussed, particularly those in Glasgow.

It is important that we develop a system that is done in consultation. That is exactly why we have a social security system in Scotland that is working effectively. One of the challenges is that, since the war, successive Governments of every colour have led us to a UK industrial injury scheme that consists of warehouses of paper forms. That scheme is not fit for purpose, nor has it been changed by any Government. I appreciate that there is frustration about the need for change; it is unfortunate that people have not seen that change under successive UK Governments for decades.

**John Mason (Glasgow Shettleston) (SNP):** Based on what the cabinet secretary just said, will she confirm that transferring the current system to Scotland must be the emphasis and that it is a major task? Will she also point out, or ask Richard Leonard, where the money for all the extra benefits that he is looking for would come from?

**Shirley-Anne Somerville:** John Mason knows—and I hope that many members across the chamber understand—that our position has always been to have a safe and secure transition of benefits from the UK Government to a system here in Scotland. That is all done based on dignity, fairness and respect.

The member is quite right to point out that we need to ensure that the transfer is done safely. That is exactly why—again, we go back to the point on the urgency of a consultation, which will be considered by Government—we need to take account of the changes that people want to see.

The existing scheme has seen no changes since it was introduced in the post-war era.

Cost will be a factor, but it is important that it is only one factor. We need to ensure that we deliver a system that provides dignity, particularly for those the system has failed to date.

**Jeremy Balfour (Lothian) (Con):** The availability of expertise on industrial diseases has been raised as an issue for any potential future Scottish employment injury assistance advisory council. Will the cabinet secretary confirm what scoping has been carried out to see whether enough experts in that field are available in Scotland?

**The Deputy Presiding Officer:** As briefly as possible, cabinet secretary.

**Shirley-Anne Somerville:** The member raises an important practical point that we need to look at. It is disappointing that the United Kingdom Government has ensured that we—the Scottish Government—cannot ask the current council for advice, which means that we need to look for other approaches, and we will do that through the consultation.

#### **Disabled People (Treatment as Benefit Claimants)**

**5. Rona Mackay (Strathkelvin and Bearsden) (SNP):** To ask the Scottish Government how it ensures that disabled people who receive Scottish social security benefits are treated lawfully, in light of the Equality and Human Rights Commission's reported investigation into the treatment of some disabled benefits claimants by the United Kingdom Department for Work and Pensions. (S6O-03504)

**The Cabinet Secretary for Social Justice (Shirley-Anne Somerville):** We have very serious concerns over the UK Government's treatment of people applying for disability benefits, so I welcome the investigation. The Scottish Government has taken relevant public sector equality duties into account throughout the development of disability assistance, which has been assured through processes of drafting and publishing comprehensive equality impact assessments.

The Government is committed to undertaking such assessments with every new policy that impacts on disabled people. Scotland's social security system is designed on the principles of dignity, fairness and respect. Those are the values of this Government and of the people of Scotland.

**Rona Mackay:** Will the cabinet secretary expand on specific measures that are in place to ensure that the assessment processes for Scottish social security benefits adhere to those principles of fairness, dignity and respect for disabled

claimants? How do those measures differ from those used by the UK Department for Work and Pensions?

**Shirley-Anne Somerville:** I was pleased to hear about the real difference that the new system in Scotland is making when I was on one of my most recent visits to Forgewood community centre in Motherwell. There, I heard directly from carers and from people who they care for about the difference that it makes having no private sector assessments as part of the system and having a system that has been designed with people to maximise the benefits that they are entitled to, given that social security is a human right. That compassionate approach is in stark contrast to the DWP's approach.

**Maggie Chapman (North East Scotland) (Green):** It is clear that our social security and benefits ambitions in Scotland have a quite different foundation from those elsewhere on these islands, but we must continue to improve. What work is being undertaken to ensure increased and improved understanding of chronic but very variable conditions across our social security system, so that people do not have their needs judged based on their best days but are instead supported to cope and thrive on their worst days?

**Shirley-Anne Somerville:** Maggie Chapman raises an important point that was raised by many people when we were designing child disability payment and adult disability payment. They felt that the application system and the assessment process did not work for people with variable conditions. That is exactly why we went through a consultation process to design our current system with people who have that experience, to ensure that the application form and the way in which decisions are taken are the best that they possibly can be for those people. It is clear that the system is still new, and we will have more to learn, but we are determined to do that.

**The Deputy Presiding Officer:** Question 6 has been withdrawn.

#### **Rural Affordable Homes for Key Workers Fund**

**7. Kenneth Gibson (Cunninghame North) (SNP):** I apologise to members for my late arrival.

To ask the Scottish Government how its rural affordable homes for key workers fund will help tackle island depopulation. (S6O-03506)

**The Minister for Housing (Paul McLennan):** I recognise the importance of good-quality affordable homes to attracting and retaining people in our rural and island communities, including for key workers. This year, we will invest nearly £600 million in affordable homes across Scotland, including through the demand-led rural

and islands housing fund and the key workers fund, from which four affordable homes have already been approved in Orkney.

Between 2016-17 and 2022-23, through the wider affordable housing supply programme, more than 10,000 affordable homes have been supported across rural and island areas, and more than 1,100 of those have been delivered in island communities.

**Kenneth Gibson:** The lack of workers is the key constraint for many island businesses and public services. The fund is a welcome measure for attracting and retaining people in our island communities. How flexible will the scheme be, given that organisations such as the Arran Development Trust have highlighted issues with accessing the affordable housing supply programme and the rural and islands housing fund?

**Paul McLennan:** My officials recently met the Arran Development Trust to discuss the concerns that have been raised and to encourage collaborative working with North Ayrshire Council to support delivery of high-quality permanent and affordable homes for key workers where they are required. The £30 million rural and islands housing fund can also support delivery of high-quality homes, which can help to attract and retain economically active workers in rural areas, and community groups such as the Arran Development Trust are able to access the fund.

**Miles Briggs (Lothian) (Con):** I know that the Deputy Presiding Officer will welcome the four homes that have been provided in Orkney, but there has been nothing else across the country for a whole year now. It is clear from what Kenneth Gibson has said that the criteria for the scheme are way too limited. Will the minister review the criteria and consider the development of a national empty homes fund for island and rural communities?

**Paul McLennan:** I will pick up on those two points. I mentioned the four homes that have been approved in Orkney, and discussions are on-going with councils in the Western Isles, Argyll and Bute, Fife, Perth and Kinross and North Ayrshire about the delivery of projects. It is important that the projects be delivered strategically across areas; it is not just about individual projects.

On the member's point about empty homes, the Scottish Government has, I think, spent about £3.5 million on developing 9,000 empty homes. That funding is available across Scotland. I am happy to pick up on issues that the member has raised about rural communities in that regard.

There are many other developments. For example, we are working with Highland Council on the freeport provision in that area, and we are

working with Scottish and Southern Electricity Networks on the key workers' accommodation, both temporary and permanent, that is required for renewables hubs.

**Rhoda Grant (Highlands and Islands) (Lab):** I refer members to my entry in the register of members' interests.

When I last raised with the First Minister the issue of the provision of housing to allow Portree community hospital to be open 24/7, he gave me a long list of actions that were being taken around the Broadford hospital. Although those are laudable, they do nothing to keep the Portree hospital open when it is required. How will the Scottish Government provide housing for key workers specifically in Portree?

**Paul McLennan:** I was in the chamber when that issue was raised. One of the key things that we talked about in relation to key workers was the strategic overview that the local authority must take. It would be the first port of call in that regard.

I am happy to meet Rhoda Grant and people in the area to discuss that particular point. If she wants, she can contact me after this.

**The Deputy Presiding Officer:** Question 8 is from Rachael Hamilton, who joins us remotely.

### **Equality Act 2010 (Guidance on Exemptions)**

**8. Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** To ask the Scottish Government whether it plans to update any guidance that it provides regarding the application of single-sex exemptions under the Equality Act 2010 in public buildings in Scotland. (S6O-03507)

**The Minister for Equalities (Kaukab Stewart):** Rachael Hamilton will be aware that the Equality Act 2010 is largely reserved. The United Kingdom Government has recently issued a call for input, which extends to Scotland, seeking examples of guidance on single-sex spaces. There are no immediate plans to update any guidance in that area.

**Rachael Hamilton:** I am afraid that I have lost sound to the chamber, Presiding Officer, but I will ask my supplementary question.

Women's groups have expressed concerns about the use of gender-neutral toilets in changing places. A UK Government consultation found that 81 per cent of respondents agreed with the intention that separate single-sex toilets be provided in public buildings. Does the Scottish Government plan to mirror the UK Government in bringing forward requirements for single-sex toilet facilities in non-domestic buildings?

**Kaukab Stewart:** As the member has said, the matter relates to building regulations in England

only. The Scottish building regulations require all new buildings to provide sanitary facilities for all occupants and visitors. Those who make a building warrant application are responsible for designing proposals that satisfy the building regulations. Such proposals should give appropriate consideration to the provision of male, female and unisex facilities to meet the needs of building users. The building regulations do not address the onward use of buildings by those who can and cannot use toilets based on a person's gender or sex.

**The Deputy Presiding Officer:** That concludes portfolio question time.

**The Cabinet Secretary for Social Justice (Shirley-Anne Somerville):** On a point of order, Presiding Officer. I am very supportive of members being able to work in a hybrid way in the Parliament, given that I am a working mother, but it is the responsibility of everyone taking part to have secure connections. I am concerned that the minister has given answers that the member asking the questions could not hear, by her own admission. What more can we do to ensure that members have secure connections, so that those who ask questions of the Government can hear the answers?

**The Deputy Presiding Officer:** I do not think that that is a point of order, but it is not an unreasonable point, and I will reflect further on it. If there is anything to say to members on the matter, whether in the chamber or in writing, I will ensure that that happens.

## Further Education Sector (Industrial Relations)

**The Deputy Presiding Officer (Liam McArthur):** The next item of business is a statement by Graeme Dey on industrial relations in the further education sector.

14:25

**The Minister for Higher and Further Education; and Minister for Veterans (Graeme Dey):** I am grateful for the opportunity to make this statement on the important matter of industrial action in the college sector. The issue is felt across each of our constituencies and regions and, regrettably, has been topical for a decade now.

Colleges across Scotland make an immeasurable contribution to our communities, our economy and our nation as a whole. They do good work. Unfortunately, though, that is all too often overshadowed by the industrial strife that has dogged the sector for the past 10 years. Regionalisation and the introduction of national bargaining have brought some positive changes for many, yet the relationship between employers and unions, particularly in some localities, has become fractious to the point that, sadly, when many of us think of colleges, we instinctively think of industrial action.

Strikes have become the norm in the sector. I think that I am right in saying that we have had industrial strife in nine of the past 10 years, which has had an impact on students, staff and the wider community. The truth is that the overwhelming majority of those concerned want an end to that strife, not just for now but for the future.

Of course, hard-line positions have been adopted by some on both sides, but I believe that, among the majority of management and staff, there is a genuine desire to end the present dispute and find a better way forward. The path to that has not proved to be easy, but there are some hopeful signs that we can travel it. With good will from all sides, we can, I believe, reach a destination that serves the best interests of colleges, of staff and, most important of all, of students. It really does matter that we establish more harmonious relationships in the sector.

The First Minister set out the Government's priorities last week, and we know that colleges have a proven track record of delivering. Colleges, as anchor institutions, will continue to play an integral role in enabling our vision of delivering the reform agenda, and of delivering for all of Scotland.

The disputes that have dogged colleges over the past 10 years have taken place against vastly different financial backdrops, from a time when public finances were in a healthy state through to now, when we find ourselves in the most challenging budgetary situation since devolution 25 years ago.

I acknowledge that the budget settlement that we have been able to afford colleges is not as we would wish it to be; the most difficult budgetary position since devolution has meant challenges for budget settlements for colleges and in many other parts of the public sector. We would like to be in a position to invest more, but the fact is that, were we to invest more in colleges, that investment would have to come from somewhere else in the budget—from schools or universities or from other portfolios. However, I think that it is possible to find a fair and affordable solution to the current dispute, and we could absolutely make progress in addressing the longer-term systemic issue.

Up until the past few weeks, we were at an impasse in the dispute. The employers' full and final offer of a £5,000 consolidated pay increase over three years had been rejected, and no one was budging. It is to the credit of the trade unions that they have sought to move the dispute into a better space. On the support staff side, strikes by Unison members have been suspended to allow staff to vote on the pay deal on offer. It is, of course, up to staff to determine whether they deem the award to be acceptable, but I hope that a positive resolution can be found and that members of Unison, Unite and the GMB will have pay rises, backdated to September 2022, landing in their bank accounts quickly. The Educational Institute of Scotland Further Education Lecturers Association has made a revised claim that would see that three-year deal being accepted, with the addition of a fourth-year pay rise for academic year 2025-26.

We are still a way off from an agreement being reached with lecturers. There are various components to the claim that, as lodged, are viewed somewhat differently, but I welcome the meaningful dialogue that has taken place between the two sides since the new claim was tabled. Credit is due to EIS-FELA for initiating that, and it is now vital that the two sides continue to work through it to find common ground.

Earlier this week, the College Employers Scotland executive agreed to resume negotiations and explore the option of a fourth year. The National Joint Negotiating Committee for lecturing met yesterday to begin fresh negotiations, with further discussions scheduled for tomorrow.

I have encouraged and continue to encourage the management side to see the move by the unions as an opportunity to bring peace to the

sector until at least the end of the 2025-26 academic year and to provide a chance to fix the broken negotiating mechanism. However, as I do that, I recognise the obvious difficulty, which is that they, like the Scottish Government, have no indication of what funding they will have at their disposal for the 2025-26 academic year. As things stand, there are no extra moneys.

There are those who have demanded direct intervention by the Government in the dispute, despite the financial position being crystal clear, the Strathesk Resolutions report being candid in branding previous interventions “unhelpful” and the national bargaining processes excluding such a role. Of course, many of those who are calling for that are silent on where the additional moneys might be found. What the past few weeks have demonstrated is that, when the collective will is there, the existing structures can be made to work and, I hope, deliver an outcome that is both fair and affordable—and fairness and affordability are essential in all this.

I accept that there is a gap between what moneys colleges would have had at their disposal if funding had risen in line with inflation over the past few years, and I acknowledge that that puts them in a challenging position. I know how that feels as a minister, when the block grant support from Westminster falls in real terms and the Scottish Government budget is further stressed by rising costs and competing demands. However, collectively, and despite those impediments, we have to find a way forward that ensures that colleges are on a sustainable long-term footing when an injection of public cash is not an option—at least, not without reducing funding to other parts of the education system or reducing funding elsewhere across Government spend.

When national bargaining was introduced, we agreed a system that, rightly, places responsibility for reaching agreement on the employer representatives and trade unions, through the NJNC; indeed, that was integral to the creation of a modern, flexible college sector. For our part, we remain committed to national bargaining. That is why I have been clear that the Scottish Government will not directly intervene in the negotiations and seek to force a resolution, as to do so would fundamentally undermine and alter the voluntary national bargaining process and would have long-term consequences.

Although I absolutely accept that the current dispute has been going on for too long, it is clear from the recent positive developments that the employers and trade unions are able to make progress within the agreed framework, albeit that, looking to the future, everyone agrees that the framework and the environment in which it functions need to be changed. Surely we should

all be encouraging both sides to develop recent progress into meaningful and constructive dialogue that leads to an end to the dispute. However, as I said earlier, we are still some way off that, and goodwill gestures from both sides right now might go a long way to putting momentum into this.

The subject of the planned marking boycott and employers flagging that they will withhold pay for what is described as “action short of strike” has been aired in the chamber before. Both sides have legal advice that the employers’ response is lawful, but do any of us want students to be further impacted in that way or staff to lose pay? If sufficient progress continues to be made in the fresh negotiations, which continue tomorrow, can we not find a way of suspending that element of the action and taking away the threat of deeming to allow progress to be made on settling the dispute?

