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Scottish Parliament

Thursday 19 September 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. To get in as many members as possible, I would appreciate succinct questions and answers.

Investing in Communities Fund

1. Foysoyl Choudhury (Lothian) (Lab): To ask the Scottish Government what assessment it has made of the reported reduction to the investing in communities fund and any impact on its aim of addressing poverty and disadvantage. (S6O-03741)

The Minister for Employment and Investment (Tom Arthur): In light of financial challenges, we have taken the difficult decision to reduce the budget for the investing in communities fund by 5 per cent. I acknowledge that that presents challenges for the delivery of important projects. Officials are working closely with community organisations to jointly agree where savings can be made and to minimise the impact on project delivery.

Foysoyl Choudhury: In July, third sector organisations were told, with little warning, that funding from the investing in communities fund would be cut by 5 per cent. Those organisations include the Larder in Edinburgh, which uses those funds to provide access to meals and to family and adult cookery classes.

Does cutting funds for third sector organisations align with the First Minister's priority of tackling child poverty? Can the minister confirm whether there will be further cuts to the investing in communities fund?

Tom Arthur: I recognise that the matter is of interest to members across the chamber, because many organisations across Scotland have benefited directly from the fund, which has enabled them to deliver valuable projects. As I said in my original answer, the decision was not taken lightly, but it reflects the exceptionally challenging public finance landscape in which we find ourselves. As I also said, my officials are, and have been, working closely with organisations that have been impacted by the decision in order to minimise the impacts. Future funding decisions will

be taken as part of the budget, which the Scottish Government is scheduled to set out in December.

Circular Economy (Scotland) Act 2024

2. Clare Adamson (Motherwell and Wishaw) (SNP): To ask the Scottish Government what impact it anticipates the Circular Economy (Scotland) Act 2024 will have on local government procurement. (S6O-03742)

The Minister for Public Finance (Ivan McKee): Measures that flow from the Circular Economy (Scotland) Act 2024, such as the co-design with local authorities of a statutory code of practice for household waste recycling and the development of a circular economy strategy, may have implications for local authority procurement. We will engage with local authorities to understand the impact on them.

Procurement obligations for local authorities are covered by the Procurement Reform (Scotland) Act 2014. Under that act, local authorities have a responsibility to consider how they can improve the economic, social and environmental wellbeing of their areas.

Clare Adamson: I recently met Danic Lighting, which is a Glasgow-based company that one of my constituents runs. The company specialises in repairable light fittings and works with some of the world's biggest manufacturers, which are based in China. Suppliers are reportedly manufacturing repairable lighting for electrical wholesalers across continental Europe, but not for those in the United Kingdom, and the belief is that the UK is lagging behind the European Union in implementing the right to repair and in adhering to the standard that is set by the Chartered Institution of Building Services Engineers. How is the Scottish Government maintaining and promoting the CIBSE standard in public procurement so that we are building a circular economy with the right to repair at its heart?

Ivan McKee: Clare Adamson highlights one of the many ways in which Brexit is harming Scotland's economy and making the reality of trade and manufacturing far more difficult for businesses. However, that is not stopping us from doing all that we can to encourage and enable innovative firms, such as Danic Lighting, to invest here in Scotland, which will create new clean and green jobs, grow our economy and create prosperity for employees and communities.

I reassure Ms Adamson that the Scottish Government is alert to those issues. We are developing policy to lead by example. We are compiling guidance that is aimed at public sector organisations on circular economy lighting that uses the CIBSE standard, which will integrate circular economy principles into public sector

lighting projects. That will involve input from public agencies and businesses to ensure that we get the guidance right. I would be happy to involve Danic Lighting in that process.

Maurice Golden (North East Scotland) (Con): The reality is that the Circular Economy (Scotland) Act 2024 should have delivered stronger action on public procurement, but the Scottish National Party voted down my attempt to do that. Why?

Ivan McKee: The Circular Economy (Scotland) Act 2024 establishes a legislative framework to support Scotland's transition to a zero waste and circular economy. It will significantly increase reuse and recycling rates and modernise and improve waste and recycling services.

Procurement is an important aspect of developing a circular economy, and powers are already available under the Procurement Reform (Scotland) Act 2014. They include a sustainable procurement duty that requires contracting authorities to consider and act on opportunities to improve economic, social and environmental wellbeing. For the latest annual report on procurement activity in Scotland, 71 per cent of reporting bodies provided evidence of how they are addressing environmental wellbeing and climate change through procurement.

NHS Dentistry (Mid Scotland and Fife)

3. Claire Baker (Mid Scotland and Fife) (Lab): To ask the Scottish Government how it is improving access to national health service dentistry for patients in the Mid Scotland and Fife region. (S6O-03743)

The Minister for Public Health and Women's Health (Jenni Minto): The eligible areas for Scottish Government grants in NHS Fife have recently been reviewed and, to support access in local areas, they will be changing to Glenrothes, Kirkcaldy and Dunfermline to reflect the areas of highest need. The Scottish dental access initiative for establishing, extending or relocating practices' premises pays up to £100,000 for the first surgery and £25,000 for subsequent surgeries. The recruitment and retention allowance pays qualifying dentists up to £37,500 in the first three years of practice.

Claire Baker: Across Mid Scotland and Fife, patient lists are closed and waiting lists are extensive. When asked about future prospects, one dentist told me:

"There is no single event on the horizon which gives hope for the future of NHS dentistry. I am not sure it will survive five years."

As the minister recognises, there seem to be particular issues with recruiting and retaining practitioners in Fife. Will the Government take

further action such as expanding the support for rural and deprived areas or introducing incentives for practitioners, and particularly new graduates, to work in particular parts of the country?

Jenni Minto: The Scottish Government is working on the matter with bodies across the United Kingdom, because the issues that Claire Baker has highlighted are not specific to Scotland. Last week, I wrote to the new Minister of State for Care, Stephen Kinnock, to ask whether we could reconvene cross-Government meetings to look at how we can improve recruitment. We are also working through the General Dental Council to improve the UK workforce through recruiting international dentists. I am pleased that Mr Kinnock has responded positively to my letter and I look forward to meeting him as soon as possible. I would be happy to speak to Claire Baker further about the specific issues that she has raised regarding Fife.

Joe FitzPatrick (Dundee City West) (SNP): The challenges that Claire Baker outlined in her Mid Scotland and Fife region are not unique and are also experienced by my constituents in Dundee, so I am pleased that the Scottish Government has maintained a strong track record in growing Scotland's NHS dental workforce. Will the minister provide an update on how many dentists currently operate in Scotland and how that figure compares with the figures for England and Wales under Labour Governments?

Jenni Minto: The latest data that is available shows that, at 31 March 2024, 3,436 dentists were operating in Scotland's NHS. We have maintained an excellent track record in growing the NHS dental workforce in Scotland, with the same statistics showing that there are 57 dentists in Scotland per 100,000 of the population, compared with 43 in England and 46 in Wales.

Water Industry Commission for Scotland (Review)

4. Jamie Greene (West Scotland) (Con): To ask the Scottish Government when it plans to publish its review of the Water Industry Commission for Scotland, following the Auditor General for Scotland's decision to issue a section 22 report in relation to the audit of the organisation's accounts. (S6O-03744)

The Acting Cabinet Secretary for Net Zero and Energy (Gillian Martin): The independent review of the Water Industry Commission for Scotland is not yet finalised. Once ministers have sight of its findings, we will make a decision on the exact timescales for publication.

Jamie Greene: We need that review pretty quickly, because the evidence that we took in the

Public Audit Committee this morning was damning—actually, it was astonishing.

That example of the mismanagement of a public body is one of the most egregious that I have come across since I joined the Parliament. Hundreds of thousands of pounds of public money were spent on corporate cards. There was a toxic environment. There was a section 22 report from Audit Scotland. A chief executive officer was paid off with six months' salary, and no one seems to know who signed that off—there is still a dispute over that. I therefore ask for some reassurances that the Scottish Government is absolutely all over the issue. We need to restore faith in public bodies, and anyone in charge of one who is found to have misused public money must go.

Gillian Martin: I thank Jamie Greene for his comments. I am indeed all over the issue, as was the previous cabinet secretary, Màiri McAllan. I have a letter from her to the chair, Donald MacRae, which outlines her extreme disappointment to learn, first, of the Auditor General for Scotland being required to issue a section 22 report and, also, of the failings that the Auditor General had identified.

I also want to mention the signing off of the settlement agreement. The former CEO resigned on 19 December, and a settlement agreement was signed by the chair on 4 January and by the former CEO on 5 January. However, the Government was not informed until we saw emails from WICS on 12 January asking for our sign-off on payment. That is not in line with the conditions and requirements set out in the Scottish public finance manual. Ms McAllan made that very clear to the chair at the time. I agree with Jamie Greene that—

The Presiding Officer: Briefly, cabinet secretary.

Gillian Martin: —if there is anything to answer, we must act swiftly.

Disability Equality Plan

5. Jeremy Balfour (Lothian) (Con): To ask the Scottish Government what its response is to the reported comments by Glasgow Disability Alliance that the disability equality plan lacks the ambition, meaningful actions or commitments needed to improve disabled people's lives. (S6O-03745)

The Minister for Equalities (Kaukab Stewart): I greatly value the expertise and advocacy provided by disabled people's organisations including Glasgow Disability Alliance. We are absolutely committed to improving the lives of disabled people and furthering disability equality, and we will continue to work closely with them on the disability equality plan, which is aimed at

tackling systemic barriers that affect the daily lives of disabled people.