Reaching agreement is not just desirable for the immediate and obvious reasons. It will also give us space to take forward the recommendations of the lessons learned report, or whatever derivation of those recommendations can be agreed on, to ensure that the national bargaining mechanism works far better in the future.

I have convened a group of college and trade union representatives to begin the process of supporting the sector in implementing the recommendations from the most recent lessons-learned exercise. The group met again yesterday morning, and the fact that the meeting went ahead a few hours before some of the participants were due to take part in negotiations around the current dispute says a great deal about the commitment that is in play.

It is not in my gift to share with members the specific actions that are under consideration. At this stage, to do so would be unhelpful. However, I am confident that the efforts of the group will pay dividends, and I thank them again for their involvement.

As minister, my role in this is simply a convening one. I am hopeful that it will be only short term, as I seek to facilitate a broad agreement on how matters are progressed and then leave those concerned to take them forward.

Members who have closely followed industrial relations in the college sector will be painfully aware of the acrimony and finger pointing that have characterised negotiations over the years. They will recognise the talk of personality clashes and grudge holding being at play. I believe that there is now a collective will to move on from that. I hear from all sides that they are scunnered by what has gone on and that they want to move the whole process to a better place.

My role is to help them do that, and I will continue to facilitate discussions to ensure that employers and trade unions can create an environment and a process that will result in successful negotiations in the future and break the cycle of annual industrial action. I will also continue to do all that I can to actively encourage college management and the trade unions to engage constructively in seeking a resolution to the present dispute.

**The Deputy Presiding Officer:** The minister will now take questions on the issues raised in his statement. I intend to allow around 20 minutes for that, after which we will need to move on to the next item of business. Members who wish to ask a question should press their request-to-speak buttons.

**Liam Kerr (North East Scotland) (Con):** I thank the minister for providing advance sight of his statement.

I note the tone that the minister has sought to strike—although it bears noting that the Scottish Government is, in fact, sitting on the largest cash-terms block grant in history—and his remarks towards the end of his statement about his optimism that progress is being made. Accordingly, I will offer three questions, which I hope will allow further light to be shed without risking that progress.

First, the minister talked about the National Joint Negotiating Committee playing an “integral” role, but he then talked about a “broken negotiating mechanism”. Despite a number of voices suggesting it, the committee remains without an independent chair. Will the minister tell us his views on such a chair and whether any progress will be made on that?

Secondly, he gave credit to the unions for moving the process to a better space and initiating meaningful dialogue. He said that strikes have been suspended by Unison to allow staff to vote on the pay deal that is on offer, but can he advise the chamber whether that is the position of all the unions that are involved in this situation?

Finally, the minister referred to national bargaining and mentioned the fact that industrial action has been taken in nine out of the past 10 years. However, that is in a context in which national bargaining has been in place for eight of those years. He hinted at making the mechanism work better. That begs the question whether it is now time to hold a review of how national bargaining is operating and whether it requires to be improved and altered.

**Graeme Dey:** Liam Kerr has asked several questions, and I hope to take a little bit of time to answer them.

I understand the premise that Liam Kerr advances about the deal that was on the table being put to members. In the context of the lecturing side, CES asked EIS-FELA to do that, but the union felt unable to do it. However, we have moved on from there, and discussions are now taking place on a four-year deal. One would hope that, if agreement can be reached, that deal would be put to the membership.

The situation with regard to the support staff unions is slightly more complicated. Unison put the deal to its members, Unite did the same but its members had not been striking at that point, and the GMB had previously accepted the deal. Therefore, it is a bit of a mixed picture.

On the wider point, I say to Liam Kerr that it is possible to be in favour of the concept of national bargaining while recognising that elements of the current process and the environment in which it is undertaken would benefit from change. The extent to which that is acknowledged can be seen in the commitment that all sides are showing to taking forward the lessons learned report work that I mentioned. There is a recognition of the problems and a willingness to address them.

On the issue of the lack of a chair, I think that Liam Kerr is referring to the Strathesk report's recommendation about the NJNC having a neutral, independent chair. The negotiations are currently chaired on a rotational basis by each of the participants. Among those parties, there is a respectful divergence of views on the merits of, and the need for, an independent chair, but there is a willingness to explore the introduction of a facilitating role to assist with the improvement of the process, and work on that is under way.

**Pam Duncan-Glancy (Glasgow) (Lab):** I, too, thank the minister for providing advance sight of his statement, although I have to say that I am somewhat disappointed.

As the minister pointed out in his statement, the issue has gone on for far too long—he said that it has been “topical for a decade”. I would say that, for students and staff, it has been torment for a decade.

The minister was right to mention the vastly different financial backdrops, but what has not changed in that time is the Government or its unwillingness to act. The minister said that he would like to invest more, but that he would have to cut elsewhere in order to do that. I remind the minister that it was his Government that made the choice to redeploy college money elsewhere, his Government that failed to prioritise colleges and his Government's choices that got colleges into this mess in the first place, so his Government must get them out of it. If he is not willing to act, I would gladly take his place.

If it is not the minister's job to step in and save colleges, whose job is it? What exactly is his job?

**Graeme Dey:** There is a certain predictability about the contributions from the Labour side of the chamber, which is disappointing.

Pam Duncan-Glancy talks about money being taken away from colleges. One of the principal challenges that the cabinet secretary and I faced when we came into post was the funding of the teachers' pay settlement. I gently remind Pam Duncan-Glancy that many on her side of the chamber demanded intervention for the settlement of the teachers' dispute. The Government assisted the councils to do that. That money had to be found somewhere. Of course, the cries are then, “Where did you get it from? It shouldn't have come from there.” Here we are again. The interventionists demand more action. There is no additional money.

On the point about ministerial involvement, I have been active on both fronts that I identified, working with both sides. They have been constructive—perhaps more so than Pam Duncan-Glancy.

I reiterate that there is an opportunity to move the issue on. That is the role of the minister.

**Michelle Thomson (Falkirk East) (SNP):** This period of industrial action has clearly been difficult for Scotland's colleges, yet we must all retain our focus on outcomes for students. With that in mind, how can the post-school education reform agenda support Scotland's colleges?

**Graeme Dey:** There is an enormous opportunity for the reform agenda to support Scotland's colleges. One example of that is on-going work to better align the relationship between the colleges—and universities—and employers, to ensure for the benefit of those employers, the economy and, of course, the students that the education that is provided aligns with the needs of those employers and leads to sustainable employment. To be clear to Michelle Thomson, I absolutely see a pivotal role for colleges in the reform agenda.

**Sue Webber (Lothian) (Con):** The Scottish Funding Council, Audit Scotland and Edinburgh College have all said that the key issue is the continuation of reductions in funding in the sector, with colleges facing the real threat of running out of cash. The minister himself said that that issue is of long standing and has dogged colleges over the past 10 years. What actions will be required to future proof and provide fair funding for our college sector in order to guarantee stable employment relations as well as the learning experiences for our students?



**Graeme Dey:** Sue Webber is a very reasonable person, and she will recognise that part of the difficulty is the actions of her party's Government in Westminster and the impact that those have had on our budgets. However, let us set that to one side.

A demonstration of our commitment—my commitment—to the college sector is to be found in the financial settlement that it has received. I have acknowledged that that settlement is not what I would have wanted it to be. However, it is in line with the funding that the sector received last year, as we said it would be, in very difficult and challenging financial circumstances.

I believe that there are better ways of working between the Government, the colleges and the universities on budget settlements and many other things. We are committed to working with the colleges to try to ensure that, whatever the budget settlements are, they are delivered to the best effect for the colleges, and certainly with the least harm.

**Fulton MacGregor (Coatbridge and Chryston) (SNP):** I have had a lot of contact from college lecturers and union officials who, I know full well, do not want to be on strike and want only to be in the classroom doing what they do best. They are eager that a fair resolution is found urgently.

I welcome the statement from the minister, but what further steps can the Government take within our devolved competence to ensure fair work in our college sector and resolve what is a long-running pay dispute?

**Graeme Dey:** On the context of the pay dispute and the wider situation, I outlined in the statement what action we are taking. On fair work in the wider sense, Fulton MacGregor makes a fair point. We make progress on certain issues, such as trade union representation on boards, which has real potential to improve the situation in the longer term, yet trade union reps are not going on to the boards for a variety of reasons. We need to work on that. Better trade union representation—active trade union representation—at the heart of the governance of individual colleges will certainly improve the governance and the individual relationships in those localities.

**Martin Whitfield (South Scotland) (Lab):** In his statement, the minister mentioned the criticism that the Strathesk Resolutions report levelled at previous interventions. It is right to say that it described those as “last-minute”. Given that there is now a chance to fix the broken negotiating mechanism, is the minister willing to take that on? How does he see that helping to improve the environment in which discussions take place?

**Graeme Dey:** I do not say this to dodge Martin Whitfield's perfectly reasonable question, but he will recognise that it is not for me to drive such change. Rather, it is for the participants to outline what they would find acceptable and what common ground they would find in the context of change. A bit of that is taking place at the moment.

There is a recognition that the mechanism as it currently functions needs to be examined. More than that, it is about the culture that surrounds the approach to the negotiations. We all know that, over many years, there has been great angst and strife in the discussions, and much harking back to what happened years ago. What we need is a reset of approach and culture in addition to looking at the mechanism.

I will continue to work with the trade unions and the colleges. In fact, we will continue to meet over the summer to try to get the discussions into a better space.

**Bill Kidd (Glasgow Anniesland) (SNP):** I have just had to do a wee bit of thinking ahead, because the question that I had in mind was similar to the one that has just been asked. As the minister has alluded to, trust is at the heart of any good relationship. The Strathesk report identified the lack of such trust as being central to the current state of industrial relations in the further education sector. Can the minister say how we might, first, rebuild that trust, or help to do so, and, secondly, take forward the report's wider recommendations?

**Graeme Dey:** We might not adopt all the report's recommendations, but we need to find common ground. Some areas of the report contain respectful disagreement. As I said in my statement, I think that we will see some derivation of the report being implemented.

Bill Kidd hits the nail on the head: this is a trust issue. At the heart of the systemic problems around pay negotiations over these past many years has been a lack of trust and good faith. We cannot wave a magic wand to fix that. The negotiating mechanism itself could be improved, but the culture around it and the approach to be taken are the bigger problems.

Another aspect that comes to mind and also feeds into trust is the accuracy of the data that is deployed in the negotiations. Often, the claim, or the stance that is promoted, is that a piece of data is accurate, but it is later disputed. We need to find a mechanism for checking such assertions so that everyone is clear on the facts as they are.

**Ross Greer (West Scotland) (Green):** I hope that the minister will share my belief that one of the foundations of good industrial relations at national level is having well-trained and well-supported trade union representatives at local

level within each institution. Earlier this week, I was concerned to learn that City of Glasgow College is proposing the closure of the trade union education centre that it runs jointly with the Scottish Trades Union Congress. I am concerned not just about the outcome and its impact but about the process that is being followed. The proposed closure is just five weeks from now, which does not allow for adequate consultation with college union representatives. What discussions, if any, has the minister had with the college and the STUC thus far? Does he share my objection to the closure of an asset that is incredibly valuable to Scotland's trade union movement?

**Graeme Dey:** I have not had direct discussions with the Scottish Trades Union Congress, but the issue has been raised with me, so I am aware of it. My understanding is that the current contract for the provision concludes at the end of June, although it may have been extended slightly. The host college's view is that the course is underutilised and underfunded by the Scottish Trades Union Congress, in partnership with which it operates the provision. That is the college's view; I am not saying that it is mine, too.

I understand that no final decision has yet been taken on the matter. If that is so, any decision to end the course or to move it to another college—which is perhaps the more likely outcome if it will end in Glasgow—would be the subject of consultation. I understand that the Glasgow Colleges Regional Board has not yet had any direct engagement with the trade unions, but they are due to meet next week. I encourage the unions to raise the issue directly with the GCRB. *[Interruption.]*

**The Deputy Presiding Officer:** I encourage members who are chatting at the back to keep their conversations out of the chamber.

**Alasdair Allan (Na h-Eileanan an Iar) (SNP):** As members will know, a number of colleges have undertaken restructuring exercises, including the one at UHI North, West and Hebrides. What engagement has the Scottish Government had with the college and its staff throughout the on-going dispute, particularly given the impact that the loss of even a small number of jobs can have in a rural community?

**Graeme Dey:** I visited the college in question in September last year. I had discussions with the new board and the principal, and I met the student body as well. We were very much alive to some of the challenges that are faced there, and I know that that is an on-going situation. I have also met—not specifically on that college, but on the University of the Highlands and Islands in a general sense—the Scottish Funding Council and

the UHI itself to discuss the future direction of the colleges and UHI central.

We are all committed to the concept of the UHI, but there is recognition, certainly among the constituent parts of the UHI, that things need to change. There is a view that the funding that is available to the institution could be better utilised across the piece. I am committed to working with the UHI on behalf of all the colleges to improve things, but I stress that any change would be made from the bottom up.

**Alex Cole-Hamilton (Edinburgh Western) (LD):** The minister has done his best to strike an optimistic tone. We certainly hope that that optimism is well placed, because the matter has been allowed to drag on for far too long, with increasingly polarised positions. I hope that this is the beginning of the end of the dispute. Does the minister accept that the Government's intervention on teachers' pay, although it may have resolved that dispute, has aggravated the colleges dispute still further, particularly where money was taken from the college sector?

**Graeme Dey:** I accept the point to the extent that, if we spend money once, we cannot spend it again. However, I suspect that very few voices were raised in the chamber at the time protesting against the settlement of the teachers dispute. That is simply the reality of this place. I want to be clear with Alex Cole-Hamilton. I think that I am being realistic about the chances of the current dispute being settled. I hope that I have not been overoptimistic. I have said that there is quite a long way to go before we get to that position, but I am optimistic about the longer-term situation being resolved, because the will and the commitment are there to do that.

**Roz McCall (Mid Scotland and Fife) (Con):** Whenever there are such disputes, it is always hard-working Scottish students who are impacted. Students in Scotland's colleges have had their learning disrupted for years due to on-going industrial disputes. Although we recognise that negotiation is key to ensuring a mutually beneficial outcome, what actions is the Scottish Government taking to ensure that the learning experience of Scotland's students is maintained, given that the college sector is an essential component of future-proofing Scotland's economy?

**Graeme Dey:** First, I do not know any lecturers or college principals who want students to be adversely impacted by this. However, the member is right: the students are caught in the middle of it, and they have been for a number of years.

On how we address that in a practical sense, the member will remember that a number of mitigations were put in place last year, quite successfully, around the marking boycott that

impacted our college students. Colleges are already looking at those mitigations, but I stress that it is far better that we find a way to avoid being in that situation again. I do not think that lecturers want to be doing that to students; principals do not want that; and students want to find themselves in that position least of all. I reiterate the plea that I made earlier that we get the negotiations sufficiently advanced that we can suspend that action, pending getting the dispute—finally—settled.

**Rona Mackay (Strathkelvin and Bearsden) (SNP):** We are facing the most difficult budget since devolution began. Will the minister outline how the UK Government's financial decisions have impacted on Scotland's public finances? Does he agree that the Opposition parties have to recognise the financial context when they demand action from the Scottish Government?

**Graeme Dey:** Good luck with that. However, Rona Mackay is right. We have to be realistic. I hear much criticism of the Scottish Government and the decisions that we made in relation to the teachers' pay settlement. I have heard us criticised for fixing the junior doctors dispute, but that too has a cumulative impact on the Government's financial position. The fact of the matter is that the core grant that is available to the Scottish Government has gone down by £500 million, and that has an impact. That is the reality of the situation.

**Richard Leonard (Central Scotland) (Lab):** The minister says that he will not intervene in the dispute and, in the very next breath, calls on EIS-FELA to call off its action. Is that not intervention? Why does he not call on the employer to resolve the dispute? Why does he not intervene to support that?

**Graeme Dey:** I draw Richard Leonard's attention to the *Official Report*, because he was clearly not listening. I called on both of them. I called on the employers to remove the threat of deeming. That is exactly what I did. I draw Mr Leonard's attention to the *Official Report*.

**The Deputy Presiding Officer:** That concludes proceedings on the ministerial statement. There will be a brief pause before we move to the next item of business to allow those on the front benches to change.

## Post Office (Horizon System) Offences (Scotland) Bill: Stage 3

14:55

**The Deputy Presiding Officer (Annabelle Ewing):** The next item of business is stage 3 proceedings on the Post Office (Horizon System) Offences (Scotland) Bill. In dealing with the amendments, members should have the bill as amended at stage 2—that is, Scottish Parliament bill 47A—the marshalled list and the groupings of amendments.

The division bell will sound and proceedings will be suspended for around five minutes for the first division of stage 3. The period of voting for the first division will be 45 seconds. Thereafter, I will allow a voting period of one minute for the first division after a debate. Members who wish to speak in the debate on any group of amendments should press their request-to-speak button or enter RTS in the chat function as soon as possible after I call the group. Members should now refer to the marshalled list of amendments.

### Section 2—Meaning of “relevant offence”

**The Deputy Presiding Officer:** Group 1 is on the meaning of “relevant offence”: scope of affected persons. Amendment 4, in the name of Pauline McNeill, is grouped with amendments 5 to 7. I call Martin Whitfield to move amendment 4 and to speak to all amendments in the group.

**Martin Whitfield (South Scotland) (Lab):** I extend apologies from Pauline McNeill to you, Deputy Presiding Officer, and to members for being inconvenienced and unable to speak in person this afternoon. I hope that members will accept her apologies.

I thank the cabinet secretary and her team, because I understand that discussions have taken place about the amendments in this group. I hope that positions can be placed on the record that will satisfy people outside the chamber and, indeed, Pauline McNeill.

The amendments deal with a group of cases in which the Horizon evidence has been used to obtain convictions. The question is whether those are covered by the proposed legislation. The amendments seek to extend, to clarify and to make clear that no cases are able to slip through the net.

There is one case in particular that Pauline McNeill has been dealing with, which I know the cabinet secretary is aware of—indeed, I think that there have been press reports on and coverage of that specific case today. It involves a family business. The individual was not a sub-postmaster

but chose to plead guilty on the basis that the Horizon evidence could not be challenged. They were told that the Horizon evidence was completely reliable and that there was, in effect, no way out.

Such cases illustrate that a number of victims of the faulty Horizon system beyond postmasters and sub-postmasters exist. Pauline McNeill thanks the cabinet secretary for an exchange of letters and follow-up meetings that have sought to clarify the provisions that are already contained in the bill and that they will extend to cover that particular case.

I understand that the Scottish Criminal Cases Review Commission has written to 80 people across Scotland who have been convicted on the basis of flawed Horizon evidence, but contact has not been made by a group of those people in any way, shape or form, so their status continues to remain in question. Beyond those 80 people, there might be others for whom the Horizon evidence was used to obtain a conviction, but that did not relate to a postmaster or a sub-postmaster. It would be helpful to know what is being done to try to identify those individuals.

On that basis, I will move amendment 4. However, I may alter my view, subject to what is said on the record.

I move amendment 4.

15:00

**The Cabinet Secretary for Justice and Home Affairs (Angela Constance):** It is clear that Pauline McNeill and Mr Whitfield want to ensure that we carefully consider the issue of who should be included within the conditions of section 2 and thus have their convictions quashed. However, I am unable to support the amendments in this group. I was grateful to have the opportunity for a further meeting with Ms McNeill yesterday to explain the Government's position and to continue the dialogue that I had been having with her, following correspondence that she told me had helpfully clarified the matters that she had raised.

The impact of the bill will be to quash convictions. Therefore, as a point of principle, the conditions that must be satisfied to allow that to happen should be drawn as narrowly as possible, to provide a clear link to the work and business of the post office. I note that, in its briefing for stage 3 of the bill, the Law Society of Scotland also said that the conditions should be narrowly drafted to avoid catching too many convictions that are not caused by the failure of the Horizon system.

The amendments in this group would result in the removal of two of the five conditions in section 2, and would replace those with one new

condition. As a result, there would no longer be any need for a person whose conviction is quashed to come within a particular category of person connected to a post office. Instead, any offence by any person would be caught, if it had a type of connection specified in paragraph (a) or (b) of the new condition.

The requirement in the new paragraph (b) is particularly problematic, because it does not require a connection between the offence and the post office business; it requires a connection between the offence and

"a person working in a post office ... for the purposes of a post office business."

That would result in the condition being drawn too widely, the impact of which might be to quash convictions, even where the convicted person was not at all involved in working in a post office. According to one interpretation, the offence need not even be connected to the post office business, but only to a person who happens to work in a post office.

Even on a narrower reading, amendment 6 is still problematic. For example, if someone stole money from a postmaster's till, that would be an offence committed in connection with a person working in a post office for the purpose of the post office business, but that is not the type of case that we are trying to capture.

The requirement that the person be someone who was "carrying on" or "working in" a post office business is a fundamental element of the definition of a relevant offence. However, as I said at stage 2, that vital connection can be established either through

"carrying on a post office business"

or through working there

"whether under a contract of employment or otherwise".

That is wide enough to cover those who work there to help friends or family with actual post office business. It does not matter whether no formal contract was in place.

**Martin Whitfield:** I am grateful for the cabinet secretary's explanation. Is it her understanding that the connection that a person can have to the post office could be far wider than simply by a contract of employment but might be through an association with the business, such as ownership of the property or a share in the profits and losses? Would that make the connection strong enough to bring it within the scope of the bill, even if amendment 6 is not agreed to?

**Angela Constance:** The short answer to Mr Whitfield's question is that having the five conditions that I have laid out in the bill, as opposed to replacing two of those conditions with

one new one, which is, as I have already highlighted, problematic, will give far more assurance and will appropriately capture the cases that he and Ms McNeill are particularly concerned about.

For the avoidance of doubt, I will recap what I said earlier and at stage 2. The vital connection can be established either through

“carrying on a post office business”

or working there

“whether under a contract of employment or otherwise”.

That is wide enough to cover those who work there to help friends or family for actual post office business and it does not matter if no formal contract was in place.

Although we talk about sub-postmasters when talking about the bill, we do so because that is the focus here. The bill is broader than that: it covers those who were working for the post office, formally or otherwise, and were alleged to have committed the offence in connection with that work. The amendments would open up a greater risk of automatically quashing convictions that are not related to the aim of the bill, which is, of course, to capture Horizon cases.

I reiterate the point that I made last week that, in any situations that fall outside the criteria in the bill, the correct mechanism is for the cases to be considered by the Scottish Criminal Cases Review Commission for referral to the High Court. The Scottish Criminal Cases Review Commission and the High Court would be able to consider any case and the link between the failures of the Horizon system and the offence. I therefore urge the member not to press amendment 4.

**The Deputy Presiding Officer:** I call Martin Whitfield to wind up and to indicate whether he wishes to press or seek to withdraw amendment 4.

**Martin Whitfield:** I reiterate my thanks to the cabinet secretary. Over a short period of time, with what is, at some levels, an incredibly complex piece of legislation in the way that it interacts with human beings who have been caught up in the scandal, the work of this Parliament has been shown at its very best.

Given the assurances that have been made and, in particular, the very clear explanation about how the legislation covers those who are not specifically postmasters, I seek leave to withdraw amendment 4.

*Amendment 4, by agreement, withdrawn.*

*Amendments 5 to 7 not moved.*

**The Deputy Presiding Officer:** Group 2 is on the meaning of “relevant offence”: Horizon system

in use. Amendment 1, in the name of the cabinet secretary, is grouped with amendment 2.

**Angela Constance:** Amendments 1 and 2 seek to amend condition E in section 2. Condition E is one of the five conditions that has to be met for a conviction to be considered a relevant conviction and to be quashed by the legislation. The same amendment was moved by Lord Offord of Garvel last week. It was passed and the provision is now in the United Kingdom act.

Amendment 1 is a minor and technical amendment that favours victims of the Horizon scandal and reflects the UK act, which shows that we were right to wait for the Westminster bill's final passage.

As it is currently drafted, condition E requires that

“the Horizon system was being used for the purposes of the post office business”

at the time of the alleged offence. It does not contemplate the possibility of an offence being alleged to have been committed during a period in which the Horizon system was in use in the post office business for some, but not all, of that period. The amendments would ensure that, where the offence was alleged to be committed over a period or on unknown dates that fall within a period, there is no requirement for the Horizon system to have been in use in the post office business for all of the period in question, provided that it was in use for at least some of that period. That is consistent with condition A, which requires that

“the offence was alleged to have been committed—

(a) on a date or dates falling within the period that begins with 23 September 1996 and ends with 31 December 2018, or

(b) at any time during a period that falls wholly or partly within the period”.

Essentially, the principle in condition A is also applied to condition E by the amendments, meaning that, where there is a continuing offence over a period of time, or where it was alleged to be committed during a particular period, provided that Horizon was in use for some of that period, it does not matter that it was not in use for all of it.

I move amendment 1.

*Amendment 1 agreed to.*

*Amendment 2 moved—[Angela Constance]— and agreed to.*

## After section 6

**The Deputy Presiding Officer:** Group 3 is on a report on the operation of the act. Amendment 3, in the name of the cabinet secretary, is the only amendment in the group.

**Angela Constance:** My amendment 3 provides for a reporting duty to be placed on the Scottish ministers. I thank Russell Findlay, Sharon Dowe and Fergus Ewing for raising the issue at stage 2 and for discussing the matter with me this week. As Mr Findlay has supported the amendment, I trust that it satisfies the aim that he previously tried to achieve.

We are taking an unprecedented step in quashing convictions by legislation, and it is important that we let the Parliament and the public know and understand how the legislation has operated in practice. The amendment requires the Scottish ministers to

“prepare ... publish”

and

“lay ... before ... Parliament ... a report on the operation of”

the act

“as soon as reasonably practicable”,

one year after the act comes into force. That period will allow the Scottish ministers to report on the act’s operation at a point when we expect the vast majority of quashed convictions to have been identified. The report should therefore provide comprehensive information on the act’s impact.

I also give a commitment today that I will provide the Criminal Justice Committee with an update on the bill’s operation in about six months, halfway between commencement and the report’s publication. That means that Parliament can be reassured about the steps that the Scottish ministers are taking to carry out their duties of identifying those whose convictions have been quashed and notifying them, and the courts, ahead of the report next year.

Amendment 3 contains the detail of the information that we will, by law, have to provide in that report. The Scottish ministers will have to provide the number of convictions that have been notified to the court under the duty in section 4(2). That basically means that there is a duty to report on the number of known cases of convictions being quashed.

The report will also be required to specify the number of convictions where a person has been notified under section 4(4) that the Scottish ministers have identified the conviction as having been quashed. We will also be required to provide information on

“the steps taken by the Scottish Ministers to ... identify the convictions”

and to

“give notifications”.

**Martin Whitfield:** Amendment 3, which is welcome, specifies that a report should be

produced after one year. I do not wish to seek to amend a proposed amendment but, if questions arose in the reporting period about on-going problems, would the Government undertake to carry on with that reporting for the purposes of parliamentary scrutiny?

**Angela Constance:** Yes—that is part of my day-to-day duty. I hope that I can convey to members that, as we progress with the identification and notification of those whose convictions have been automatically quashed, we will be super-alert to any difficulties in that process. We will give details about the processes that we have to follow to do that, and we have engaged with organisations such as the Scottish Criminal Cases Review Commission and the Crown Office and Procurator Fiscal Service to obtain that information.

The amendment specifies the requirements that the report must meet. When the report is being collated, I will consider what further information we could usefully include that would help to provide a greater understanding of the operation of legislation and its impact on sub-postmasters in Scotland. I hope that that also reassures Mr Whitfield.

When I met Mr Findlay, he asked whether we would be able to, for instance, provide information on the numbers of those whose convictions were quashed who have since died. There are good reasons not to put that in the text of the legislation. If we were, for example, unable to contact an individual or their representative and we needed to resort to contacting someone who was associated with them, we might not necessarily know whether the individual had died.

However, there will be cases where we are aware that an individual has died because we are sending the notification to their personal representatives. I will therefore consider, at the time of reporting, whether we can publish the information that we have by giving further breakdown of the notifications that are given under section 4(4). I hope that members will support amendment 3, which delivers on the very good intentions of the reporting amendments that Mr Ewing and Mr Findlay lodged at stage 2.

I move amendment 3.

15:15

**Russell Findlay (West Scotland) (Con):** At stage 2 last week, my colleague Sharon Dowe and I lodged three probing amendments, and the justice secretary duly gave them a probe and declared two of them to be unnecessary and/or incompetent, in the nicest possible way. For the interest of members, I note that one amendment would have required ministers to notify the next of

kin if a person whose conviction was quashed had died, and one amendment would have introduced a criminal penalty against those who did not comply with the request for information. To cut a long story short, I was persuaded that neither amendment was needed and I did not press them, which was a victory for probing.

That left our amendment 22, which would have required ministers to produce a post-legislative report. I was pleased when the cabinet secretary expressed an interest in the amendment while suggesting that it needed additional work, and I was grateful to accept her invitation to probe further. The result of that is today's amendment 3, which is based on my old amendment 22, along with Fergus Ewing's amendment 18. Amendment 3 will require ministers to report to Parliament as soon as possible after the legislation is passed.

There are some differences from the stage 2 attempts, which the cabinet secretary has already explained in detail. In summary, the provisions have undergone tweaks to ensure competency. One such improvement has been the Government's agreement not only to lay the report before Parliament but to publish it.

I am grateful that, in speaking to the amendment, the cabinet secretary made two separate commitments—to me and to Mr Ewing. She made a commitment to me that the report should seek to include, where that is possible, details about how many cleared sub-postmasters are now deceased and, to Mr Ewing, that she would come to the Criminal Justice Committee within one year of royal assent. I also welcome the additional commitment that she made to Martin Whitfield.

Amendment 3 is about transparency, and Scotland's scores—possibly hundreds—of Post Office victims deserve no less. I am happy to support amendment 3.

**Angela Constance:** Although I have no further comments about probing, Parliament nonetheless has my commitment that we will do whatever we can at the time that the report is published to provide information that is useful and helpful in promoting understanding of the bill's impact.

I consider that amendment 3, as it has been lodged, strikes the right balance in outlining what the Scottish ministers must publish as a minimum. When I return to the Criminal Justice Committee in about six months' time, there may well be further discussions and asks of the Government.

*Amendment 3 agreed to.*

**The Deputy Presiding Officer:** Group 4 is on reviews in relation to miscarriages of justice. Amendment 8, in the name of Maggie Chapman, is grouped with amendments 9 to 11.

**Maggie Chapman (North East Scotland) (Green):** I thank the cabinet secretary and her team for all their work on the bill over the past couple of weeks. I am grateful to her for the conversations and correspondence that we have had on various issues and I am grateful to the legislation team for all their work on this emergency legislation.

My amendments deal with three principal issues. The first issue is the legal avenues that exist for the survivors of this injustice who might wish to pursue the individuals or corporations that are responsible for their situation. Such pathways might include, but would not be limited to, actions for malicious prosecution and actions in respect of the human rights of those who have been deprived of a fair trial and of their health, livelihoods and freedom. Those are complex legal issues, and it is not right for those who have already been utterly let down by the legal system to have to navigate them alone. Therefore, my amendment 8 calls on the Scottish Government to produce a review of those options.