We have already delivered progress by reopening the independent living fund to new applicants for the first time since 2010, investing £5 million of our equality and human rights fund to improve outcomes for disabled people, and working with energy suppliers on the co-design of a social tariff for energy.

Jeremy Balfour: The minister will be aware that disabled people in Scotland feel terribly let down. A sum of £10 million was taken away from changing places toilets a couple of weeks ago, and two possible bills have been put into the long grass. More than ever, the disabled community feels left behind and marginalised in society. Will the minister commit to a cross-party meeting with some of the key stakeholders, so that we can put the issue back on track and move it forward quickly?

Kaukab Stewart: I thank Jeremy Balfour for highlighting the concerns of disabled people's organisations, which I acknowledge. I also thank him for sharing my commitment to pursuing equality for disabled people and his offer of further engagement on a cross-party basis, which I accept. I encourage members from across parties to contact my office so that we can make that happen.

Local Flood Plans

6. Willie Rennie (North East Fife) (LD): To ask the Scottish Government whether it plans to develop local flood plans, including natural flood prevention measures. (S6O-03746)

The Acting Cabinet Secretary for Net Zero and Energy (Gillian Martin): Later this year, the Scottish Government will publish a flood resilience strategy, which will aim to set Scotland on a long-term course towards a sustainable level of flood resilience. The strategy will complement the statutory flood risk management planning process whereby the Scottish Environment Protection Agency produces flood risk management plans and local authorities produce local flood risk management plans every six years.

The current plans are valid until 2028. The Scottish Government is supporting delivery of the actions in the plans by providing £42 million annually and an additional £150 million during this parliamentary session.

Willie Rennie: I hope that the strategy works. In recent months, my frustration and annoyance have grown, because I cannot get local authorities or SEPA to accept any responsibility for developing a flood plan for my constituency. I understand that, earlier this year, a meeting with stakeholders was held. I would like to know the

outcome of that meeting. People in Cupar and beyond are watching with frustration, because absolutely nothing is happening to prevent future flooding in their area.

Gillian Martin: I will be happy to provide Mr Rennie with the outcome of that meeting. Further, I ask him to get in touch with my office so that we can have a sit-down conversation about his concerns, which I can then address directly with the local authority.

Kenneth Gibson (Cunninghame North) (SNP): Can the cabinet secretary confirm that, this year, the Scottish Government will invest a record amount in flood prevention measures, despite the current financial challenges, including £39.6 million for the £48 million Millport flood prevention scheme in my constituency? That compares favourably with the figure of only £12 million that was invested across Scotland in the final year of the previous Labour-Liberal Democrat Administration.

Gillian Martin: The Scottish Government takes the issue of flood risk very seriously, as members will imagine. That is why we have ensured that local authorities have received all the requested funding to progress flood protection schemes. I can confirm that North Ayrshire Council received all the funding that it needs to complete construction of the Millport coastal flood protection scheme, which I understand is nearing completion. We have also invested significantly in nature-based solutions such as those for peatland restoration and woodland creation, which contribute to flood resilience alongside many other benefits across Scotland.

Inequalities in Outcomes

7. Paul O’Kane (West Scotland) (Lab): To ask the Scottish Government what its response is to a recent report from the Scottish Health Equity Research Unit, which highlights that “Core outcomes related to inequalities and health are not improving significantly and some are getting worse”. (S6O-03747)

The Cabinet Secretary for Health and Social Care (Neil Gray): The Scottish Government notes the findings of the report. We are determined to tackle poverty and reduce health inequalities in Scotland, and we continue to take wide-ranging action to deliver improved outcomes for families and individuals across the country and to address the root causes of such inequality.

Since 2022-23, we have allocated around £3 billion per year to tackle poverty. We are also progressing a range of actions, including those designed to reduce population health harming activities. We will continue to work with our partners to drive improvements in health, tackle

poverty and embed health considerations in wider policy making. In response to significant economic challenges, such as Brexit, the pandemic, the ongoing cost of living crisis and the continuing effects of the United Kingdom Government’s austerity policies, we will continue to use all the resources and powers available to us to tackle the socioeconomic drivers of ill health.

Paul O’Kane: The report follows from a series of reports published by the Poverty and Inequality Commission earlier this year. Among the comments of the anti-poverty groups that responded to the programme for government were those of Save the Children, which said that there is

“nothing in this programme for government that truly shifts the dial on child poverty.”

It is also concerning that the SHERU report itself says:

“A lack of publicly available data of sufficient quality makes it very difficult for us to assess whether policies are working or not.”

Given that the Government has had to be reminded of the importance of accuracy in the model that it uses to measure progress on child poverty, and given that eradicating such poverty is the First Minister’s and the Government’s number 1 priority, is it not extremely concerning that an independent report seems to suggest that the Government does not know what is having an impact and what is not?

Neil Gray: The suggestion that the Scottish child payment is not having an impact is demonstrably untrue. The authors of the report note:

“A number of organisations, including the Scottish Government, have collected qualitative data that indicates that families who receive the payment have benefited from it.”

Other experts have also underlined the impact of the Scottish child payment. For example, Tom Wernham of the Institute for Fiscal Studies has said:

“The Scottish child payment will have significantly increased the incomes of people who are well below the poverty line, so even if it does not bring them past the poverty line, alleviating the depth of poverty will still be an achievement of the payment.”—[*Official Report, Social Justice and Social Security Committee*, 23 May 2024; c 4.]

Of course, we will continue to evaluate the impact of the policies that we introduce, but this Government is demonstrably investing in areas that will improve poverty. We need the UK Government to follow suit.

The Presiding Officer: We have a concise question 8 from Audrey Nicoll.

Psychotherapists

8. Audrey Nicoll (Aberdeen South and North Kincardine) (SNP): To ask the Scottish Government what action it is taking to support the provision of psychotherapists. (S6O-03748)

The Minister for Social Care, Mental Wellbeing and Sport (Maree Todd): The mental health and wellbeing strategy and its workforce action plan recognise that psychotherapists are part of the core mental health and wellbeing workforce in Scotland. They provide an important role in supporting mental health.

Recruitment and training of registered mental health professionals, including psychotherapists, is a matter for employers such as national health service boards and local authorities. They make informed decisions about recruiting staff, such as psychotherapists, according to local needs, working with the relevant professional bodies and service providers. We expect employers to apply appropriate standards and frameworks when recruiting to specialisms such as psychotherapy.

Audrey Nicoll: Consultant medical psychotherapists play an important role in dealing with complex cases and in training and supporting other therapists. However, some of the advanced training for medical professionals who want to follow that career path is not available in Scotland. In view of the current emphasis on mental health and wellbeing—and although I recognise that the fiscal landscape is extremely challenging—can the minister outline what more can be done to support a review of training in psychotherapy and the funding provision that would enable health professionals to follow that important area of practice?

Maree Todd: The Scottish Government has met the Faculty of Medical Psychotherapy to discuss the training needs. Training is an important element in the mental health and wellbeing workforce action plan, which is why we are providing NHS Education Scotland with around £30 million to continue education, training and workforce expansion for staff who support adult and children's mental health and psychological wellbeing. That includes funding for trainees undertaking a four-year professional doctorate in child and adolescent psychoanalytic psychotherapy.

Consideration of any new additional training reviews and funding requirements will be taken into account when the action plan is refreshed.

First Minister's Question Time

12:01

Skills

1. Douglas Ross (Highlands and Islands) (Con): In 2007, the Scottish National Party launched a skills strategy. The strategy document said:

“A smarter Scotland is at the heart of everything we want to achieve for this country.”

Now, 17 years on, we have the report card on the SNP's skills strategy. This week, the Organisation for Economic Co-operation and Development published a report that says that there are multiple barriers to developing skills in Scotland, that the SNP Government's engagement with employers is limited in outreach and that careers agencies remain fragmented. In a damning conclusion, the OECD states that the link between the SNP's skills policies and economic development is “weak”. Does the First Minister agree with the OECD that his Government's record on skills, after 17 years of the SNP being in power, is weak?

The First Minister (John Swinney): Obviously, the Government will look carefully at the OECD report, but I do not agree with that conclusion. The Government has invested heavily in the skills sector over many years. Engagement with business is work that has been undertaken by a range of organisations, not least Skills Development Scotland, to ensure that we undertake skills audits in localities. That involves engaging with employers to ensure that we understand the future skills needs of individual localities and that those are provided for by the skills development system in Scotland. When we look at the outcomes that have been achieved as a consequence of our investment, we see a record number of young people going on to positive destinations as a consequence of their participation in skills development in Scotland.

Douglas Ross: I am sorry, but the First Minister cannot just say that he disagrees with the outcome of a report. The damning assessment of 17 years is that this Government has been weak on skills.