Neither is it right that survivors who are seeking justice should effectively be barred from doing so by the immense cost, both financial and emotional, of complex civil proceedings. Amendment 9 therefore asks the Government to review what support is available in the circumstances and to consider whether further resources should be made available.

On the second issue, as I and others have reiterated throughout this process, we need, collectively, to look at causes as well as consequences. The second issue is therefore what we can do to ensure, as far as we can, that this never happens again. Amendment 10 would require the Scottish Government to produce a review of the legal processes that led to such egregious miscarriages of justice and to consider, with the expert assistance of the Scottish Law Commission, whether any changes in the law are necessary. That might include factors such as the powers of bodies such as the Post Office or other agencies to bring prosecutions, the evidential thresholds that are required for prosecution and the legal issues that are raised by the interaction of corporate failings in accountability and transparency with the interests of justice.

The Scottish Law Commission is an independent body that takes its own decisions as to what areas of work it engages in, but amendment 10 would not require the commission to adopt this area as a priority; it would only require the Government to seek the commission's help. It would be entirely up to the commission how it would respond to that request.

The third issue is what powers and remedies are available to prosecutors in Scotland to pursue

those who are responsible for these miscarriages of justice. Amendment 11 would require the Government to report on the issue and to consider, again with the expert assistance of the Scottish Law Commission, whether we need any changes in the law in that regard. Again, I am fully aware and respectful of the independence of the Scottish Law Commission, and I reiterate that the amendments would not in any way fetter its exercise of independent judgment and prioritisation.

I move amendment 8.

**Martin Whitfield:** I rise to speak to the amendments, and amendment 10 in particular, which I thank Maggie Chapman for lodging.

It came as a shock to a number of our constituents to discover that there are bodies that have powers to prosecute and bodies that have powers to provide evidence on which prosecutions are based. One of the true tragedies here is how that position can be exploited and used, even when there has been clear evidence of miscarriages of justice over a number of years.

I support amendment 10 and I highlight that we must take from this matter a lesson-learned principle. It is a strong suggestion that, in discussion with the Scottish Law Commission, work could be done to consider where our law sits and to look at changing the relevant law to ensure that, on the advice of others, the Scottish Parliament is able, in the not-too-distant future, to prevent a further tragedy, such as we have had with Horizon, from happening.

**Angela Constance:** As I said at stage 2, I absolutely recognise the desire for those who were responsible for this unprecedented miscarriage of justice to be held to account. However, as Ms Chapman is aware, I am unable to support her amendments.

The purpose of the bill is deliberately quite narrow: it is to deliver action to ensure that those who have been affected by wrongful convictions can receive justice by having those convictions quashed, thus enabling them to access compensation from the United Kingdom Government Post Office schemes. It is not for the bill to conduct a wholesale review of the Horizon scandal. That process is already under way in a more fitting arena.

The Post Office Horizon information technology inquiry, led by retired High Court judge Sir Wyn Williams, was established to provide a clear account of the implementation and failings of the Horizon system—the causes and consequences. It is being supported by evidence from relevant organisations in a Scottish context.

The establishment of an inquiry was supported by the Scottish Government. It is the correct process for findings and recommendations as to further action that is required. There are more than 200 specific issues listed on the inquiry website, reflecting the key themes on which the inquiry intends to focus its investigative work. That includes investigations and prosecutions. My predecessor, Keith Brown, resolved with the UK Government in 2022 that the scope of the inquiry should be extended to cover Scottish cases.

The inquiry is currently in phases 5 and 6 of its public hearings. Phase 7, which will focus on current practice and procedure and recommendations for the future, is anticipated to begin in September of this year. The Scottish ministers will of course look closely at the final findings of the inquiry and any recommendations that emerge from it. Furthermore, the Lord Advocate gave a similar undertaking on behalf of the Crown Office when she addressed the chamber on 16 May.

I turn to the details of the amendments. Amendment 8 directs Scottish ministers to review the options that are available for agencies or individuals to pursue legal action. In relation to agencies, I remind members that the systems for investigating and prosecuting criminal activity are, rightly, independent of ministers. A review will not alter that situation, nor would it be appropriate for ministers to seek to instruct the police or the Crown to act in a particular way in relation to an individual case or class of cases.

In relation to individuals, the difficulty that Scottish ministers would face in carrying out such a review is that any given action that an individual might be able to take would be highly dependent on the facts and circumstances of their case. Without being able to go into specific details, it is likely that any resultant report would be insufficiently detailed to be of meaningful assistance. It should also be borne in mind that the proposed UK Government compensation scheme is designed to provide redress to those individuals who have had their convictions quashed without the need to go through further lengthy court processes.

Amendment 9 would require ministers to review the support that is available to enable people to pursue legal action. As with amendment 8, it is entirely likely that that support will vary from case to case, based on personal circumstances, and it is difficult to see how such a review would help on an individual basis. There are, of course, a range of existing support systems.

Amendment 10 would require a review of the legal processes by which persons were convicted. Again, that work is already in hand. As the Lord Advocate indicated when she addressed the



chamber on 16 May, work is under way to strengthen the guidance and safeguards that exist to ensure that all specialist reporting agencies abide by the essential duties of disclosure and candour in reporting cases for prosecution. As part of that work, the Post Office Ltd has already been deemed to be no longer fit to be a specialist reporting agency and is therefore no longer able to investigate and report criminal allegations directly to the court.

Finally, amendment 11 would require a review of the options available to allow for the prosecution of those who are responsible for these particular miscarriages of justice. Fundamental legal principles mean that changes to the law that introduce new criminal offences cannot be made with retrospective effect. It is possible that the intention of the amendment is for a future-looking lessons-learned review, but any change would not be relevant to the sub-postmasters whom we are concerned with. In any event, I do not believe that there are gaps in the current law in this area, and it is unclear what such a review would achieve. Furthermore, it is not for ministers to investigate criminal offences; that is rightly the domain of an independent prosecutorial system.

I fundamentally agree that lessons should and must be learned from this scandal, but I say to members that that work is already being carried out by the appropriate bodies. The reviews that are envisaged by the amendments in the group would not materially add to that, but might have the unintended consequence of getting people's hopes up in vain, thereby serving only to drag matters out further at even greater cost to the public purse. As such, I respectfully invite Ms Chapman not to press her amendments, and if she does, I ask members to vote against them.

**The Deputy Presiding Officer:** I call Maggie Chapman to wind up and to press or seek to withdraw amendment 8.

**Maggie Chapman:** I will be brief. First, I thank Martin Whitfield for his supportive comments. I am disappointed that the cabinet secretary has taken the position that she has taken. This emergency legislation is about justice for those who are wrongly convicted in the Post Office Horizon scandal, but justice does not begin and end with the quashing of their convictions. We believe that it is right that we provide information and support for those who wish to seek justice beyond the quashing of their convictions—for instance, in relation to malicious prosecutions and other legal remedies.

None of my amendments would require the Scottish ministers to instruct any agency to act in a certain way or to investigate criminal offences, so the concerns that the cabinet secretary has raised in her remarks are not what my amendments are

about. The amendments are about providing information and support for legal redress for the survivors of these miscarriages of justice.

I press amendment 8.

**The Deputy Presiding Officer:** The question is, that amendment 8 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division. As this is the first division of stage 3, I suspend for around five minutes to allow members to access the digital voting system.

15:30

*Meeting suspended.*

15:36

*On resuming—*

**The Deputy Presiding Officer:** We move to the vote on amendment 8, in the name of Maggie Chapman.

#### **For**

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Greer, Ross (West Scotland) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Mackay, Gillian (Central Scotland) (Green)  
 Marra, Michael (North East Scotland) (Lab)  
 Mochan, Carol (South Scotland) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 Sweeney, Paul (Glasgow) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)

#### **Against**

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Balfour, Jeremy (Lothian) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowey, Sharon (South Scotland) (Con)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)

Eagle, Tim (Highlands and Islands) (Con)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hoy, Craig (South Scotland) (Con)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lumsden, Douglas (North East Scotland) (Con)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Regan, Ash (Edinburgh Eastern) (Alba)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caitness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Whittle, Brian (South Scotland) (Con)

Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 19, Against 89, Abstentions 0.

*Amendment 8 disagreed to.*

*Amendment 9 moved—[Maggie Chapman].*

**The Deputy Presiding Officer:** The question is, that amendment 9 be agreed to. Are we agreed?

**Members:** No.

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

#### For

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Greer, Ross (West Scotland) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Mackay, Gillian (Central Scotland) (Green)  
 Marra, Michael (North East Scotland) (Lab)  
 Mochan, Carol (South Scotland) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 Sweeney, Paul (Glasgow) (Lab)  
 Villalba, Mercedes (North East Scotland) (Lab) [Proxy vote cast by Richard Leonard]  
 Whitfield, Martin (South Scotland) (Lab)

#### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Balfour, Jeremy (Lothian) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowey, Sharon (South Scotland) (Con)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)

Gosal, Pam (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hoy, Craig (South Scotland) (Con)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lumsden, Douglas (North East Scotland) (Con)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Regan, Ash (Edinburgh Eastern) (Alba)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 20, Against 88, Abstentions 0.

*Amendment 9 disagreed to.*

*Amendment 10 moved—[Maggie Chapman].*

**The Deputy Presiding Officer:** The question is, that amendment 10 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division. Members should cast their vote now.

The vote is now closed.

I call Foysoyl Choudhury for a point of order.

Mr Choudhury, do you seek to make a point of order? If it is of any help, I can say that your vote has been recorded.

**Foysoyl Choudhury (Lothian) (Lab):** Thank you.

#### For

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foysoyl (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Greer, Ross (West Scotland) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Mackay, Gillian (Central Scotland) (Green)  
 Marra, Michael (North East Scotland) (Lab)  
 Mochan, Carol (South Scotland) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 Sweeney, Paul (Glasgow) (Lab)  
 Villalba, Mercedes (North East Scotland) (Lab) ) [Proxy vote cast by Richard Leonard]  
 Whitfield, Martin (South Scotland) (Lab)

#### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Balfour, Jeremy (Lothian) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowey, Sharon (South Scotland) (Con)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)

Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hoy, Craig (South Scotland) (Con)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lumsden, Douglas (North East Scotland) (Con)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Regan, Ash (Edinburgh Eastern) (Alba)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 20, Against 89, Abstentions 0.

*Amendment 10 disagreed to.*

*Amendment 11 moved—[Maggie Chapman].*

**The Deputy Presiding Officer:** The question is, that amendment 11 be agreed to. Are we agreed?

**Members:** No.

**The Deputy Presiding Officer:** There will be a division. Members should cast their vote now.

The vote is now closed.

I call George Adam for a point of order. We need Mr Adam's microphone on. Does Mr Adam have his card in?

**Members:** Oh!

**George Adam (Paisley) (SNP):** I apologise, Presiding Officer. That never happens to me.

On a point of order, Presiding Officer. My voting app did not work. I would have voted no.

**The Deputy Presiding Officer:** Thank you. Your vote will be recorded.

**Foysoyl Choudhury:** On a point of order, Presiding Officer. I have a connection issue. I would have voted yes.

**The Deputy Presiding Officer:** Thank you. Your vote will be recorded.

#### For

Baker, Claire (Mid Scotland and Fife) (Lab)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foysoyl (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Greer, Ross (West Scotland) (Green)  
 Harvie, Patrick (Glasgow) (Green)  
 Leonard, Richard (Central Scotland) (Lab)  
 Mackay, Gillian (Central Scotland) (Green)  
 Marra, Michael (North East Scotland) (Lab)  
 Mochan, Carol (South Scotland) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 Sweeney, Paul (Glasgow) (Lab)  
 Villalba, Mercedes (North East Scotland) (Lab) ) [Proxy vote cast by Richard Leonard]  
 Whitfield, Martin (South Scotland) (Lab)

#### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
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 Balfour, Jeremy (Lothian) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
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 Dunbar, Jackie (Aberdeen Donside) (SNP)  
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 Ewing, Fergus (Inverness and Nairn) (SNP)

Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
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 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
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 Haughey, Clare (Rutherglen) (SNP)  
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 Kidd, Bill (Glasgow Anniesland) (SNP)  
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 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
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 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
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 McAllan, Màiri (Clydesdale) (SNP)  
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 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
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 Robison, Shona (Dundee City East) (SNP)  
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 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Deputy Presiding Officer:** The result of the division is: For 18, Against 90, Abstentions 0.

*Amendment 11 disagreed to.*

**The Deputy Presiding Officer:** That ends consideration of amendments.

As members will be aware, the Presiding Officer is required, under standing orders, to decide whether, in her view, any provision of a bill relates to a protected subject matter—that is, whether it modifies the electoral system and franchise for Scottish parliamentary elections. In the Presiding Officer's view, no provision of the Post Office (Horizon System) Offences (Scotland) Bill relates to a protected subject matter. Therefore, the bill does not require a supermajority in order for it to be passed at stage 3.

## Post Office (Horizon System) Offences (Scotland) Bill

**The Deputy Presiding Officer (Annabelle Ewing):** The next item of business is a debate on motion S6M-13407, in the name of Angela Constance, on the Post Office (Horizon System) Offences (Scotland) Bill at stage 3.

15:45

**The Cabinet Secretary for Justice and Home Affairs (Angela Constance):** I am very pleased to open the stage 3 debate on the Post Office (Horizon System) Offences (Scotland) Bill. Following the United Kingdom Government's Post Office (Horizon System) Offences Bill receiving royal assent on Friday, we have brought forward the stage 3 debate, as we had committed to doing, thereby securing justice for the victims of the Post Office Horizon scandal as quickly as possible. *[Interruption.]*

**The Deputy Presiding Officer:** I am sorry to interrupt, cabinet secretary. I ask members who are leaving the chamber to do so quickly and quietly, please, because the cabinet secretary is trying to make her contribution.

**Angela Constance:** Thank you, Presiding Officer.

In taking the bill through Parliament, I am pleased to have worked with colleagues from all parties in the chamber to ensure that the bill delivers the best possible outcome for Scottish sub-postmasters. We cannot ever fully remedy the hurt and harm that have been caused to those who have suffered a miscarriage of justice, but I am grateful to parliamentary colleagues for ensuring that we have, at this stage, moved swiftly and worked effectively together to do what is within our power to address matters. Once again, I pay direct tribute to the sub-postmasters and their supporters, who have endured so much and done so much to ensure that the true story of the Horizon scandal has been recognised.

As members know, the aim of the bill is 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 information technology system. Through the bill, we will ensure that Scottish sub-postmasters are not disadvantaged compared with those in the rest of the UK in respect of the quashing of their convictions, and that they are able to access the UK Government's compensation scheme.

To recap, the bill provides that convictions for relevant offences will automatically be quashed when the bill comes into force. The bill sets out five conditions that must be met for a conviction to

be a "relevant offence" and therefore be quashed. The fact that the conditions have deliberately been designed so as not to require any element of discretion in order for them to be applied allows for the automatic quashing of convictions that fall within the bill's ambit.

The five conditions relate to the date of the offence, the type of offence, the need for an individual to have been working in a post office and for the conviction to have arisen 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.

At stage 2, we agreed to an amendment that removed the exclusion of High Court appeals from the bill. That will ensure fairness in the way in which we deal with people who might have sought to challenge their conviction by lodging an appeal in the past, especially at a time when the flaws in the Horizon system were not known about.

Today, we have agreed a further amendment that reflects the final form of the UK Post Office (Horizon System) Offences Act 2024. That amendment makes it clear that, where an offence was alleged to have been committed over a period of time or on unknown dates that fell within a particular period, the offence will still be considered relevant, even in cases in which the Horizon system was being used in the post office business for only part of the period. As I have set out, that amendment will ensure that a common approach is taken across the UK, and it will avoid anomalies relating to the timing of the Horizon system coming into place.