Not surprisingly, the First Minister ended his answer by speaking about young people in positive destinations. Every year, the Government trumpets its success in the number of young people going to positive destinations, but the OECD report—which I do not believe that the First Minister has read, based on his first answer—says that

“Being in a positive destination ... shortly after finishing secondary school does not guarantee positive outcomes in the long run”,

and that we should be monitoring positive destinations not only after three months but after three years and even beyond. In its 2021 manifesto, the SNP pledged a young persons guarantee that would ensure that everyone between 16 and 24 years old would have the opportunity to access education, training or a job. How is that going? How many young Scottish people are currently economically inactive or not in education?

The First Minister: I do not have that specific figure in front of me now, but I can tell Douglas Ross that, in a whole variety of different sectors, there is provision available for young people to participate in developing their skills—whether that is in the provision of college places around the country, in the provision of modern apprenticeships, in the development of foundation and graduate apprenticeships, which are part of the Government’s reform programme, or through making available university places. We find that a record number of young people from Scotland are participating in higher education and, much to my satisfaction and to the satisfaction of the Government given its policy objectives, a record number of young people from deprived backgrounds are taking part in higher education.

I accept that we must always keep those issues under review, which is why we commissioned the Withers review, and we are taking forward the reform of post-school education as a consequence of that work to ensure that Scotland’s skills system meets the needs not only of the population of Scotland but of the businesses of Scotland, and in support of our approach to investment in our country, too.

Douglas Ross: If I thought it after his first answer, I am certain after the second that the First Minister has not read the extremely important OECD report, which is damning on his Government’s failure over 17 years.

The First Minister said that he was satisfied with what is happening. I am not satisfied by the fact that he cannot come to the chamber and answer a simple question. Let me tell him the answer that he should know, as First Minister and as a former education secretary, which is that 52,700 young Scots aged between 16 and 24 are economically inactive and not in education. Why should the First Minister know that? Because that is one in 10 16 to 24-year-olds, and it is the highest number on record—the highest number ever. I would have thought that the First Minister would have been aware of that.

The young persons guarantee was launched by John Swinney when he was education secretary.

Just a few weeks ago, the minister in charge of the young persons guarantee said that its work had now been mainstreamed across Government. If we strip away the ministerial jargon, it is clear that this complacent Government thinks that the job is done. I remind the First Minister, however, that those alarming figures—the highest-ever number on record—tell a very different story. Is it not the case that the young persons guarantee is yet another broken SNP promise?

The First Minister: No. We take ideas and projects and make them available right across the country. The young persons guarantee started off as a proposition in the City of Edinburgh. It was a tremendously good idea, which was led by Sandy Begbie of Scottish Financial Enterprise, partnering with the City of Edinburgh Council. It was a very good proposition. We listened to that learning and we applied it across the country. That is the right thing to do.

The problem with the statistics that Douglas Ross puts to me is that, in the most recent economic inactivity data available, there was a significant fall in economic inactivity in Scotland and an increase in economic participation. The issues are challenging, and the work on tackling economic inactivity is fundamental to encouraging economic participation, but it commands the focus of Government to maximise the number of people taking part in the labour market and participating in Scotland’s economy.

Douglas Ross: The real problem with the figures is that Scotland’s First Minister does not know that 52,700 16 to 24-year-olds are economically inactive and not in education—the highest-ever number on record. That is the problem, and that is what John Swinney should be focusing on.

The OECD is not alone in highlighting how weak the SNP is in delivering for young people. Today, Audit Scotland issued a damning verdict on the funding cuts to Scotland’s colleges. The SNP’s underfunding of our college sector has left many institutions with a bleak and uncertain future. Audit Scotland predicts that the situation will only get worse, with further job losses and rising financial deficits.

Under the SNP, we have a skills strategy that does not help people to get jobs, an education reform agenda that does not lead to any reforms, colleges that are going bust and a young persons guarantee that does not guarantee anything. How is John Swinney, as First Minister, going to do a better job with any of that than he did as education secretary?

The First Minister: Obviously, I am very familiar with the contents of this morning’s Audit Scotland report. The Audit Scotland report

highlights the challenges that exist in the public finances. The Government is supporting the college sector with £750 million-worth of investment in the current financial year. I welcome that commitment, because it has been delivered against the backdrop of a really difficult financial climate for the public services, which was created by the economic mismanagement of the public finances by the most recent Conservative Government—[*Interruption.*]

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

The First Minister: —for which Douglas Ross was a loyal foot soldier who wanted me to follow the budget of Liz Truss.

The problem that Douglas Ross has is that he perpetually comes along to this Parliament to ask me to spend more money—[*Interruption.*]

The Presiding Officer: Mr Ross, you have put your question. Please listen.

The First Minister: Last week, he asked me to spend more money on peak rail fares and on free school meals for primary 6 and 7 pupils. Now, he is asking me to spend more money on colleges when he will not support—[*Interruption.*]

The Presiding Officer: I ask those members whose voices I am aware that I can hear from here to resist the temptation to contribute at this point. You have not been called to speak.

The First Minister: Last week, Mr Ross asked me to spend more money on free school meals and on peak rail fares, and, today, he wants me to spend more money on colleges, at the same time as he wants me to reduce tax and take £1.5 billion out of the public finances, and to support the Liz Truss economic madness that has inflicted misery on our country. I am going to listen to nothing that Douglas Ross says to me in his remaining couple of weeks, because his record is one of absolute abject economic failure.

National Health Service (Staff Absence)

2. **Anas Sarwar (Glasgow) (Lab):** Yesterday, John Swinney admitted that his party had spent too long focusing on what it cannot do rather than on what it can do, so let us look at one area in which it has full control and the consequence of its failure to focus on it—our NHS.

On the Scottish National Party's watch, one in six Scots is on an NHS waiting list, cancer treatment standards have been missed, almost 5,000 children are waiting for mental health treatment, people face dental waits of three years, and more than 1,100 nursing jobs have been cut since the start of the year, when we already have staff shortages. Our NHS staff have been left at breaking point. Does the First Minister know how

many working hours were lost to NHS staff absence last year?

The First Minister (John Swinney): I would be the first to accept that there are challenges in the national health service, which are a consequence—none of us can deny this—of the pressures that now apply to it as a consequence of the Covid pandemic. As every other health system in the western world is doing, our health service is still wrestling with the challenges that come from that period.

What I can say to Mr Sarwar is that the latest figures show that there has been a 9.9 per cent increase in in-patient and day-case activity year on year and a 2.7 per cent increase in out-patient activity. In relation to planned care, there has been an increase in capacity as a consequence of the introduction of the national treatment centres, as a result of which 20,000 additional surgeries and a range of different interventions are being undertaken. On cancer treatment, which Mr Sarwar mentioned, we are treating more patients with cancer on time within the 62-day standard—3 per cent more compared with the same quarter a year ago, and 12.8 per cent more compared with the position 10 years ago.

That is a story of the national health service—and our committed staff the length and breadth of the country—doing everything that they can to ensure that we meet the needs of individuals in very difficult and challenging circumstances. That will remain the focus of the Government.

Anas Sarwar: The fact of the matter is that NHS waiting lists are getting longer, not shorter, on this Government's watch. The answer that the First Minister was looking for is that more than 15.3 million working hours were lost in a single year in the middle of an NHS crisis. That is the equivalent of 640,000 days lost in our NHS when one in six Scots is on an NHS waiting list.

That has real consequences. Let us take the example of the experience of Karen Campbell, a national health service dental nurse of 25 years, who has been forced to quit after waiting for years for prolapse and hip surgery. Karen just wanted to get back to the job that she loved, but she could not because of her untreated condition. Karen said this:

"It would have been so much easier if they'd fixed me up and kept me working, but now I feel let down. I still appreciate the NHS, but my experience shows how broken the system is."

Can the First Minister explain why an NHS dental nurse has been forced to quit due to NHS waiting lists, when we have NHS staff shortages and an NHS crisis?

The First Minister: I very much regret the circumstances that Anas Sarwar puts to me about

Karen Campbell's case, because it is obviously in the interests of the national health service for its employees to be treated timeously, as is the case in all walks of economic life, to ensure that people can get back to their work. Therefore, I fundamentally accept the importance of the point that has been put to me.

However, there are legitimate challenges that are being wrestled with in relation to the impact as a consequence of the increased demand on services that arose from the Covid pandemic. The Government has expanded national health service staff resources over a number of years. Nursing and midwifery staffing is up 17.5 per cent since the Government came to power. We have seen a 68 per cent increase in the number of medical and dental consultants who have been recruited since this Government came to power.

Therefore, the Government has been investing. We have taken decisions to allocate more investment than would have been the case had we just passed on Barnett consequentials, because we have been prepared to take the decisions that Mr Sarwar no longer supports with regard to taxation in order that we have more resources available in the national health service. One of the Government's key interventions has been to ensure that we focus at all times on maximising the number of staff that we have available, despite the challenges of increasing demand on the service.

Anas Sarwar: Some 15.3 million working hours were lost in our NHS in one year, and that is the First Minister's answer. That is simply not good enough, because Scots deserve an NHS that is there when they need it. However, under this SNP Government, even our NHS staff cannot get the treatment that they need in time to get back to work and treat others. That has created a doom loop of delays in which everyone loses out. The simple truth is that our NHS is not safe with the SNP, and no amount of warm words will cut it. The record shows that it cannot be trusted, because this Government has lost its way. It is incompetent, and it now admits that it has spent too long focusing on campaigning rather than governing. Why are NHS patients and staff being forced to pay the price of this SNP Government's neglect?