I had signalled my intention to seek to shorten the timeframe for receiving royal assent. Once the bill has passed stage 3, we will begin the formal process for securing that assent. In the meantime, officials are already working closely with justice partners, the Post Office and UK Government counterparts to ensure that we have the frameworks in place to quickly identify and notify those individuals whose convictions are quashed by the bill.

At stage 2, I committed to working with those who had lodged amendments in order to respond to the desire for transparency and reporting on the bill's impact. I was therefore pleased today to lodge a further amendment, requiring Scottish ministers to prepare, publish and lay before the Scottish Parliament a report on the act's operation as soon as is reasonably practicable after one year has elapsed since its commencement. The report must include the number of convictions in respect of which Scottish ministers have given notification under section 4 to a convicting court and to a person, and it will also provide information on the steps that have been taken by

Scottish ministers to identify convictions that have been quashed by the act and to give notifications.

Although the report will not get into the specifics of individual cases, it will include general information on the processes that have been followed by ministers, such as details of the organisations that Scottish ministers engaged with in order to identify convictions and the steps that were taken to notify individuals—for example, the engagement of tracing agents. I hope that that amendment to the bill reassures members that I have fully considered their concerns about transparency.

I am grateful for the consideration that the Parliament has already given to the bill. Indeed, the amendments that were lodged by the Scottish Government at stage 2 and today are a reflection of that consideration, and I have no doubt that they will result in a significantly stronger bill.

Some amendments have, ultimately, not been pressed or agreed to. Although there are sound reasons for the outcome that we have reached, I recognise the very good intentions behind those amendments and I welcome the engagement and scrutiny that members have provided and brought to bear.

I am also grateful to members of the Parliament for their shared recognition of the urgency of the bill. The swiftness with which we have been able to introduce this key piece of legislation and conclude its parliamentary consideration is testament to what we can achieve when we are united in a shared commitment—a commitment to addressing the horrific miscarriage of justice that has ruined the lives of many; to helping Scottish sub-postmasters to clear their names; and to ensuring that they are treated on a par with their counterparts in the rest of the UK.

The bill is unprecedented. However, I hope that members will recognise it as the only way of ensuring that Scottish sub-postmasters are not left behind. I therefore urge all members to join me in their support for the bill.

I move,

That the Parliament agrees that the Post Office (Horizon System) Offences (Scotland) Bill be passed.

15:52

**Russell Findlay (West Scotland) (Con):** What we saw in the Scottish Parliament yesterday represented the worst kind of politics: entitlement and double standards taking priority over respect for the rules and for the public. Today, with this expedited legislation, we see a better side of what the Parliament can do. The bill was published just 16 days ago, and cross-party work has ensured that it passed quickly and smoothly while also

ensuring that it received proper scrutiny and improvements where necessary. Once it has been passed, Scotland's wrongly convicted sub-postmasters will have their names instantly cleared and their criminal convictions quashed.

For any Parliament to overturn decisions that were arrived at by independent courts and judges is unprecedented and not done lightly. Last week, and again today, the cabinet secretary has recognised the gravity of the measure. I suspect that we are unlikely to see it happen again. It is notable that the Lord Advocate has been unwilling to say whether she supports the approach; her previous comments have suggested that she does not. This legislation is necessary, due to the seriousness and scale of this egregious and sickening mass miscarriage of justice.

The UK Government's legislation was the template for the Scottish legislation; the UK bill was published on 13 March and received royal assent last week. Scottish National Party ministers said that they wanted the UK legislation to extend to Scotland. That was a strange position for them to take, as they usually find cause to complain about any perceived UK Government meddling. That manufactured fight was wholly unnecessary and not in the interests of Scotland's Post Office victims.

It has always been apparent that Scotland's proudly distinct legal system would require its own distinct bill. It is the most effective way, and it is the right one. Scotland's sub-postmasters were prosecuted not by the Post Office but by the Crown Office and Procurator Fiscal Service, and some of the criminal charges brought against them are unique to Scots law. Therefore, it is right that members of the Scottish Parliament should have been able to scrutinise the legislation, as we have done. My party has faith in the Scottish Parliament, even if Scottish National Party ministers do not.

After a bout of needless posturing from the Scottish Government, stand-alone Scottish legislation was duly published. In practical terms, we have already seen why that has been beneficial, as the bill has been amended and improved over the past 16 days.

Last week, the cabinet secretary secured an amendment to the Scottish legislation; that amendment, which Scottish Conservatives supported, allows convictions to be quashed even when a previous court appeal failed, and Ms Constance has worked with UK ministers to ensure that compensation will still apply in any such cases. Today, members have agreed to an amendment in the name of the cabinet secretary, which I supported, to require that a post-legislative report be published and laid before the Scottish Parliament. Neither of those changes would have

happened if the UK act had been extended to Scotland. Even if the Westminster law had applied here, as the Scottish National Party said it wanted, this Parliament would have had to pass more legislation to make the specific changes, adding to the delays for victims who have already suffered for far too long.

All this political activity has been in response to a television drama that aired in the first few days of this year. "Mr Bates vs The Post Office" has had an extraordinary impact, bringing to life what was ostensibly a story about an information technology system. It sparked collective public fury at the injustices that had been inflicted on decent and honest hardworking men and women, who were branded as thieves, whose protestations of innocence were ignored, and who were criminalised and crushed by a faulty computer system and a dishonest Post Office and prosecutors who took what they were told at face value.

People who were wrongly convicted in Scotland are now on the cusp of having their convictions quashed, but we will probably never be able to establish how many sub-postmasters passed away before justice was done. Fiona Cowan died of an accidental overdose after being charged; Caren Lorimer pled guilty only to avoid being jailed and separated from her young son; and Mary Philp was forced to resign in shame. All those women were innocent, but none of them is alive to see this day.

We also cannot possibly know the full extent of the harm that was inflicted on people and their families. Sisters Rose Stewart and Jacquie El Kasaby were ordered to hand over thousands of pounds after being falsely accused; Rab Thomson was forced to plead guilty to a crime that did not even happen; and Keith Macaldowie contemplated suicide after being forced to resign and pay thousands of pounds.

This legislation is not—and should not be—the end of the story. The Post Office inquiry will reach its findings, and justice may yet follow for the real criminals.

15:58

**Katy Clark (West Scotland) (Lab):** Scottish Labour supports the bill and the blanket exoneration of anyone whose conviction was based on Horizon evidence. Everyone who has been affected should have their convictions quashed and be given access to the compensation fund. We note the cabinet secretary's assurances as to who will be covered by the bill. We were particularly concerned that family members who were not employees, and others who had pled guilty to protect someone

else—perhaps a loved one—should be included. We will support the bill as it has been drafted. We appreciate that its drafting was done on the basis of the UK Government's legislation that was passed last Friday.

We agree that the use of tainted evidence that was provided by the Post Office in criminal cases across the UK represents one of the biggest miscarriages of justice in recent history. However, we are disappointed that Scotland's separate and distinct legal system did not provide more protection than was offered in the rest of the UK, and that justice partners failed to recognise miscarriages of justice when so many high-profile concerns had been raised by campaigners, trade unions, the media, representative organisations, politicians across the political spectrum, and so many others.

The bill deals only with convictions, but many who were not prosecuted also faced injustice and repaid false shortfalls, which were often large amounts of money; were suspended from work or dismissed; were made bankrupt; had family breakdowns; were branded as thieves in their communities; or had problems with their health. Lives were destroyed and individuals were imprisoned. All those who suffered deserve justice.

Across the UK, nearly 1,000 people were convicted on the basis of Horizon evidence. Increasing concerns developed about those convictions over many years and there were high-profile campaigns to expose the injustice. By 2013, individuals in the Crown Office were attempting to stop prosecutions in Scotland. Answers need to be given to the serious question why those voices were not listened to at the time and why the Crown Office wished to believe the Post Office when so many believed that it was simply not credible that so many previously law-abiding citizens were acting in an illegal way, with cases being based on evidence from a computer system and a lack of other evidence or corroboration. It raises serious concerns about how cases were marked and the operation of the courts.

In early 2015, the Business, Innovation and Skills Committee, of which I was a member, held a special evidence session on the subject, given the strength of the concerns, and we took evidence from people who had been affected and from the Post Office. By that time, the issues were well within the public domain and there had been a number of parliamentary debates on the subject. Given that, after years of campaigning, the fact that it was a TV drama that led to the introduction of legislation across the UK should be a source of shame for the justice system.



In 2015, a group of 555 people took the Post Office to court, and in 2019 the Post Office settled the cases for more than £57 million. The Court of Appeal in England quashed 39 convictions in 2021. Despite that, however, allowing the normal operation of the courts and the justice system to deal with cases on a case-by-case basis has been unsuccessful. It is necessary for the bill to require the Crown Office to review every case to ensure that every conviction that was based on tainted evidence is quashed.

The Post Office may have lied, and it is clear that the politics of privatisation and the wish to please the then Conservative and Liberal coalition Government by closing down any problems may have been factors, but the justice system across the UK also has serious questions to answer. We support the bill, but there are lessons to be learned on how a publicly owned body behaved and the ethos that should operate in organisations that we own. Those things are not resolved by the bill, and I hope that the Parliament will continue to pursue them to make sure that this does not happen again. Lessons must be learned.

16:03

**Maggie Chapman (North East Scotland) (Green):** I am pleased to speak on behalf of the Scottish Greens in support of the Post Office (Horizon System) Offences (Scotland) Bill. It is right that we take this extraordinary step and exonerate those who were wrongly convicted as part of the Post Office Horizon scandal.

We have come to stage 3 of this important bill even more quickly, perhaps, than some of us had expected, but I am glad that Westminster made the matter a priority in the last week of its Parliament. To misquote the Scottish play, nothing in this UK Government's life became it like the leaving of it. The timing means that the bill will be passed just days after the Post Office's former chief executive gave evidence at the public inquiry into the Horizon IT system. We could not have had a starker reminder of why the bill matters, for the evidence—both what has been said at the inquiry and what has not been said—shows that, however unprecedented the situation is, it was not unlikely to happen.

Anthony Montgomery, who is a professor of occupational and organisational psychology at Northumbria University, has written this week about organisational cover-ups. He has pointed out that the Post Office miscarriages of justice join “a long list” of institutional and corporate scandals, including the injustices of infected blood and the Hillsborough and Grenfell disasters. He said:

“The corporate drive to hide the truth is not random, but ... inevitable”

when protecting the company is seen as an ethical business principle, and business leaders are rewarded for making profit and shareholder value their paramount goals. He said that what is described as “bad” corporate culture

“simply means that everybody clearly understood the real vision and objectives, and committed to doing what was needed.”

That is why it is not enough to treat the Post Office Horizon scandal as a one-off freak event, to let it be quietly forgotten, and to continue with business as usual. The injustice that has been endured by Post Office sub-postmasters, workers and their families and communities is not only the injustice of a particular system that has gone wrong; it is the inescapable, final result of unfettered toxic capitalism itself.

That is why I proceeded with further amendments to the bill this afternoon. My amendments would have made no changes to the bill's main provisions—to the urgent and essential work of quashing the terrible and oppressive convictions. They simply asked the Scottish Government to report on the law that we have, the law that we lack, and the support that we can give to those who are seeking justice.

There must be real consequences when people play with other people's lives for profit, status and reward, and there must be real changes to a system that too often listens to the loudest voices—those amplified by privilege—and fails to hear the truth.

Today, we acknowledge that truth, we recognise injustice, and we extend our solidarity, our sorrow and our gratitude to those who have fought with courage and compassion for this moment.

I am pleased to support the bill.

16:06

**Alex Cole-Hamilton (Edinburgh Western) (LD):** It gives me great pleasure to rise for the Liberal Democrats in support of an important and historic piece of legislation.

When I think of the sub-postmasters in my constituency, I think of public servants who, for very little money, offer a service above and beyond the call of duty in more cases than not. I see a reflection of the duties that we perform as parliamentarians in the community service that they offer. They perform a public role, but they also offer a pastoral element of support to the customers who regularly visit their post offices.

It is so sad that it has taken us so long to get to this point, and it is so sad that it has taken an ITV drama to bring the matter to the public consciousness, sufficient to see the legislative change and amendment that should, by rights,

have happened many years ago. I am glad that we are here but, in truth, we should have arrived at this point long before now.

It is frustrating that much of the process has been defined by confusion about whether the Government backed blanket exonerations in the first place. Opposition parties called for the Lord Advocate to address the chamber for weeks to offer clarity before she finally did so. That clarity was that it was up to us. We have finally risen to that challenge and the challenge of her words in the pages of the legislation.

For the sake of the victims of the scandal, I am glad that we are making some progress. What has happened has been one of the most egregious and appalling miscarriages of justice in our national story. Livelihoods have been destroyed, reputations have been damaged, and lives have been ruined. We have heard heartbreaking testimony in the chamber this afternoon about individual cases involving lives that were cut short and lives that were ruined.

One Scottish victim recently spoke of how he planned suicide and had to be sectioned due to the trauma that he had experienced. That is somebody who was just going about his daily job, thinking that he was doing it right. He realised that the sums did not add up, and he had the finger pointed at him by his employers. He simply could not understand where the mistake had taken place. In some cases, the people who were accused started to believe that they must have done something wrong. False confessions were extracted on that basis. That gentleman said that the Government's lack of clarity on whether he would have to go back to court to have his conviction overturned had made things worse. Sadly, he is just one of many, but we have righted that wrong today.

We know that around 100 people were wrongly convicted by the Crown Office and Procurator Fiscal Service in this country, based on evidence that was provided by the Post Office. In recent weeks we have seen that evidence unravel in glorious technicolour during the national inquiry and through the testimony of people such as Paula Vennells.

Former Post Office workers across all four of our island nations have rightly, and tirelessly, pursued the justice that they were denied for so long. It is vital that they now get the justice and redress that they are entitled to as quickly as possible. I know that the UK Parliament has risen, but that should not be an impediment to the financial recompense that those workers so rightly deserve.

I am glad that this Parliament speaks with one voice today in passing this legislation. My party is proud to support it.

16:10

**Audrey Nicoll (Aberdeen South and North Kincardine) (SNP):** I am pleased to speak in this stage 3 debate on the Post Office (Horizon System) Offences (Scotland) Bill, which is an emergency bill that allows the Scottish Parliament to legislate at pace to overturn convictions that are linked to the Post Office Horizon IT system.

We are all familiar with the faulty software and the Horizon accounting system that aimed to reduce fraud in local Post Office branches but became the focus of one of the most significant injustices in our legal history. I pay tribute to the sub-postmasters who, despite being bullied and intimidated by the Post Office, have worked tirelessly to expose the failings of a greedy and reckless corporation, the sole shareholder of which is the UK Government.

The quickest and easiest route to overturning the numerous miscarriages of justice would have been for the UK Government to extend its own bill to cover sub-postmasters in Scotland. Unfortunately, the Scottish Government's repeated requests for that to happen were refused. Nevertheless, the bill that is before us at stage 3 should serve symbolic and practical purposes under the overturned convictions scheme that has been established by the UK Government.

**Russell Findlay:** Will the member accept an intervention?

**Audrey Nicoll:** Not today; thank you.

I welcome the fact that many wrongful convictions have already been overturned. However, it feels as if the pace of progress is far too slow, so the bill will help to expedite the process. I note the recognition by the Law Society of Scotland that cases relating to the Horizon system dramatically affected a significant number of people who have been seeking justice for many years, and that taking a case-by-case approach to such a significant number of convictions would be a slow mechanism that might impede those affected in obtaining the recognition and compensation that they deserve.

During the stage 1 debate, members told heartbreaking stories of the shameful way in which their constituents were treated by the Post Office over many years. That was compounded by the fact that the Horizon system was faulty but, as Clare Adamson said in her stage 1 contribution, it took a television drama to shift the dial on the issue.

We know that many people who suffered those injustices have not come forward and that not everyone who was wrongly accused is still with us. I therefore welcome the proposals in the bill for the wrong that those individuals suffered to be addressed.