The First Minister: There are challenges in the national health service, and there is not an occasion when I am questioned on the subject when I do not accept that point, but there are also a couple of realities that we have to wrestle with. The first is the increased demand that was created as a consequence of the Covid pandemic. Our health service staff are working as hard as they possibly can, and I admire them for all that they are doing to try to deal with that situation.

The second reality is the financial context in which we are operating. This Government has taken some pretty difficult decisions to increase the money that is available to the national health service so that, for example, we can afford pay deals in order that we avoid industrial action. That has been such an important element of sustaining the national health service in Scotland, and I welcome the positive dialogue that has taken place.

However, the problem here is the perpetuation of austerity. Mr Sarwar told me during the election campaign that there would be "No austerity under Labour", so Mr Sarwar can try—

Anas Sarwar: It is always somebody else's fault.

The Presiding Officer: Mr Sarwar.

Anas Sarwar: It is always somebody else's fault.

The Presiding Officer: Let us hear the First Minister.

The First Minister: Mr Sarwar can make all the gesticulations he wants at me. Those were his words: "No austerity under Labour", and we are getting austerity under the Labour Party as we speak. So my message to Mr Sarwar—*[Interruption.]*

The Presiding Officer: Members.

The First Minister: —is that, if he wants to help the situation, he should say to his UK masters to end the austerity because, as he well knows, all roads lead back to Westminster on NHS funding.

Cabinet (Meetings)

3. **Alex Cole-Hamilton (Edinburgh Western) (LD):** To ask the First Minister when the Cabinet will next meet. (S6F-03353)

The First Minister (John Swinney): The Cabinet will next meet on Tuesday.

Alex Cole-Hamilton: Last night, I chaired a packed town-hall meeting in South Queensferry. For four years, my constituents have had their quality of life destroyed by hundreds of high-performance, illegally modified cars and motorbikes racing around their beautiful town. The drivers of those vehicles will abuse and intimidate anyone who approaches them where they gather, in the car park at the foot of the iconic Forth bridge.

Pets have been killed, hotels have lost trade and nobody is getting any sleep. Residents such as pensioner Andy Scott are really worried about road safety. In fact, just as our meeting was concluding, there was a collision right outside our

venue, with a motorcyclist rushed to hospital. Police are appealing for information about that.

The racing and the antisocial behaviour is happening in Inverness, parts of Glasgow, Crail and many other areas. Will the First Minister meet me and agree to establish a national task force to examine what more can be done to address such criminal behaviour, which is blighting so many lives?

The First Minister: First, I am very sorry to hear of the circumstances in South Queensferry. It is a beautiful part of our country and an iconic location, and I am sorry that members of the public are experiencing what they are experiencing.

The Government engages substantively on the question of road safety. The Cabinet Secretary for Transport has been briefing Cabinet on her concerns about road fatalities, which are a very serious and current problem, so that issue is very much on the Cabinet's agenda. I am very happy to have discussions with Mr Cole-Hamilton on the subject and to determine what further action can be taken.

The incident last night that Alex Cole-Hamilton raised will have involved police interaction, and I am sure that the police will have been involved in other instances of that kind. I am happy to host discussions to see what more can be done to address the situation.

There may be some legislative issues that may be worth considering. I fear that some of those will not be within our areas of responsibility because they are road traffic issues, but I am happy to explore all possibilities.

Junk Food Advertising Ban

4. Emma Harper (South Scotland) (SNP): To ask the First Minister what the implications are for public health in Scotland of the United Kingdom Government's announcement that it plans to ban junk food advertising before 9 pm. (S6F-03358)

The First Minister (John Swinney): Improving diet and reducing health inequalities remains a public health priority for the Government. We know that food advertising is significantly skewed towards food that is high in fat, sugar and salt in comparison with healthier options such as fruit and vegetables. That is why the Scottish Government has long advocated for restrictions on the broadcast advertising of less healthy food and drink to children before 9 pm. I welcome the United Kingdom Government's announcement that it intends to introduce those restrictions next year.

Emma Harper: I have been following closely the work of food experts Henry Dimbleby and Dr Chris van Tulleken regarding ultra-processed foods and foods that are high in fat, sugar or salt. I

am aware that the Scottish Government has been calling for such a move from the UK Government, but can the First Minister comment specifically on whether he believes that that move will help to address issues such as childhood obesity, and can he provide an update on how that work will complement the Good Food Nation (Scotland) Act 2022?

The First Minister: The Scottish Government remains committed to using the latest scientific consensus of established evidence to inform our view on ultra-processed foods. Many ultra-processed foods are high in fat, sugar or salt, which can contribute to diet-related conditions. However, some food that is classed as ultra-processed, such as wholegrain breads and breakfast cereals, can be consumed as part of a balanced diet.

We continue to endorse a healthy balanced diet as represented by the "Eatwell Guide". That guide will support progress towards achieving our Scottish dietary goals, and it complements our vision for Scotland to be a good food nation where people from every walk of life can take pride and pleasure in, and benefit from, the food that they produce, buy, cook, serve and eat each day. There are significant issues, and opportunities in the education system to enable a deep understanding of the nutritional value of particular types of food.

Carol Mochan (South Scotland) (Lab): It is welcome that the UK Government has hit the ground running with the delivery of its child health action plan, which includes action on childhood obesity.

Given that a recent Scottish health survey found that one third of Scottish children are at risk of being overweight, does the First Minister accept that the UK Government action is an opportunity to act with urgency to use the devolved powers that we have in Scotland?

The First Minister: The issues that Carol Mochan raises are very much at the heart of the Government's response and intervention on these questions. As I have indicated, the UK Government approach is welcome and it obviously complements many of the measures that we are taking, which are being progressed through the curriculum in Scottish education. There is an opportunity to take forward our commitment to ensuring that people have a balanced, healthy diet, which is essential for individuals' wellbeing.

Brian Whittle (South Scotland) (Con): I listened with interest to the exchange between the First Minister and Emma Harper. He knows my interest in improving nutritional standards in our country. There are two sides to that. There is the side that Emma Harper raised, but the other side

is how we promote healthy food. Does the First Minister agree that the place to start is in our school meals system?

The First Minister: The place to start is in the home and in our schools. We need to make sure that everybody is aware of the nutritional value of food, as well as of the dangers of some foods and the damage that they can do.

Work can also be done to encourage an active lifestyle, which is very important. I can report to Mr Whittle that I was out running this morning.

Mr Whittle is gesticulating to me that he was also out running this morning, so I had better put that on the record to protect his international reputation.

The fact that he has asked me that question gives me the opportunity to say that I welcomed his question last week about the Commonwealth games, and I hope that he welcomes the announcement that the Government made on Tuesday about our support for the work of Commonwealth Games Scotland. Having the Commonwealth games in Glasgow in 2026 is a very visual signal of the opportunities to lead a healthy and active lifestyle.

A83 Rest and Be Thankful Project

5. Tim Eagle (Highlands and Islands) (Con): To ask the First Minister what the Scottish Government's response is to reports that Transport Scotland has spent more than £16 million on consultancy fees in relation to the A83 Rest and Be Thankful project. (S6F-03373)

The First Minister (John Swinney): The Government remains absolutely committed to keeping Argyll and Bute open for business, and we are acutely aware of the importance of the A83 to the communities and economy of the area. That is why we are delivering a range of measures in the short, medium and long terms to reduce the risk and impact of landslides at the Rest and Be Thankful, and the money that we have spent on consultancy will help us to achieve that. The costs that have been incurred reflect the complexity and challenges of the scheme and cover essential assessment, survey and development work, which will allow the project to progress at pace.

Tim Eagle: Last Sunday, the A83 was, once again, closed, and I am told by a constituent that it has been closed yet again this morning.

In the 17 years that the Scottish National Party Government has been in office, it has neglected not just the A83 but the A82, the A9 and the A96—I could go on. Residents and businesses are beyond exasperated. Whether it is ferries, the reaching 100 per cent—R100—programme, hospital projects or the A83, am I to assume that

the neglect of that work shows that the Government does not care about rural Scotland? Can the First Minister confirm when the works on the A83 at the Rest and Be Thankful will actually commence?

The First Minister: The work that has been undertaken on the Rest and Be Thankful, which is the focus of Mr Eagle's question, is essential to ensuring that we have a long-term solution to an extremely challenging route. Anyone who has driven on the A83 knows how challenging the route is because of its exposed nature.

On 15 September, a movement on the hill resulted in 500 tonnes of material coming down and the closure of the A83. The Government has put in place the alternative route of the old military road, which avoids an extensive and lengthy detour, because there are no other options. That is a measure of the approach that the Government has taken to make sure that Argyll and Bute remains connected at all times.

Mr Eagle went through a range of different issues. I simply point out that, for example, on the R100 contract, digital broadband is a reserved responsibility of the United Kingdom Government, and rural—[*Interruption.*]

The Presiding Officer: Members.

The First Minister: Rural Scotland is connected only because of the investment of the Scottish Government.

In relation to the A9, we have completed the stretches between Luncarty and the Pass of Birnam and between Kincaig and Dalraddy, we have concluded the Crubenmore stage, and we have just concluded the tendering process and shall start work on site for the Moy to Tomatin section. All those developments are under way. Why do the Conservatives moan about everything?