I welcome the amendments made at stage 2 to ensure that everyone whose conviction meets the criteria in the bill will have that conviction quashed, regardless of any previous appeal decisions. Maggie Chapman articulated the rationale for that very well in her stage 2 contribution in support of a Government amendment.

I also welcome today's amendments that have altered the criteria for a relevant offence, thereby ensuring that, where the offence was alleged to be committed over a period of time, there is no requirement for Horizon to have been used throughout that period; it requires to have been used only for some of the period.

I also welcome the inclusion of a reporting requirement in the bill, which is absolutely appropriate in these unique circumstances, and I welcome the cabinet secretary's commitment to provide the Criminal Justice Committee with an interim update.

We do not have the power to turn back time, but we do have the power to stand up for those who have been so badly wronged, to publicly declare that wrongdoing and, so far as is possible, to help them find the place where they would have been in their lives but for that injustice.

16:14

**Jamie Greene (West Scotland) (Con):** I start by paying credit to the fact that our current and former First Ministers are in the chamber. That signifies the importance of the bill that we are passing this afternoon, and I welcome their presence.

I begin my remarks by repeating what I said at the stage 1 debate. As many others have done, I pay tribute to the sub-postmasters and their families up and down this country. What happened to them should never have happened, and it should never happen again.

I do not have any party-political points to make today. I know that it is an election period, but I do not think that the victims of this scandal have much interest in our grievances with one another. I also need to be clear that I have always been uncomfortable with legislation of this nature. Quashing court convictions en masse should never come easily or naturally to us, as politicians. However, in the circumstances, it is absolutely the only thing that we could do.

Emergency law is not ideal either, and I have made that clear in the past. Let me explain why. Sadly, even though we will pass the bill today, there remains a cohort of people for whom the bill offers no recourse or much comfort and, at the very least, there still remains some doubt about whether they are covered by it or whether they will benefit from it.

I take the two examples that I used last time and which have been much rehearsed in the chamber already today. Both examples are from my home town of Greenock, as it happens.

The first is that of Keith Macaldowie. He has no conviction to quash today, but he was given that disgraceful ultimatum to resign or be prosecuted, and the effect of that on him was incalculable. The bill does nothing for him or for people like him. What is on offer, however, is compensation, and the Horizon shortfall scheme that has been set up by the UK Government is welcome, but far too many people are not aware of it or how they can use it. It is incumbent on both Governments to make sure that every victim of the scandal receives every bit of compensation that they deserve.

The second example, which has again been rehearsed today and which we discussed at the amendment stage, is that of Ravinder Naga. The point was well made by Martin Whitfield that he did not work for or in the Post Office, but it was a family business. When told that £35,000 was missing from their post office, he did what any of us would do to protect their mother: he took the blame and he was convicted. He got 300 hours of community service and he still has a criminal record. The very fact that media reports today are saying that his lawyers have publicly stated that they have no idea whether this bill will exonerate him is symptomatic of a failure on our part to offer much-needed clarity ahead of stage 3. In fact, his own lawyer said—I am paraphrasing—that he could not be sure whether his client would be cleared by the legislation and implied that he hoped that he may be.

Victims should have that clarity already. In fact, it seems to me that they will know whether they have had their convictions quashed only when ministers fulfil their obligations under section 4 notifications. They should not have to wait that long; they should know already.

Equally frustratingly, we are passing laws today when we have no idea how many people will be exonerated. The financial memorandum talked about 1,000 to 2,000 people and the Cabinet Secretary for Justice and Home Affairs has talked about a number of around 200. The Scottish Criminal Cases Review Commission said that it has written to 73 people, and the Crown said that it could be around 54. Notwithstanding the

reporting duty that has been added, it is not good enough that neither we in the chamber today nor the Government know exactly how many people will wake up with quashed convictions, because we have bypassed the stage 1 elements of evidence gathering and reporting that a committee of the Parliament would normally do. That sort of detail would have been unearthed in due course, and we should reflect on that.

My final observation is that this should not and cannot be the end of the journey. There are still many unanswered questions. The Crown Office has questions to answer. The current and former Lord Advocates have questions to answer about why so many people were prosecuted simply on the basis of the evidence that was provided and went unchallenged. Why did nobody question why all those dozens of people had suddenly turned into thieves, criminals and fraudsters overnight? Perhaps more will come out of that in due course.

The bill exonerates the victims of miscarriages of justice, not those who wrongly prosecuted them. They are not exonerated. The victims need compensation, whatever their circumstances. They also need a commitment from us, as politicians, that we will ensure that nothing like this ever, ever happens again.

16:19

**Martin Whitfield (South Scotland) (Lab):** It is a pleasure to follow Jamie Greene's contribution, in which he highlighted a lot of the unanswered questions that have come out through this process. I am grateful to the cabinet secretary for giving as strong a confirmation as it has, I think, been possible for her to give with regard to the specific case that we talked about. Nevertheless, there are still other cases in which people are left unsure of what is happening, and a number of individuals are still not being paid their pensions because of decisions that the Post Office took about guilt or innocence.

There is still much work to be done, so—as Maggie Chapman reflected on in her contribution—the bill is in no way the end of the story, as the process is on-going. I understand why the Government was unable to support some of the amendments that fell today, but they still posed questions that members of this Parliament should look to address.

I put on the record again my appreciation of the work that was done by the cabinet secretary and by my colleague Pauline McNeill. Through hard work, within a very short timescale, they prevailed, and there has been forward movement in that respect. To echo Jamie Greene's concerns about emergency legislation, it is interesting to think

about where we would be now if we could have dealt with these matters in another way.

However, all that rests on the challenge that the Post Office presented by not telling the truth. We know that, in 2013, representatives of the Post Office came up to Scotland to meet senior procurators fiscal because they were worried that the Crown Office was planning to stop prosecuting cases. Perhaps they were concerned that, if the Crown did that, the alarm bells would start ringing both north and south of the border, and people would start to question the cases that were being prosecuted across the United Kingdom.

We need to be clear that those Post Office representatives were wholly concerned with protecting the reputation of the Post Office, and not with the growing number of victims who were having their lives destroyed by a faulty computer system. As Alex Cole-Hamilton rightly pointed out, one of the things for which our communities look to their post offices is the element of public service. I am aware of post office workers who have prevented the withdrawal of substantial sums from someone's bank account in fraudulent claims. They are on the front line in dealing with so many of the problems with which our constituents come to us. For them to have been treated in the way that they have been by their employer—by the organisation that was the umbrella group for where they worked—is truly atrocious.

It is sobering to think about where we would be today if the Post Office had not lied—I choose my words very carefully, Presiding Officer—to the Crown, and had stopped prosecuting those cases in 2013. How many lives would not have been ruined, and how many lives would not have been lost?

There are on-going questions, which will, I know, stay on the cabinet secretary's desk. I hope that she is able, in summing up, to mention some of them, in particular the very low number of applications—from only 19 individuals—to the Scottish Criminal Cases Review Commission. We need to know why that figure is so low. I know that the situation has been difficult to assess, given the passage of time, but these cases are relatively recent. I do not believe that the Crown should be struggling as much as it has been to find the details of the individuals who have been prosecuted, on whom the consequences of what has happened have had a dire impact.

With regard to prosecutions, effort clearly needs to be put into finding those who are responsible for this horrendous scandal. Again, in looking to the amendments that were not successful today, I am given to understand that a significant number of detectives are working on the Post Office case, which is on-going. I understand that the investigations are looking at questions of perverting the course of justice, perjury and

potential fraud by senior officials at the Post Office—as well as at Fujitsu, which should get a mention today—and at least 20 potential suspects have been identified.

When the bill is passed, it will be an important moment. Nevertheless, although it is an important moment for those who have observed the case from outside and for those individuals who have been affected, it is just one moment in an on-going campaign. That campaign needs to continue, not only to ensure that nothing like this scandal happens again—which is said so frequently about many things—but, more importantly, so that the people and their families, friends and communities who have suffered can see that we will hold to account the people who caused it.

**The Presiding Officer (Alison Johnstone):**  
We move to winding-up speeches.

16:24

**Maggie Chapman:** I will be brief in my closing remarks, because what matters today is not the party-political points that we make or our speeches in support of the bill. What matters is that we all support it, and what matters even more is that those who were wrongly convicted in the egregious Post Office Horizon scandal will have their convictions quashed.

I am grateful that the bill will pass today, and I thank all those who have ensured that it has been possible to get to this point so rapidly, while still providing real and effective scrutiny.

I am pleased to have had the opportunity to lodge amendments and speak to them, even if members decided not to add to the Westminster model on the issues that I raised.

It is vital that we learn lessons from this grave injustice, that we work to ensure that we make real change and that we remember that it is an example not of corporate systems failing but of them doing exactly what they are designed to do—protecting their own interests—and almost getting away with it.

Earlier this week, I read with interest an article that said that the Metropolitan Police is preparing for a large criminal inquiry into the issue. Of course, we have watched the public inquiry, and we wait with interest for its conclusions, but those are not for now.

In closing, I remember again all those who have been affected by the scandal—the sub-postmasters, their families and their communities. Today is for them, and it is for them that we will pass the bill.

16:26

**Michael Marra (North East Scotland) (Lab):** Scottish Labour welcomes the swift process of the bill's progress through the Parliament over the past couple of weeks, and we will gladly vote for it at decision time.

All of that could have happened at any point over the past decade and more, when it has obviously been required. Today, members have told the stories of victims and their families, and the repercussions of that gross and grand scandal.

We hope that the victims and their families feel that their long fight for justice, which followed the longer fight to be believed, is at last progressing. Martin Whitfield rightly said that this is just a moment in that longer process.

Paula Vennells's appearance at the Post Office inquiry over recent days has begun to put a face, for the general public, to those who are culpable for the situation, and criminal charges must follow, as other members have said. The cover-ups, the lies and the corporate culture of self-serving greed that were laid out in emails and hard-wrung testimony cannot be masked by tears from the people who give evidence to the inquiry.

Although the bill process has been swift, it has not been without concerns. Members across the chamber clearly retain significant doubts about the Crown Office's position, given the apparent reluctance of the Lord Advocate, in her testimony in the Parliament, to accept that defects in the Horizon system were known and publicly reported as far back as 2009. Although the defects were widely known in legal circles, as prosecutions continued, calls for reconsideration were silenced or ignored. Katy Clark pointed out that voices in the Crown Office were raising concerns as far back as 2013. They were not listened to. Why not?

All of that shows that it was vital that this legislation was considered here, and I still struggle to understand the Government's reluctance to see legislation passed in this Parliament. We heard that the former First Minister was "utterly furious" and believed it to be "outrageous" that it was suggested that we do so. In recent days, it has been increasingly difficult to understand much of what the SNP Government does, but it is absolutely clear that legislation should have been considered here, and for good reason, because we are here to scrutinise the institutions that have been caught up in that process.

The Crown Office still defends its right to believe trusted institutions, brands and the establishment in the face of the evidence that is put in front of it. I find it difficult to give much credence to the calls that say, "Never again". We can think of Hillsborough, bloody Sunday and institutional child

sexual abuse—cases that have been rolling on for years.

However, there are issues that are coming alive in processes only today, such as the infected blood scandal and the Eljamel inquiry about what has happened to people in Tayside. All of those matters have common traits. Do we believe the brand, the badge, the uniform or the school tie? What do we invest in those signs and symbols? Do we believe the victims and the evidence, no matter how difficult they might be to believe or to hear? It is a question of power, and it is about the proximity of politics to institutions. It is about how we address those issues, because I fear that we will be here again.

We will gladly vote for the bill.

16:30

**Sharon Doweay (South Scotland) (Con):** As my colleagues have said, the Scottish Conservatives welcome this long-overdue legislation and its expedited process, and we support mass exoneration of the Scottish victims of this appalling scandal. It is right that we act quickly to correct as best we can this shameful episode in the Post Office's history.

Contributions from many members across the chamber reflected the real strength of feeling and the raw emotions that the situation has provoked. However, I do not think that we will ever be able to feel and appreciate the pain and injustice that Post Office workers have suffered.

Russell Findlay made a strong speech on how tragic the whole affair has been and on the terrible consequences that it has had for many people and their families. We can never really reflect how hard it has been for Post Office workers, who are often the most upstanding members of the community, to have their reputation destroyed for no good reason. That is why, as Alex Cole-Hamilton said, it is vital that the legislation be implemented as soon as possible. The bill might not be perfect, but it is workable and it will deliver the resolution that Post Office workers deserve.

I note the concerns of many legal experts that the bill could set a precedent and that it represents interference in the judicial system. Although it is right that we acknowledge those concerns, we believe that the bill takes the right approach. These are exceptional circumstances, and they deserve an extraordinary response.

I welcome the changed approach that has been taken in section 1, which means that convictions that have already been reconsidered by the High Court will not be excluded from exoneration under the bill. My party also supports the approach in section 5, which deals with alternatives to

prosecution. It is only right that everyone who received any warning or fiscal fine in relation to the scandal receives exoneration.

I will pick up on points made by Russell Findlay, Audrey Nicoll, Katy Clark and Michael Marra about the SNP Government's approach to the process. We must all admit that more could have been done and that action could have been taken sooner by all involved, but we must reflect on why the SNP Government in Scotland did not act more quickly to resolve the issue. Throughout the past few months, the SNP has tried to deflect blame and responsibility instead of focusing solely on what can be done to help the situation. *[Interruption.]*

**The Presiding Officer:** Members.

**Sharon Doweay:** Those shouting at the back were not here for the whole debate, so they do not know what was said. As the cabinet secretary said, today shows what we can do when we work together, united in a shared commitment.

The scandal has, once again, thrown up in lights the role of the Crown Office in Scotland and the need for reform. As Jamie Greene said, in Scotland, the Crown Office was responsible for prosecutions, and it appears to have taken very questionable and downright dubious decisions long after it became aware of issues with the Horizon system. There has still been no real accountability for those failings, and further investigation is undoubtedly required so that we can uncover how and why those prosecutions happened as they did.

Martin Whitfield was right to highlight the Post Office itself. Earlier this month, we found out that the Post Office, which is inevitably at the centre of this scandal, has been stripped of its status as a specialist reporting agency. That certainly cannot right the wrongs that it has caused, but it might come as a small comfort to those who have suffered due to the scandal.

I thank the cabinet secretary for working with us to improve our amendment 22 at stage 2 and bring back a similar amendment at stage 3.

The bill is necessary to give Post Office workers who did nothing wrong the exoneration that they have deserved for many years. Although the bill cannot reverse time, it will give victims of this scandal some small measure of justice for what they went through. Scottish ministers now have a duty to quickly identify the relevant convictions and to inform the victims as swiftly as possible. I expect that to be a top priority for them, as it must be. I hope that we all learn the lessons of this scandal, so that a similar situation is never allowed to happen again.

16:35

**Angela Constance:** I start by thanking my officials, who have worked exceptionally hard on preparing the bill and bringing it forward at pace. I pay tribute to their painstaking work and to their patience, not least for putting up with the cabinet secretary. [*Applause.*] Clap for the civil servants.

I also reiterate my thanks to parliamentary colleagues across the chamber. I of course emphasise that working together is not a one-way street. It requires everybody to communicate and change a wee bit in order to move forward together at least a bit. I am appreciative that Parliament as a whole agreed to the bill being an emergency bill, notwithstanding the challenges that it presents and the opportunities that it brings. Should the bill pass at decision time, as I very much hope and anticipate it will, it will do so only one week after the UK bill was passed at Westminster. That in itself was accelerated because the general election was announced.

I will not revisit or rehash past arguments. I know that the UK Government legislates all the time for Scotland, and sometimes I co-operate with it and sometimes I object. Today is not about the politicians, our political parties or our institutions—it is wholly and squarely about sub-postmasters in Scotland and their friends and families who have been affected tragically by the scandal.