Evelyn Tweed (Stirling) (SNP): I think that the Tories are missing the point here. The A83 Rest and Be Thankful is a vital route in Argyll and Bute, and road users want to know how the permanent solution that is being devised by the Scottish Government will benefit them. Will the First Minister set out some detail—[*Interruption.*]

The Presiding Officer: Let us hear Ms Tweed.

Evelyn Tweed: Will the First Minister set out some detail in that regard?

The First Minister: The Scottish Government is taking forward the improvement work on the A83, and a task force is supervising that work. The Cabinet Secretary for Transport leads the task force, which will meet this afternoon as part of the routine work that is under way to ensure that the permanent solution improves the resilience and

operational safety of the route, which is designed to improve access to employment, education and healthcare services and to protect the interests of the people of Argyll and Bute. That matters very significantly to the Government.

Flamingo Land Lomond Banks

6. Ross Greer (West Scotland) (Green): To ask the First Minister what the Scottish Government's response is to the decision by Loch Lomond and the Trossachs national park regarding the Flamingo Land Lomond Banks planning application. (S6F-03376)

The First Minister (John Swinney): I am aware of the decision made by the Loch Lomond and the Trossachs National Park Authority board to refuse planning permission for a development at West Riverside and Woodbank house in Balloch. Given that the applicants have a right of appeal and that such an appeal could come before Scottish ministers in the future, it would not be appropriate for me to make any further comments.

Ross Greer: I appreciate the First Minister's answer and the constraints. I had to lodge that question a few hours before the decision was made.

I am delighted by the unanimous rejection by the park board after a decade of attempts by Flamingo Land to force this daft mega resort on Balloch. More than 154,000 people joined our campaign and objected. They were joined by the Woodland Trust, Ramblers Scotland, the National Trust for Scotland and the Scottish Environment Protection Agency. However, at its core, this was a community campaign. My constituents in Balloch and the Haldane want to turn the page.

I have written to the First Minister to request that the Scottish Government terminate Flamingo Land's exclusive contract with the Government agency that owns most of the site. The agreement was renewed after its first failed application in 2019. It is the key reason why the threat has hung over the people of Balloch for a decade, and it is what has prevented more appropriate development proposals from coming forward. Will the Scottish Government end rather than renew the agreement? Will it review the use of exclusivity agreements and the impact that they have on communities such as Balloch?

The First Minister: There are two elements to the question that Mr Greer has asked, and I understand entirely why he is raising the issue with me. The first element relates specifically to the Flamingo Land development. I had better not say anything specific about that, because a potential appeal could be made.

The second element is about the provision of exclusivity agreements in principle. There will, of

course, be mixed opinions about that, but part of the purpose of exclusivity arrangements is to accelerate planning developments that, in other circumstances, many of us might approve of. For example, renewable energy developments might be speeded up as a consequence of exclusivity arrangements that can be arrived at. We must take a broad view of such questions, because developments and opportunities that would be beneficial to the national interest might be able to be supported by moves of that type.

However, I hear Mr Greer, and the important points that he has made are on the record.

Pam Gosal (West Scotland) (Con): I was pleased with the decision to reject Flamingo Land's planning application. From day 1, I was against the plans, as it was clear to me that too many local residents were concerned about the impact that Flamingo Land would have on them. Does the First Minister acknowledge the importance of considering the views and concerns of local residents when planning decisions are made?

The First Minister: That should be an essential part of any consideration in the planning process. It is in the interests of all parties, including communities and developers, to have good community engagement. In my experience, it is more likely that developments will be enabled if community concerns and interests have been properly taken into account when thinking about development propositions that are brought forward.

Jackie Baillie (Dumbarton) (Lab): The First Minister will be aware that there is a clause in the exclusivity agreement that allows Flamingo Land a further year to obtain planning permission. That can happen through either an appeal or a fresh application, neither of which can be achieved in that timeframe. Will the First Minister therefore end the exclusivity agreement now or, at the very least, not extend it?

The First Minister: Jackie Baillie, whose interest in the matter I understand, encourages me to get into specific issues that could be material to any appeal that comes to ministers. She has long enough experience in the Parliament to know that I have to be very careful not to prejudice the position of Scottish ministers. I hear what she has said, and the Government will consider all relevant issues when any matters that might come to ministers have to be addressed.

The Presiding Officer: We move to constituency and general supplementary questions.

South of Scotland Golden Eagle Project

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): I declare an interest as the golden eagle champion—not many members know that.

The South of Scotland Golden Eagle Project in my constituency has increased the number of golden eagles in the south of Scotland from 10 to nearly 50 over six years, with relatively small calls on public money. It has now advised me that it is at serious risk of closure at the end of the year unless it can access new sources of funding. Will the First Minister look into the matter to ensure that that valuable project, which has increased the population of an iconic bird, can continue?

The First Minister (John Swinney): The South of Scotland Golden Eagle Project is very successful. It began in 2018, when there were only four to eight golden eagles across Dumfries and Galloway, and there are now more golden eagles in the south of Scotland than have been recorded at any time in the past 200 years.

I hear the issue that Christine Grahame has raised, and I will ask the Cabinet Secretary for Rural Affairs, Land Reform and Islands to discuss with her what steps can be taken to secure the project's future.

Princess Alexandra Eye Pavilion

Miles Briggs (Lothian) (Con): On Tuesday, NHS Lothian announced that urgent major repair works will have to be undertaken at the Princess Alexandra eye pavilion. All patient appointments that are scheduled to take place from 28 October will be moved, and it is expected to be six months before the hospital can reopen. In 2014, the current eye pavilion was declared not fit for purpose. There is now real anger about the latest situation, which demonstrates, yet again, the need for a new eye hospital.

Ministers need to take responsibility. They have cancelled the new hospital on two occasions. Will the First Minister personally meet campaigners and cross-party MSPs to get the replacement hospital back on track?

The First Minister (John Swinney): I appreciate the anxiety that will be felt because of the issues relating to the eye pavilion in Edinburgh. As we would expect it to, the health board is working to ensure that there is no diminution of the service and support that are available to patients, so that they can have their needs met.

Obviously, the Government is wrestling with capital funding pressures. Mr Briggs will be familiar with the statements that the Cabinet Secretary for Finance and Local Government has

made about the reduction in our capital budget. That, combined with the significant increase in construction costs that has arisen because of sky-high inflation, has had a consequential effect on our ability to afford projects. Those are the realities that we are wrestling with.

I assure Mr Briggs that the Government is doing everything that we can to deliver that capital programme, but we cannot deliver it as timeously as we would like to because of the effect of inflation and the cuts to our capital budget. I assure him that the Government is focused on finding solutions to those challenging issues.

Hydrogen Industry

Kevin Stewart (Aberdeen Central) (SNP): As the First Minister knows, I played a part in helping to establish the Aberdeen hydrogen project, so I am very pleased this week to hear of £7 million of Scottish Government funding to kick-start green hydrogen projects in Scotland. What more can we do to support the industry and make it thrive? Would it not be better if we had all the economic levers of power to drive forward our net zero agenda?

The First Minister (John Swinney): I agree with Kevin Stewart, and I very much welcome the initiative that he took to encourage the development of the green hydrogen project in the north-east of Scotland, which is a significant economic opportunity. I want to ensure that Scotland is able to realise the benefits of our enormous energy generation potential. The Government's focus on the development of renewable energy—offshore wind resources in particular—will help develop the hydrogen sector, which will contribute to the strengthening of Scotland's economic wellbeing.

I expect to discuss many of those issues at the Scottish energy advisory board meeting that I will co-chair tomorrow to take forward many of those developments.

Funding for Legal Advisers (Island Communities)

Rhoda Grant (Highlands and Islands) (Lab): The First Minister will be aware that the Scottish Legal Aid Board is removing funding for legal advisers from citizens advice bureaux across Scotland. In island communities such as the Western Isles, the removal of those posts will have a disproportional impact, as there are no alternative free sources of legal advice with expertise on local issues, such as crofting. That service will be lost next month. Even at the 11th hour, can the First Minister intervene and save those vital jobs and services?

The First Minister (John Swinney): I will look closely at the issue that Rhoda Grant has put to me. Indeed, we touched on it at yesterday's Conveners Group meeting, at which I was questioned by parliamentary committee conveners. The question was put to me by—I think—my colleague Karen Adam, convener of the Equalities, Human Rights and Civil Justice Committee, who raised the issue of the distinctive needs of island communities in accessing services when no other tangible alternative is available. Rhoda Grant's question about those services comes directly into that territory.

I undertook to the Conveners Group yesterday to reflect on those questions about the availability of services. I will take away the point that Rhoda Grant has raised with me and I will write to her in due course.

Brexit (Impact)

George Adam (Paisley) (SNP): A report by economists at Aston University has warned that the United Kingdom's Brexit deal has caused a "sharp decline" in trade between the UK and the European Union, and it is likely to get worse. Does the First Minister share my concerns that the UK Labour Government is intent on ignoring that evidence of the harm that Brexit is doing to our economy? Does he agree that the best way of improving our economic outlook would be for us to rejoin the EU as an independent nation?

The First Minister (John Swinney): I am absolutely stunned that the UK political consensus now seems to be an acceptance that we just have to resign ourselves to the damage of Brexit. I saw a very impactful and significant interview yesterday with former Prime Minister Sir John Major, in which he highlighted the deep and corrosive damage that Brexit has done to the economy of the United Kingdom. It has had that effect on the Scottish economy, too, where it is more challenging for our businesses to trade with Europe and for us to benefit from the positive economic effects of free movement of the population.

I agree with Mr Adam that the issue has to be addressed, because the United Kingdom has inflicted significant economic damage on Scotland, which voted to stay in the European Union. The only way of reversing that damage is through Scotland becoming an independent member of the European Union.

Wood-burning Stoves Ban

Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con): This morning, the Scottish National Party Government has caved in to pressure from the Scottish Conservatives to abandon its misguided ban on wood-burning

stoves, which would have stopped the installation of wood-burning stoves in new homes. Hundreds of constituents who rely on those heating systems have shared with me the harmful impact of such a ban, particularly on those who live in rural communities and those facing extreme winter conditions.

Will the First Minister now commit to a permanent ban of the policy that he has introduced? Will he also consider looking at the businesses that have been affected and offer them compensation for their job losses?

The First Minister (John Swinney): The Government has set out its position. If Rachael Hamilton's response is a supposed welcome to the Government's agreeing with her, I would hate to hear what her reaction would be if we said that we disagreed with her.

NHS Tayside (Strathmartine Centre)

Michael Marra (North East Scotland) (Lab): Yesterday, I met the chief executive of the Mental Welfare Commission for Scotland to discuss the condition of NHS Tayside's Strathmartine learning disability unit. In the hour before our meeting, an overdue inspection report on the unit was released. The Dickensian conditions that it describes include rats falling from ceilings, mould on walls, rainwater pouring through cracks, insect infestations and the stench of urine throughout.

As far back as 2017, a Mental Welfare Commission report called for a decision "as soon as possible". More reports saying the same followed in 2018, 2019, 2020, 2021, 2023 and 2024. David Strang's devastating reviews of mental welfare in Tayside have sat on Government shelves for four years. Why does nothing ever, ever change?

The First Minister (John Swinney): I am very familiar with the issue, because I have constituents who are supported by the Strathmartine centre, and, as Mr Marra well knows, I have engaged personally and directly on the question in my constituency capacity. Mr Marra's characterisation of the response to the report by David Strang is not an appropriate one. Update reports have been given to local members of Parliament about the steps that are being taken to improve mental health services in the Tayside area as a consequence of Mr Strang's report.

As I set out in my response to Miles Briggs on the issue of capital investment in Edinburgh, there are capital challenges in the health service. There are existing plans to relocate to a single site for learning disability services at Moray royal hospital in Perth, in my constituency, and I look to NHS Tayside to advance those proposals as sustainably as it can in the current financial

context. It is not fair for Mr Marra to characterise the report and the response in the fashion that he has.

Universal Winter Fuel Payment

Clare Haughey (Rutherglen) (SNP): Despite Anas Sarwar's promise to voters that there would be "no austerity under Labour", Labour MPs have voted to scrap the universal winter fuel payment, while the energy price cap is set to rise by 10 per cent. That is causing fear and worry for pensioners in my Rutherglen constituency. Does the First Minister share my concern that Labour MPs have hammered the Scottish Government's spending ability by putting party before pensioners? Does he agree that independence is the solution to avoiding yet another decade of Westminster austerity?

The First Minister (John Swinney): I am deeply concerned by the impact of the decision by the United Kingdom Government to abruptly end the universal provision of winter fuel payments to the pensioner population in the UK, which will result in 900,000 pensioners in Scotland losing access to their winter fuel payment. I would dearly love to be able to maintain the payment as a universal provision—[Interruption.] I am being shouted at by Conservative members saying that I can. Let me go back to where I left off with Douglas Ross. In the past couple of weeks, Conservative members have asked the Government to spend more money on colleges, more money on free school meals, more money on peak fares and more money on winter fuel payments than we will have—[Interruption.]

The Presiding Officer: Let us hear the First Minister.

The First Minister: Our budget will be cut by £160 million as a consequence of changes by the Labour Government. The Conservatives and the Labour Party want us to reduce taxation, which will further reduce the money that is available. Clare Haughey's question reminded me of the commitment that Anas Sarwar gave to the people of Scotland—he gave it directly to me—that there would be "no austerity under Labour". We are now getting austerity under Labour, and Labour should be ashamed of itself.

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

12:49

Meeting suspended.

12:52

On resuming—

Retail Crime and Antisocial Behaviour

The Deputy Presiding Officer (Liam McArthur): The next item of business is a members' business debate on motion S6M-14053, in the name of Sharon Dowey, on addressing retail crime and antisocial behaviour. The debate will be concluded without any question being put. I encourage members who wish to participate to press their request-to-speak buttons.

Motion debated,

That the Parliament notes the view that addressing retail crime and antisocial behaviour should be a priority for both the Scottish and UK governments; acknowledges and deplores the reported significant increase in abuse and violence towards shop workers and rise in shoplifting, which it understands is often the main factor behind abuse and threats, with official data reportedly showing a 21% annual increase in shoplifting incidents; understands that the British Retail Consortium's latest crime survey reveals that there are 1,300 incidents of violence or abuse against retail workers daily, double the number prior to the COVID-19 pandemic; expresses concern over the reported £1.8 billion cost of retail theft in the last reporting year and the £1.2 billion spent by shops on crime prevention measures such as CCTV and body-worn cameras; highlights what it sees as the importance of the Protection of Workers (Retail and Age-restricted Goods and Services) (Scotland) Act 2021 in improving visibility and legal protection for retail workers in Scotland, including in the South Scotland region; notes the Scottish Retail Consortium's call for a greater prioritisation of retail crime by government and law enforcement; further notes the calls on the Scottish Government to provide the police and courts the necessary direction and resources to prosecute offenders; notes the calls for better reporting of incidents by retailers to ensure a fuller picture of the problem, and further notes what it sees as the need for public communication campaigns to explain any new mandated rules on the selling of regulated products in store, which can often be a common trigger for flashpoints, and to make clear that poor customer behaviour will not be tolerated.

12:53

Sharon Dowey (South Scotland) (Con): I am pleased to have the opportunity to raise this pressing issue in Parliament. Retail crime and antisocial behaviour are growing problems, and they must be urgently tackled as they have a hugely detrimental impact not only on workers but on businesses and communities across Scotland.

I am passionate about the issue. Before I became an MSP, I worked in retail for more than 30 years, so I am well aware of the impact on people's physical and mental health, and of the damage that it causes to businesses and our economy. Abuse and violence were often part of the job then, but were far less common than they are now. Retailers paint a stark picture of the

magnitude of the issues that they face and of the difficulties in tackling the problem without more support from the police or Government.

This morning, I was pleased to meet more than a dozen retailers, who told me about the scale of the challenges that they face and the level of antisocial behaviour that shop workers have to put up with, from littering, throwing food and verbal abuse to assault, knife threats and worse.

A recent report by the Scottish Grocers Federation highlights just how bad the situation has become. It reveals an incident in which staff had to confront a man who was wielding a dirty needle. Other incidents include a man throwing a bike and threatening to stab staff; a man hurling a glass bottle; a man pulling a knife on staff when he was asked to return bottles of vodka; and another man trying to bite a worker. In another incident, a group tried to run over a security team in a car when they were challenged in the car park. Those are all horrifying stories. Nobody should have to face such danger when they go to work.

The report also includes a survey of retailers that demonstrates that shoplifting has become a daily occurrence and that violence against staff happens every week. The recent recorded crime in Scotland statistics reveal just how much the problem has been allowed to escalate. When I lodged my motion, the increase in shoplifting was 21 per cent, but the most recent figures show a rise of 34 per cent. In the area that I represent, there was a 40 per cent rise in East Ayrshire and a 22 per cent rise in South Ayrshire—and worryingly, as I heard this morning, those figures only cover reported incidents. Many shops have given up reporting incidents to overstretched and underresourced police, so these criminal acts are allowed to happen without justice being delivered. Indeed, the report highlights that 76 per cent of SGF members are

“unlikely or very unlikely to report shoplifting incidents to the police.”

Behind all those statistics are real people who are simply trying to go about their work or run their businesses. They just want to earn a living, but they are being denied that opportunity, and the impact spreads across the communities that they serve and all of the people who rely on small shops.

On the recent recorded crime figures, David Lonsdale, director of the Scottish Retail Consortium, said:

“Shoplifting isn’t a victimless crime. Shoplifting is the main factor behind abuse and threats towards shop workers and we know from member feedback that thieves are becoming bolder and more aggressive.”

He added:

“The financial costs too are enormous and are ultimately borne by shoppers themselves; in some cases through higher prices on shop shelves.

With a swathe of new mandated rules in the pipeline or under consideration, and which may lead to more flashpoints in store, the SRC wants tackling crime against retailers to be made a greater priority by the authorities, including in the Scottish government’s Strategic Police Priorities, to ensure our shops are made safer.”

John Mason (Glasgow Shettleston) (Ind): The member lists the problems that we face. I think that we are all in agreement on those. I do not know whether she was at the cross-party group on independent convenience stores on Tuesday, when a lot of this was discussed, but does she have any practical solutions other than those that involve more money being spent or having higher taxes? How does she think that, in practice, we can deal with the issue?