The bill's central aim is, of course, to quash wrongful convictions that resulted from the use of the defective Horizon IT system. I hope that the bill is a recognition of the scale of the miscarriage of justice and that it will go some way to allowing everyone who has suffered to feel vindicated. That will help to restore their reputations among the communities that they serve.

I share the discomfort that Jamie Greene expressed with primary legislation automatically quashing convictions, but the nature and scale of the miscarriage of justice has meant that the legislation has been absolutely necessary—although, as justice secretary, I have to put it on record that it does not set a precedent. The Scottish Criminal Cases Review Commission did not just put a letter in the post with a first-class stamp; I know that it went to extensive efforts. It employed tracing agents and went above and beyond. However, the low response speaks to the scale at which people have lost faith in our justice system. That is why it is now necessary to remove the onus from individuals and put it back on to the state, where the responsibility in this instance lies.

As I have said, I recognise that the scale of the scandal goes beyond those who were prosecuted and convicted. Many sub-postmasters were forced to repay supposed shortfalls that were created by

the faulty software. They deserve not just our sympathy but our support. As others in the debate have said, saying that there are many lessons to learn does not quite capture the magnitude of the change that has to take place. However, I have faith and hope that the Wyn Williams inquiry is the route to address the issues that go beyond the bill.

For my part, I will continue to engage with the relevant UK ministers once they are in place after the general election, most likely on compensation, because the most recently announced scheme is still to be established. Again, the Scottish Government will look to make targeted interventions to ensure that people are informed of their rights.

One theme that has come up in today's debate is the collective sense of shame that it took a TV programme to "shift the dial", as Audrey Nicoll said. By way of personal atonement, I commend to people Nick Wallis's book, entitled "The Great Post Office Scandal", in which he narrates that the Post Office holds a unique position in our society across all the home nations of the UK. As history students will know, the General Post Office predates the industrial revolution, the British empire and the establishment of Britain itself. It is the oldest Government agency and, until recent times, it was the main interface between state and citizens.

The impact of the injustice is profound and shocking, and its reverberations will be felt for some time. I quote the words in July 2021, in Nick Wallis's book, of Seema Misra, who was the former West Byfleet sub-postmaster. She said of herself and her husband:

"In 2005, Davinder and I invested our own money in a Post Office branch and retail business. We were proud to have become part of such a famous British institution. When I was sentenced to prison on my eldest son's tenth birthday, all our dreams and hopes were destroyed ... When I was convicted of theft in 2010, my faith and my belief in justice was shattered. I was pregnant at the time. My despair caused me to think of suicide ... Thoughts of my unborn child kept a bit of hope, and me, alive."

I will also quote the words of Jaswinder Barang, who, when her conviction was overturned at the end of 2020, spoke outside Southwark Crown court of the solidarity of those affected and the campaigners. She said:

"When we have had our down days, we've been there for each other."

On the day when her conviction was overturned, she said:

"I can now get on with the rest of my life. It is the worst thing to be found guilty for something that you haven't done. I am a law-abiding citizen ... Today is absolutely wonderful."

Although the bill cannot change the past, I am profoundly grateful to colleagues in the chamber

for helping to get it through Parliament quickly, which allows us to at least go some way towards righting the wrongs that have been done and providing some comfort—and, I hope, the pathway to redress—for those who have been so unfairly treated.

I am delighted that members have indicated their support for this important bill, which means that it will be passed at decision time to help to rectify the injustice, quash the wrongful convictions and enable Scottish sub-postmasters to access the financial redress that they rightly deserve.

**The Presiding Officer:** That concludes the debate on the Post Office (Horizon System) Offences (Scotland) Bill at stage 3.

## Decision Time

16:43

**The Presiding Officer (Alison Johnstone):** There is one question to be put as a result of today's business. The question is, that motion S6M-13407, in the name of Angela Constance, on the Post Office (Horizon System) Offences (Scotland) Bill, be agreed to. As that is a motion to pass the bill at stage 3, the question must be decided by division. There will be a short suspension to allow members to access the digital voting system.

16:43

*Meeting suspended.*

16:46

*On resuming—*

**The Presiding Officer:** We move to the vote on motion S6M-13407, in the name of Angela Constance. Members should cast their votes now.

The vote is closed.

**Emma Harper (South Scotland) (SNP):** On a point of order, Presiding Officer. For some reason, my app couldnae connect. I would have voted yes.

**The Presiding Officer:** Thank you, Ms Harper. We will ensure that that is recorded.

**Pam Gosal (West Scotland) (Con):** On a point of order, Presiding Officer. I could not get into the system. I would have voted yes.

**The Presiding Officer:** Thank you, Ms Gosal. We will ensure that that is recorded.

**Clare Adamson (Motherwell and Wishaw) (SNP):** [*Inaudible.*]—but I believe that I have voted.

**The Presiding Officer:** Thank you, Ms Adamson. I can confirm that that is the case.

**The Cabinet Secretary for Health and Social Care (Neil Gray):** On a point of order, Presiding Officer. Apologies, but I could not connect. I would have voted yes.

**The Presiding Officer:** Thank you, Mr Gray. We will ensure that that is recorded.

**The Minister for Employment and Investment (Tom Arthur):** On a point of order, Presiding Officer. I was unable to connect. I would have voted yes.

**The Presiding Officer:** Thank you, Mr Arthur. We will ensure that that is recorded.



**Maurice Golden (North East Scotland) (Con):**

On a point of order, Presiding Officer. I have the same issue as yesterday. I was unable to log in on my laptop or on my mobile. I would have voted yes.

**The Presiding Officer:** Thank you, Mr Golden. We will ensure that that is recorded.

**For**

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowey, Sharon (South Scotland) (Con)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hoy, Craig (South Scotland) (Con)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)

Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Sarwar, Anas (Glasgow) (Lab)  
 Simpson, Graham (Central Scotland) (Con)  
 Slater, Lorna (Lothian) (Green)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab) [Proxy vote cast by Richard Leonard]  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the division on motion S6M-13407, in the name of Angela Constance, on the Post Office (Horizon System) Offences (Scotland) Bill, is: For 116, Against 0, Abstentions 0.

*Motion agreed to,*

That the Parliament agrees that the Post Office (Horizon System) Offences (Scotland) Bill be passed.

**The Presiding Officer:** As the motion is agreed to, the Post Office (Horizon System) Offences (Scotland) Bill is passed. [*Applause.*]

That concludes decision time.

## Women's and Girls' Rights in Afghanistan

**The Deputy Presiding Officer (Liam McArthur):** The final item of business is a members' business debate on motion S6M-12801, in the name of Michelle Thomson, on the Taliban's suppression of women's and girls' rights in Afghanistan. The debate will be concluded without any question being put. I invite members who wish to participate to press their request-to-speak button.

### *Motion debated,*

That the Parliament condemns what it sees as the continued suppression of the rights of women and girls in Afghanistan, following the takeover by the Taliban authorities; appreciates that, since the Taliban took over Afghanistan in 2021, the United Nations has continued to condemn the actions being enforced and highlight the Taliban's reported behaviour in breaking international law; considers that the requirement to be accompanied by a Mahram, a male chaperone, at all times beyond the home severely inhibits female participation in society; notes the reported restrictions on daily life for women and girls, including access to education, the use of gyms and parks, access to beauty services, bans on women working in various sectors of society, the compulsory wearing of hijabs and the reduction in available aid to women unless being delivered by women workers; notes what it sees as the detrimental impact that restrictions to all educational levels will have on women and girls, including on their acquisition of skills, knowledge and professional development opportunities; further notes what it sees as the detrimental impact that the ban on women and girls accessing outdoor social areas and beauty services will have, including the loss of jobs and the loss of women-only spaces; is appalled by the recently reported intention of the Taliban to re-impose the stoning to death of women; notes reports that the United Nations has declared that the Taliban has restricted the rights of women so gravely that it has made Afghanistan the "most repressive country" in the world; further notes that the overall societal impacts caused by the Taliban restrictions reportedly include increasing food scarcity and reliance on humanitarian aid; understands that population displacement caused by the restrictions has wider impacts, with countries including Scotland welcoming refugees through both humanitarian routes and informal routes; notes the role of the Scottish Government in providing £1 million per annum through the Humanitarian Emergency Fund to international humanitarian crises, including in Afghanistan; recognises the contributions of local groups across Scotland, including those in the Falkirk district, in supporting refugees who have resettled in Scotland to realise their potential, and further condemns the acts of the Taliban authorities in Afghanistan.

16:51

**Michelle Thomson (Falkirk East) (SNP):** I thank colleagues who have stayed for the debate, which is at an atypical time after decision time on a Thursday.

On to the serious matters. Let me start by saying that, if you are raped in Afghanistan, do not report it. You will be accused of adultery, and you

will face public flogging or even stoning to death. If you are a woman or young girl and need the protection of international human rights, do not live in Afghanistan, where every right has been trashed. If you are a girl over the age of 13 in Afghanistan, you are now denied the right to a school or university education. If you are a women's rights activist, you face the wrath of the Taliban.

According to Genocide Watch, in a publication from December 2023,

"The Taliban have arrested many women's rights activists such as Julia Parsi. These women were on the front lines, fighting against inequalities. Today they are tortured and raped by the Taliban."

They are tortured and raped for daring to promote the rights of women. Therefore, it is to the Julia Parsis and the oppressed women of Afghanistan that I dedicate this speech.

Members will know that I frequently raise concerns about the rights and needs of women in Scotland, but we cannot just believe in the rights of women at home. International human rights cannot just be for the affluent west. I cannot claim first-hand knowledge of what life is like for the women of Afghanistan, but I know that they need their voice to be heard and acted on, and I know that the international community has not stood with the women of Afghanistan as it should.

I will remind members of the context. I give thanks to David Lloyd Webber, the United Kingdom managing director of the human emergency response non-governmental organisation, Emergency, for much of the following detail.

Afghanistan has been affected by violent conflict for more than 40 years. Since the 2021 Taliban takeover, the humanitarian crisis has deepened, an inheritance of the long war, poverty and corruption. The already weak institutions have faced the impact of natural disasters, resulting in a fragile social fabric. International sanctions and the freezing of Afghanistan's international assets abroad have put extreme strain on a country that relied on international aid for 75 per cent of public finance prior to the latest Taliban takeover.

It is the work of NGOs such as Emergency that is critical in the provision of health services for women and children. Despite the heroic efforts of many, by 2022, 10.8 million Afghans lacked access to basic primary healthcare services. As of October 2022, 4.7 million children and pregnant and lactating women were estimated to be at risk of acute malnutrition. For women, being separated, widowed or divorced is linked to a decreasing ability to access care because of Taliban rule.

Amidst that situation, imagine that you are a young girl or woman. You are now denied the right to attend school or university. You are also denied the right to work in most sectors of the economy and society. However, in those few areas that you are allowed to work in, such as healthcare, you can no longer be given the educational opportunities that enable you to realistically aspire to become a nurse, a doctor or any profession allied to the health sector. Since more recent decrees, you are not allowed to work in the wider non-governmental organisation sector, which provides critical support for women and children. If you need to travel any distance from home, you are expected to be accompanied by a mahram—a male chaperone. If you venture from your home alone and unaccompanied, you run the risk of being harassed or beaten by the Taliban's so-called morality police.

Since the takeover, the Taliban has introduced not one but 50 decrees that directly curtail the rights and dignity of women. We are talking about a systematic attack on the rights of every girl and woman.

As a United Nations report from earlier this year pointed out,

"the Taliban's vision for Afghanistan is founded on the structural denial of women's rights, well-being and personhood."

According to Samira Hamidi, an Afghan activist at Amnesty International,

"In the past two and half years, the Taliban has dismantled institutions that were providing services to Afghan women."

Last year, the deputy of the Taliban Supreme Court said that the court had issued 37 sentences of stoning and that four people had been buried alive in a wall.

The situation is getting worse—there has been further growth in violence against women. In setting out the ways in which women can be punished, the Taliban's supreme leader, Hibatullah Akhundzada, stated in an audio message that was broadcast on 24 March this year:

"We will flog the women ... we will stone them to death in public".

What a flagrant violation of international human rights laws, including the Convention on the Elimination of All Forms of Discrimination against Women.

As Safia Arefi, who is the head of the Afghan human rights organisation Women's Window of Hope, said:

"With this announcement by the Taliban leader, a new chapter of private punishments has begun".

She went on to say:

“Now, no one is standing beside them to save them from Taliban punishments. The international community has chosen to remain silent in the face of these violations of women’s rights.”

I will not remain silent, and I ask this Parliament not to do so either.

**The Deputy Presiding Officer:** Thank you, Ms Thomson. We now move to the open debate. I call Kenneth Gibson.

16:58

**Kenneth Gibson (Cunninghame North) (SNP):** Thank you, Presiding Officer. I shall read from my iPhone on the grounds that I am incredibly short-sighted and am unable to read the notes that I normally bring to such debates because I left them in my office. I apologise for that.

I thank my colleague Michelle Thomson for securing crucial debating time on this very important subject. Since the Taliban’s return to power in Afghanistan in August 2021, the regime has enforced stringent gender policies, citing Sharia law and traditional Afghan customs as its justification for the appalling measures that it has imposed on Afghan women and girls. I will give a short list of those draconian measures, which include a decree forbidding women to work outside the home; a decree requiring them to wear head-to-toe coverings when they leave; a decree preventing them from leaving home without a male relative; and a decree allowing women captured in Afghanistan’s internal wars to be used as slaves and concubines.

The gravity of the situation has been underscored by the United Nations Security Council, which has stressed that the Taliban’s actions amount to gender persecution and may indeed represent a crime against humanity under the Rome statute of the International Criminal Court, to which Afghanistan has been a party since 2003.

The ramifications of those policies are far-reaching and devastating. Afghan women experience the lowest life expectancy and literacy rates, and the highest infant mortality rates, in Asia, and there have been vast increases in prostitution and begging. Those and many other challenges now face the women and girls of Afghanistan.

Stereotypical and two-dimensional depictions of Afghanistan often obscure the fact that the lives of Afghan women were once very different. Women received the right to vote in 1919—a year after the United Kingdom and a year before the United States. As early as the 1960s, the Afghan constitution enshrined women’s rights under the law.

Despite various setbacks, there was a mood of tolerance and openness in the country as it moved towards democracy in the late 20th century. In 1977, women comprised more than 15 per cent of Afghanistan’s highest legislative body. By the 1990s, 70 per cent of educators, half of Government workers and 40 per cent of doctors in Kabul were women. One woman is quoted as saying that, way back in the 1960s,

“As a girl, I remember my mother wearing miniskirts and taking us to the cinema. My aunt went to university”.

As I briefly touched on, the experience of women under the Taliban represents one of the most egregious human rights abuses in recent memory. It also shows that progress in a society is not always linear. There is no doubt that the Scottish Government and the international community must continue to assist Afghan women in their battle for liberation and equality.

However, it is important to note that Afghan women are not inert and helpless victims. Despite facing immense challenges, they continue to demonstrate a bravery and resilience that would intimidate even the most formidable foe. As renowned women’s rights activists were exiled in the wake of the Taliban’s ascent, a new generation of women—younger and from poorer backgrounds—rose to form the “bread, work, freedom” movement. In the face of tear gas, electric shocks, sexual assault, bullets and arrest, they most recently took to the streets on 19 July last year to protest the outlawing of beauty salons.

Meanwhile, from exile, Afghan educator Pashtana Durrani has created a web of underground schools that are aimed at educating girls beyond the age of 11. LEARN Afghanistan offers courses that are conducted online, many taking place in rooms with computers that are hooked up to generators, all in secret locations, to defy the Taliban and avoid detection.

Moreover, prominent Afghan women who are now in exile, such as Friba Rezayee, who is Afghanistan’s first female Olympian, and Shukria Barakzai, who is a former politician and ambassador, use their platforms to raise awareness and garner international support for Afghan women’s rights.