Sharon Dowey: I am covering that in my speech, and there is more to come. We need to get more police on our streets and do more to retain the police officers that we already have. There are suggestions in my speech, if the member wants to listen.

The Scottish Retail Consortium previously pointed out that

“Thieves are becoming more brazen and aggressive”,

and it said:

“This isn’t just affecting convenience stores but chemists, garden centres, fashion stores, and retailers more widely. The impact is being felt across all retail destinations.”

That is all happening despite stores taking real action to try to prevent it. They have spent fortunes on closed-circuit television, body-worn cameras and other attempts to protect workers. Some stores supply their security guards with stab-proof vests. However, those things are not making much of a difference, because the problem is so widespread.

The consequences for criminals are almost non-existent. Not only do offenders get away with it, but they are almost encouraged to keep doing it because there are no repercussions. This Government must face the reality that allowing police officer numbers to fall to the lowest level in more than a decade has real-world consequences. It is sending a message to criminals that they can get away with crimes or face very little punishment—or, as I heard this morning, no punishment.

What needs to happen to change that and to give retail workers the protection that they deserve? First, Police Scotland needs more resources. The aim should be to increase front-line officer numbers and retain those officers that we already have. Without more officers responding quickly to these crimes, thieves will

never be caught and shops will be—as they are—discouraged from even reporting abusive or violent behaviour.

As I heard at this morning's meeting, 70 per cent of the crimes are caused by 10 per cent of the offenders, so there needs to be more investigation of the crimes and we must ensure that there are consequences for those who commit them.

I also stress that we need to keep our officers safe by issuing them with body-worn cameras. We have already heard that that would be a game changer. Anything that we can do to improve officers' safety should be implemented as soon as possible. That could also help retain the officers that we already have.

Secondly, there must be better means of reporting incidents by retailers so that problem areas can be quickly identified and targeted, and crimes prevented. As it stands, retailers do not believe that that is happening.

Thirdly, more consideration needs to be given to the pressures that the Government is imposing on workers and businesses. Rules on the selling of products are often a flashpoint for abuse or violence, and the Government is looking to expand the use of those rules in the future. For instance, the challenges that the SRC has cited include September's rise in the minimum unit price for alcohol, upcoming restrictions on the sale of vapes and tobacco, proposed new rules on the location in-store of alcohol products and a disposable cup levy. If those proposals are to go ahead, they should be communicated clearly to the public at large. The rules must be explained, because I heard this morning that retailers are already concerned about the imminent increase in MUP and the lack of public awareness through Scottish Government communication. Clear signals must be sent that abusive or violent customer behaviour is unacceptable and will face punishment.

So far, the Scottish Government has not acted decisively on retail crime. The issues that were raised this morning included a lack of police officers, police response times, making it easier to log incidents and on-going issues with bus passes. The Government has let down workers and businesses through inaction.

I hope that the debate will shed more light on the challenges that front-line staff face, and that it will kick-start not only a conversation but action on how we can solve the issues, so that nobody faces threats in their workplace every day.

The Deputy Presiding Officer: Because of the 2 o'clock restart for afternoon business, we are a little tight for time, so I would be grateful if members could stick to their speaking time allocations. We move to the open debate.

13:03

Ben Macpherson (Edinburgh Northern and Leith) (SNP): I commend Sharon Dowe for bringing this important debate to the chamber. Similarly, I commend Bob Doris, who brought a related debate—on tackling the misuse of off-road vehicles—just last week. Those issues affect constituencies across Scotland, particularly in urban areas, and should not be underestimated.

The importance of retail to the economy has already been well stated by Sharon Dowe. The issues of retail crime and antisocial behaviour that she highlighted are of concern in my constituency. I have met a number of leading supermarkets, which have briefed me on the problems that they have faced and the issues that their staff have been confronting for some time, as well as the fact that those issues have been on the rise.

The same issues affect small businesses. Not too far from the Parliament, I visited businesses in my constituency that have dealt with a number of issues across the summer, in order to help them to secure a more regular police presence to address the matter.

We in the Parliament celebrated small businesses just a few days ago, when Audrey Nicoll brought a debate on the 50th anniversary of the Federation of Small Businesses to the chamber. If our big supermarkets and other big retailers are struggling with the issue, I ask members to imagine what it is like for one or two people to deal with.

We have to prioritise the issue—and the misuse of off-road vehicles—which is of growing concern. Although perpetrated by a very small group of people, the economic and social impacts are significant, and it is becoming a growing trend. In addition to today's debate, I encourage the Government to have a debate in Government time as a follow-up on those matters. Although, in many ways, this is an operational issue for Police Scotland—and there is a question of resource and the allocation of resource—does it need to be prioritised more in dense urban areas such as the constituency that I represent and the region that Sharon Dowe represents, to try to get on top of the issue and to suppress it as a trend?

Our approach should also involve other smart justice interventions such as youth work to help the minority of young people who engage in such behaviour. They are sometimes utilised by organised crime organisations, because their age makes a difference as to how they are treated in the criminal justice system.

According to figures from the Scottish Grocers Federation, 49 per cent of shop theft is committed by repeat offenders who have drug or alcohol addictions. That shows that the issue overlaps

with our approach to supporting people out of such addictions. For example, I increasingly believe that we need to introduce a safe consumption room, or perhaps more than one, in Edinburgh. We need to work across Government on this difficult issue and adopt a multifaceted approach to achieving solutions. Another example would be the idea of removing offenders' use of bus passes where required, which we debated some time ago. We must seriously consider whether passes should be removed from offenders for a period if they continue to engage in criminal and antisocial behaviour.

Retail crime and antisocial behaviour are growing concerns. If we do not get on top of them, they will not only continue to cause real problems for shop workers and our communities but undermine the concept of the rule of law. That would be a real problem for all of us.

13:06

Pam Gosal (West Scotland) (Con): I thank my friend and colleague Sharon Dowe for bringing this important issue to the Scottish Parliament. I also thank all the organisations that supplied members' briefings for the debate. I welcome to the public gallery David Lonsdale, who is director of the Scottish Retail Consortium.

Retail crime and antisocial behaviour represent a significant issue in Scotland. Figures from Police Scotland show that, between August 2021 and January 2024, 10,295 incidents of shoplifting were reported. In addition, 92.8 per cent of respondents to a survey conducted by the Scottish Grocers Federation reported that violence against staff occurs weekly. The same survey found that more than a third of businesses that responded had experienced incidents of violence involving perpetrators who used weapons.

This morning, I attended a round-table meeting on retail crime, which was hosted by my colleague Sharon Dowe and chaired by David Lonsdale. We heard that businesses are having to combat not only shoplifting but violent crimes, which often involve the use of dangerous weapons, such as knives. I will share some of the issues that were highlighted at that meeting. One representative referred to the psychological harm that is caused to retailers, and they gave the example of a retail worker who had suffered a miscarriage. Others expressed concerns about the young age of perpetrators, many of whom are under the age of 16, who engage in violent behaviour that has no consequences. Another representative said that bookshop staff often face violence from perpetrators who are opposed to certain books being sold there, while another highlighted that only one police officer is responsible for investigating retail crime across Scotland.

Shoplifting and antisocial behaviour remain issues in my West Scotland region. Recently, I was contacted by two business improvement districts that represent a substantial number of businesses across the area. The Kirkintilloch and Milngavie BIDs informed me that they have experienced an increase in shoplifting, and that shoplifters are becoming more brazen and aggressive, yet the police response is ineffective. A major supermarket in Milngavie has had to close one of its main entrances due to shoplifters walking out, and along the main street, with baskets full of shopping. Another retailer said that it experiences people shoplifting every day. The BIDs also expressed concerns that such activity will become worse as we approach the Christmas period.

At the same time, the roll-out of upgraded CCTV across East Dunbartonshire has been talked about for more than two years, but has still not been delivered by East Dunbartonshire Council. Thieves seem to know where all the cameras are, and plenty of blind spots still exist, despite the Milngavie BID's offer to the council to fund additional cameras to integrate with the main CCTV system that is currently in place.

Shopkeepers should not have to go through the stress of having to constantly monitor their merchandise. I recently raised the issue in a letter to the Cabinet Secretary for Justice and Home Affairs. I asked her to outline what action her Government is taking to prevent retail crime and whether it has formulated a strategy with Police Scotland to clamp down on shoplifters.

The SNP's soft-touch approach to justice and its failure to provide suitable resources are a root cause of shoplifting and antisocial behaviour in retail.

Ben Macpherson: Will the member take an intervention?

Pam Gosal: Police numbers have fallen to their lowest in 17 years, and I was disappointed to hear that certain crimes will no longer be investigated due to the Government's "proportionate response to crime" approach.

Similarly, high taxes mean that businesses, especially small and medium-sized enterprises, find installing new security equipment challenging. That is why, as mentioned during Tuesday's members' business debate, I said that I was disappointed that the SNP Government did not pass on the 75 per cent business rates relief from the previous UK Conservative Government.

I hope that, in her closing speech, the minister will outline a detailed strategy to tackle retail crime that includes an increase in policing and support for businesses that will help to enhance their security.

Due to time, I could not take an intervention from Ben Macpherson—I am sorry.