Furthermore, the work of Dr Fariyal Ross-Sheriff emphasises the ways in which ordinary women resist the Taliban in everyday life. Women not only have to fend for themselves; often, they have to fear for their husbands and sons, who are under constant risk of imprisonment and execution. Research indicates that women play an important role in hiding their male relatives from Taliban soldiers and that, to support extended families, they work all kinds of jobs in places of exile and in Afghanistan itself. When fleeing persecution,

women contribute to decision making and maintain contact with other family members to optimise survival efforts.

The plight of Afghan women under Taliban rule demands urgent attention and action. While facing grave challenges, they exhibit remarkable resilience and courage. It is essential that we all stand in solidarity, amplify their voices and provide, wherever possible, tangible support. By working together, we can strive towards a future in which Afghan women are empowered, respected and free from oppression.

17:03

**Pam Gosal (West Scotland) (Con):** I thank Michelle Thomson for bringing this crucial issue to the chamber, and I extend my heartfelt thanks to the NGOs and other organisations in the United Kingdom and around the world that work to raise awareness and to press Governments to take meaningful action for the women and girls of Afghanistan.

Although I am honoured to speak on the motion, I cannot help but feel a sense of sadness. In one of my first speeches in the chamber on this topic, in September 2021, I said:

“Let us not forget that this is not the end; it is the beginning. The question that we must attend to is what comes next.”—[*Official Report*, 2 September 2021; c 72.]

Unfortunately, what has come next has been much worse, as the Taliban has turned the country back into the dark ages.

Here in the United Kingdom, we are so fortunate. Most of the time, we take our freedoms for granted. However, that is not the case for the women and girls of Afghanistan.

Imagine this. You cannot go to school. You cannot work. You cannot leave your house on your own. You are forced into a marriage that you do not want. Basically, you are a prisoner in your own country.

In Afghanistan, most girls are now barred from attending secondary school and women are forbidden to work. When accessing public spaces, they must be accompanied by a male relative. Survivors of sexual violence can find no solace, as the support systems that were built up over the past 20 years have crumbled into dust. The number of young girls being forced into unwanted marriages has skyrocketed, as families marry them off to avoid starvation or even to secure protection from Taliban fighters.

In the past month, Afghanistan has been affected by catastrophic flooding. According to Glasgow Afghan United, the incident led to at least 70 women being denied their rights and dignity even in death, because the Taliban had got rid of

all the female workers who would have cared for women’s bodies and prepared them for burial. We live in the 21st century. That should not be happening.

In my maiden speech in the Parliament, I highlighted that, as a woman of colour, I had to earn respect in a male-dominated world, especially in my teenage years, when my father passed away. I was always told that, in that so-called man’s world that observed backward traditions, a woman could do only certain things. I was lucky that I lived in Britain, a democratic free-speech society, where I had the chance to challenge those misogynistic views. Today, I am in a position where I can openly speak about being a strong advocate for women and girls. As we all know, sadly, that is not the case for women and girls in Afghanistan.

We all have a duty to do much more. Bringing the discussion to Parliament shows that we have not forgotten. Since April 2021, the United Kingdom Government has allocated more than £600 million in aid. Although it has also established two key resettlement schemes, which have led to nearly 26,000 Afghans finding refuge here, more needs to be done. That can only happen if we all work together.

I stand in unwavering solidarity with all women and girls in Afghanistan who are suffering, particularly those whose lives have been shattered. I hope that, one day, we will all see an Afghanistan that is free, and in which women are no longer treated as second-class citizens but are empowered to pursue their dreams and live in dignity.

17:07

**Ruth Maguire (Cunninghame South) (SNP):** At present, we do not have to look too hard to see documentation of egregious human rights abuses being perpetrated against women and girls and, in the case of Gaza, even babies. I hope that I never become inured to those stark, shocking and heart-breaking images. Although it might be less present in the media, the context of Afghanistan continues to be categorised by constant prohibitions and restrictions on the rights of women and girls.

I am grateful to Michelle Thomson for securing cross-party support in bringing this important debate to the Parliament. I thank her for her long-standing and continuing commitment to women and girls, which she demonstrates weekly in the Parliament and beyond and which was well reflected in her excellent speech.

I am a parliamentary member of the Women’s International League for Peace and Freedom. I agree with it as it urges all states to take concrete action to hold the Taliban accountable for

systematic gender-based violations and to condemn it for what those clearly represent: gender apartheid. The WILPF's recent statement on Afghanistan provides chilling reading. Women are

"arbitrarily arrested on the streets for allegedly not dressing appropriately, and being illegally detained, often without information on their whereabouts provided to their families. There are reports of financial extortion of families in exchange for information on their female relatives' whereabouts".

Detained women are subjected to sexual violence by the Taliban. There were a

"few pockets of life that Afghan women and girls had found to resist, including through remote schooling and operating businesses from home".

Those, too,

"are being violently cracked down upon by the Taliban. Women leaders of civil society organisations including in the humanitarian sector continue to be harassed, arrested, listed by the Taliban intelligence services, and forced to resign ... the rule of law and the justice system have been obliterated by the Taliban",

leaving women and girls

"nowhere to turn"

in the face of myriad violations and living

"in constant fear of punishment due to unpredictable enforcement of Taliban rules."

The UN special rapporteur on Afghanistan noted that

"the institutionalized, systematic and widespread nature"

of the discrimination

"justifies it being framed as 'gender apartheid'."

The situation in Afghanistan is setting a very dangerous precedent for women's and girls' rights globally. The Taliban regime must not be legitimised or normalised, and any engagement with it and the de facto authorities must put human rights front and centre and be fully informed by the recommendations of Afghan female activists.

As Kenneth Gibson set out in his speech on the historical context of women's place in Afghan society, rights, once won, are not guaranteed for ever. The UN special rapporteur has stated:

"the weight of history ... offers little indication that the Taliban leadership is willing to embrace human rights."

I join the Women's International League for Peace and Freedom in calling on all states that genuinely stand for the rights of women and girls and gender justice to

"Take concrete actions to hold the Taliban accountable for these systematic gender-based violations."

That includes

"supporting efforts by the International Criminal Court in prosecuting the crime of gender persecution; exercising

universal jurisdiction regarding gender-based crimes; and issuing arrest warrants and travel bans against Taliban leadership".

17:12

**Martin Whitfield (South Scotland) (Lab):** I extend my thanks to Michelle Thomson for securing this particularly important debate. It is a privilege, as a man, to contribute to the debate and to hear the stories, the explanations and the information about the reach-out work that charities and the third sector are doing with regard to what is happening under the Taliban.

I also thank Michelle Thomson for the wording of her motion, because it is an incredibly powerful statement on what is happening in a country that is not so far away. I was very much taken by the phrase that she has lifted from the United Nations, which has declared gravely that the Taliban's restrictions on women's rights mean that Afghanistan is the "most repressive country" in the world. It is for the rest of the world to look to that and do something about it. It is for the rest of the world—and the men of the rest of the world—to look around and say that what is happening in Afghanistan is wrong.

Kenneth Gibson made a very powerful speech on the history of the situation going back to 1919, when women in Afghanistan gained the vote. Pam Gosal made a very strong contribution about taking freedom for granted, which I will come back to at the end. We have also heard from Ruth Maguire, who it is always a pleasure to follow in debates because of her powerful and thoughtful contributions.

In my short speech, I will concentrate on just one element. This is not to take away from any of the powerful stories that we have heard, but the element that I will comment on is the loss of education for girls in Afghanistan and the role that the BBC World Service is playing. That institution, which goes back to 1932, has launched, in essence, an education service for the secret classrooms—the secret groupings of women and girls who have come together given their desire to learn. No matter how horrendous or horrible people are towards girls in particular, they want to learn. The history of the world tells us that girls will go to extraordinary lengths to learn, and it is good to see that a series that is operated by female BBC journalists who themselves fled Kabul over two years ago now is allowing a touch of education.

I was incredibly taken by the contribution of a 16-year-old, Amina, who said that she has not set foot in a classroom for two years and that she misses the simple routine of being in a school. She misses the routine of classes in which she could learn. She now spends her days learning to

cook traditional Afghan dishes with her mother. A friend told her about “Dars” learning, and she now watches that programme. It gives her a small amount of control over her life.

Maybe that is the most powerful thing about education: it returns control. No matter what other people think, that 16-year-old feels a small amount of control. That itself is an incredibly powerful light that we should look to, work to, support and elevate.

I go back to Pam Gosal’s contribution. She talked about taking freedom for granted. Would it not be lovely if, in the very near future in this Parliament, we could say that taking freedom for granted was a pleasure that the girls and women of Afghanistan could feel again, or at least that they could see the hope that it will come again?

17:16

**Ben Macpherson (Edinburgh Northern and Leith) (SNP):** As colleagues have done, I pay tribute to Michelle Thomson for bringing to Parliament a motion on a very important issue and for her words, and I pay tribute to all colleagues for their words.

For us to discuss the issue in our Parliament is symbolic of the context, which others have referred to, that we are able to speak in this democratic place about the fragility of democracy, the importance of international human rights, and how they can be so vulnerable.

As Amnesty International has stated, just a few years ago in Afghanistan,

“There were around two million girls in the secondary schools and thousands of female students were pursuing higher education in different fields. Women were working as doctors, teachers, pilots, athletes, actresses, politicians, diplomats, ministers, deputy ministers, directors, provincial governors, defence lawyers, judges, businesswomen, CEOs, and employees of NGOs. The Constitution of Afghanistan was one of the most progressive constitutions in the South Asia region and Afghanistan was showing progress when reporting on human rights treaties implementation before the UN treaty bodies. The government institutions such as the Ministry of Women Affairs, Upper House and Lower House of the Parliament, Independent Human Rights Commission; as well as the Prosecution Office for Elimination of Violence against Women and the Special Courts for Elimination of Violence against Women were successful in addressing the challenges women faced in Afghanistan, to some extent.”

However, just a few years ago, on 15 August 2021, the return of the Taliban took all of that away from Afghan women and girls. It was taken away by men.

When the Taliban regained control of Afghanistan at that time, its intent to suffocate the rights of women and girls became immediately apparent. Others have spoken about the

restrictions on freedom, Afghanistan becoming—tragically—one of the most repressive countries in the world, and the imposition of horrendous repression to the extent of the reimposition of stoning to death. It is hard to imagine just how horrific the situation is.

As Human Rights Watch has reported, just as the suppression was swiftly implemented by the Taliban in 2021,

“Protests by women began just as quickly: they took to the streets with placards and chants. The chants coalesced into a clear demand: ‘Bread, work, freedom.’”

It is inspirational that small groups of Afghan women have continued to do that to this day. Indeed, this spring, women gathered in private spaces to demand that harsh restrictions on their freedoms be lifted, despite Taliban crackdowns on protests that have seen activists detained. Their courage is remarkable and inspiring, and the least that we can do is show our solidarity, as we are doing today. The least that we can do is our bit.

In conclusion, I will speak about two friends of mine who have done their bit and have made a difference for the women of Afghanistan.

My former English teacher Sam Mort was head of communications for the United Nations Children’s Fund in Afghanistan in 2021. You may have seen her on the BBC World Service. Her courage in reporting from that place and telling all of us about what was happening was inspirational. Her use of her skills as a diplomat to protect women and girls in Afghanistan during her time there is something that I find inspirational, as I know others do too.

My friend Lucy Blake is a lawyer who worked pro bono to fight for a female Afghan judge, whose name cannot be disclosed because of security concerns, to be able to come to the UK. Last summer, she won that battle for the judge she represented.

Those are two examples of women from our part of the world who are doing their bit as women supporting women. We also remember Linda Norgrove and her foundation, which is still doing great work today.

In the face of Taliban brutality and of such egregious violations of international human rights, we may feel that we can have very little influence, but we must all do our bit, whether that is speaking in Parliament or the sort of significant examples that I have highlighted of people from our country who are making an impact. If we all do our bit, perhaps there can be a brighter future for the women and girls of Afghanistan. We must believe that and work towards it.

**The Deputy Presiding Officer:** I invite Angus Robertson to respond to the debate.

17:21

**The Cabinet Secretary for Constitution, External Affairs and Culture (Angus Robertson):** I thank members for their passionate words and I especially thank Michelle Thomson for bringing this debate to the chamber.

The Scottish Government is committed to promoting democracy, human rights and the rule of law, both at home and abroad, recognising Scotland's role as a good global citizen. Through dialogue, we seek to promote international human rights standards; debates such as this one are vital to that aim. We have shown that this Parliament speaks with one voice in recognising the truly horrific situation faced by women in Afghanistan. I acknowledge the powerful contributions made today by speakers from all sides of Scotland's Parliament: Michelle Thomson, Kenneth Gibson, Pam Gosal, Ruth Maguire, Martin Whitfield and Ben Macpherson.

Since retaking control of Afghanistan in 2021, the Taliban has created the world's most serious crisis in women's rights. The Scottish Government condemns, in the strongest possible terms, the Taliban's systematic violation of the rights of women and girls, particularly of rights relating to education, employment, freedom of speech and movement and of the rights to liberty, life and political participation.

Where we can, the Scottish Government has sought to help people in Afghanistan. In 2021, the country experienced unprecedented levels of hunger and malnutrition due to the combined effects of economic collapse, continuing conflict, the worst drought in living memory and Covid-19. The Scottish Government provided £600,000 of support, including targeted mental health and psychosocial support, for mothers and children, as well as food packages for pregnant and breastfeeding women and for malnourished children. In November 2023, we also provided £250,000 to support those left without shelter and other essentials following several large earthquakes.

UN Security Council resolution 1325 recognises "the important role of women in the prevention and resolution of conflicts ... and stresses the importance of their equal participation ... in all efforts for the maintenance and promotion of peace and security."

Since 2016, the Scottish Government has funded the women in conflict fellowship to support the implementation of that resolution. To date, we have supported 378 fellows from more than 30 countries, including eight outstanding female activists from Afghanistan.

The Scottish Government also funds the Scottish human rights defender fellowship programme, which offers respite to human rights defenders working in difficult conditions and offers them opportunities to undertake research, develop

skills and build networks during a three to six-month visit to Scotland.

Scotland remains committed to playing our part in welcoming and supporting people who are fleeing Afghanistan. Officials continue to work with partners to provide people with the safety and security that they need to rebuild their lives. In line with the key principle of the new Scots refugee integration strategy, local authorities are working to support integration from day 1 of arrival here in Scotland.

We are committed to delivering a feminist approach in all our international work by putting the rights of women, girls and marginalised groups at the heart of our international activities. One way that we deliver on that is through our international development work.

While also implementing equality-focused programmes, we are working to ensure that equality is embedded across all of our international development work, including our inclusive education programme, which promotes fairness and human rights for all, prioritising access to education for women and girls. It was inspired by Malala Yousafzai, the courageous campaigner for better education for girls, who was shot for opposing Taliban restrictions. We set up a scholarship scheme for women in Pakistan and we have continued to invest in that important programme.

Unfortunately, women and children continue to suffer disproportionately in conflicts. The majority of the 35,000 reported deaths in Gaza are known to be women and children. The situation for women in Afghanistan is truly dire, and I urge the United Kingdom Government to do more to work with international partners to address the dreadful humanitarian and human rights situation that we have been considering today.

We know that women and girls are disproportionately affected by crises around the world, whether it be climate change, war or pandemics. Amid concerning global trends of the rolling back of the rights of women and girls, we must remain committed to achieving gender equality at home in Scotland as well as engaging internationally as a good global citizen to advocate for the advancement of rights for all women and all girls.

Nowhere is advocacy, global co-operation and co-ordinated action to protect women more necessary than in Afghanistan today, and we pledge to continue our work on that. I am pleased to note that that pledge has support from all corners of the chamber, and it will continue to do so.

*Meeting closed at 17:27.*



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