13:11

Daniel Johnson (Edinburgh Southern) (Lab): I, too, thank Sharon Dowey for securing time to debate something that I hope that other members know is close to my heart. She is absolutely right to highlight the human impact of the issue. However, let me be clear that I had hoped that we would not have to have this debate. I had hoped that something had changed through the course of the Covid pandemic. During that period, we all stood here a number of times and said that we needed to understand that retail workers were front-line workers and are undervalued, and that we had an opportunity to re-evaluate their importance because, ultimately, we are dependent on retail and retail workers in order to secure the necessities and essentials for life. However, since then, we have regressed.

In the previous session of Parliament, I lodged a member's bill that is now an act of Parliament—the Protection of Workers (Retail and Age-restricted Goods and Services) (Scotland) Act 2021—and that has had some impact. Now, we at least know some of the relevant numbers: according to the latest figures, under that legislation there have been more than 10,000 reports, a 61 per cent detection rate and 1,200 convictions, and more than 1,000 cases are proceeding through the courts. However, clearly, that is not enough, because we are seeing an escalation.

Let us also be clear about the human impact of such crime. Anyone who has had to challenge a shoplifter or ask someone to leave their shop knows what it is like to have that physical confrontation. They know what it is like to have their heart pound and their nerves jangle. Even if they successfully get the person out of their store without any harm to themselves, they are left stunned and reeling for the rest of that day and then they have to go back there the next day—they have to return to that place of stress and trauma. I can only imagine what it must be like for someone who is a victim of violence to return to the place where they were assaulted.

Let us be clear: this is a problem that is getting worse. Before continuing, I remind the chamber of my entry in the register of members' interests, which states that I am a member of the Union of Shop, Distributive and Allied Workers and am the owner of a business that has retail interests. According to USDAW's most recent survey, 18 per cent of shop workers—one in five—who were surveyed had experienced violence in the past year. What makes that worse is that it is a dramatic increase, as the figure was 8 per cent in

the year before and only 5 per cent in 2019. That is an extraordinary rise and one that we should all find unacceptable.

I absolutely agree with what Ben Macpherson said. These are serious issues. All of us recognise that there are no easy answers, but we need a debate on Government time to allow us to discuss the issues. I agree with Ben Macpherson's point about bus passes. The approach does not need to be all or nothing. I have spoken with Lothian Buses and others, and I think that there are technical possibilities, such as time-limited restrictions and so on, so I ask the Government to look into that.

It is also absolutely right to highlight the point about organised crime. It is clear to me from having spoken to Retailers Against Crime and retailers themselves that there is a growing pattern of organised crime, using vulnerable people to steal to order, with the proceeds from that cycling around the black economy, financing drug dealers, human traffickers and other, far more serious criminals. It is not a trivial crime or a victimless crime, and it certainly has consequences in far more serious areas.

We should also consider the pattern of policing. First, we need the police to be far more engaged with retailers, in order to consider solutions and more effective reporting. Above all else, because of the creation of Police Scotland, the balance of policing has gone away from response officers. Having more police officers is one thing, but specialised units have taken police officers, and we need to question whether the balance is correct.

13:15

Gordon MacDonald (Edinburgh Pentlands) (SNP): I thank Sharon Dowey for securing this important debate on retail crime. I bring to the attention of the Parliament the fact that I am the convener of the cross-party group on independent convenience stores. On Tuesday, we had presentations from organisations and retailers on this very subject. I take this opportunity to thank John Mason, Foysol Choudhury and Murdo Fraser, who attended and discussed the subject with more than 20 representatives of the sector.

There is no doubt that shoplifting is on the rise across the United Kingdom, with the British Retail Consortium highlighting that there were 5.6 million incidents of shop theft recorded in 2023, compared with 1.1 million in 2022. Over the past 10 years—since 2014—there has been a 41 per cent rise in shoplifting in Scotland, costing store owners anything between £5,000 and £12,000 each year.

The Scottish Grocers Federation's Scottish crime report for 2023-24 suggests that cases of shoplifting have doubled in the past year. The report highlights that many retailers are reluctant to report cases of shoplifting to the police due to slow response times, which undermines the effectiveness of reporting the crime and solving it.

A constituent of mine who attended the cross-party group meeting on Tuesday night highlighted that, on top of the regular cases of shoplifting, they had, for the first time in more than 20 years, been robbed of a large quantity of high-value goods while the store was open. They had to wait more than a week for the police to attend. Another retailer highlighted how two incidents back in 2016 had had a traumatic impact on their health. That was because they had been broken into overnight twice in a 21-day period, when organised crime gangs stole high-value items. They then had to bear the cost of carrying out repairs and the expense of upgrading security, only to find that their insurance companies would not pay out. The result was that the cost was borne by a family business that provides a service to the community and employs 16 people. Shoplifting or theft is not a victimless crime.

Another aspect of retail crime is the threat of violence. The Association of Convenience Stores reported that, in the past year, there were 76,000 incidents of violence and 1.2 million cases of verbal abuse across the UK. One of the ways in which we have tried to address the issue in Scotland was thanks to the Scottish Grocers Federation, which, working across the political spectrum, put in place the Protection of Workers (Retail and Age-restricted Goods and Services) (Scotland) Act 2021, which came into force in August 2021. We now have a record of the number of cases of abuse, threats and violence towards shop workers in Scotland—but that is not enough.

While I welcome the fact that there are 20 per cent more police officers in Scotland than in England, and 22 per cent more than in Wales, we need to do more. On Tuesday, the cross-party group highlighted a number of actions that could be taken to help retailers to combat shoplifting. One is to establish a self-reporting scheme so that low-level crime is measured, highlighting hotspots and helping retailers to support each other and to be on the alert when incidents happen in their neighbourhood. A second is to investigate the possibility of introducing small grants to independent convenience stores to partly cover the cost of better security, which will help to deter crime. A third is to revise the guidance on the use of CCTV covering the front of premises in order that cameras are more effective in gathering evidence and can be used as a deterrent to would-be shoplifters.

Across the shopping areas in our towns, villages and neighbourhoods, local people are dependent on the independent convenience store sector to provide the everyday necessities of living in the area. We need to address shoplifting in our communities before it becomes an epidemic and threatens the viability of many of those stores.

13:20

Russell Findlay (West Scotland) (Con): I congratulate my colleague Sharon Dowey on securing this important debate.

This morning, Conservative members sat down with senior representatives of Scottish retailers and companies that are at the heart of our communities—companies on which we all rely and which drive our economy and employ many people.

The financial cost of retail crime is impossible to calculate, but of much greater concern is the impact on shop workers. Violence is rife and some staff have already been killed. Many of those tragic cases have not been reported in the media. Only last week, I raised the case of a Glasgow shopkeeper who was stabbed. The police quickly arrested the teenage assailant, who was then released back on to the streets. Within half an hour, he had murdered an innocent man.

I will not talk about statistics. As one of the attendees at this morning's meeting said, the figures have become almost irrelevant, partly because of underreporting. Suffice it to say that retail crime is out of control in Scotland. It is not me saying that: it is the retailers and the police.

The Government has systematically weakened the justice system to the extent that shoplifting has been decriminalised by stealth. What do I mean by that? If retailers call the police and they do not attend, there is no consequence. If a thief is caught but given a recorded police warning instead of being charged, there is no consequence. If they are charged, the chance of a conviction has become close to non-existent so, again, there are no consequences. If consequences are deliberately and systematically removed, there is no deterrent. That leads to the inevitable consequence of criminals who believe that they can act with impunity.

A significant amount of retail crime is committed by organised criminal gangs. Last week, I heard about a group of teenagers who are based in the Glasgow area. They use free bus passes to travel around Scotland and commit large-scale thefts. That is targeted and organised. The gang members are brazen. They make no attempt to hide their faces and they sweep high-value items from the shelves—the primary target is alcoholic

spirits. It is suspected that the group is under the direction of adult organised criminals.

Such gangs are increasingly violent, because they know that there are no consequences. I have seen numerous sickening CCTV videos of those people spitting on staff, punching them, threatening them and doing what they want with no consequence. It is inevitable that more people will end up dead.

The police tell the retailers that their hands are tied. I speak with police officers who often feel powerless and frustrated. It seems that the Scottish Government is content to subcontract retail security on to the shoulders of retailers. Retailers already invest huge sums of money in protecting their staff and stock. It says a lot about the Government's priorities that Police Scotland officers still do not have body-worn cameras, although they are standard kit in almost every shop.

At this morning's meeting, I told the retailers that my party is on their side and on the side of their staff. We believe that crime should have consequences. Retailers can be assured that I and my colleagues will continue to challenge the Government's relentless weakening of our justice system.

13:24

Richard Leonard (Central Scotland) (Lab): I begin by reminding members of my voluntary entry in the register of members' interests.

I thank Sharon Dowey for lodging the motion for today's debate. She is one of the members of this Parliament who bring real-world experience to bear on issues and so deserves to be listened to.

There is no question but that violence, theft and the abuse of shop workers is on the rise: the Scottish Retail Consortium tells us; the Union of Shop, Distributive and Allied Workers tells us; and the front-line workers I speak to tell me.

Today's motion echoes the calls that we have heard from the industry for the Scottish Government to

"provide the police and courts the necessary direction and resources to prosecute offenders".

Well, the fact is that the police are not routinely arresting offenders at all. According to shop workers I have spoken to, Police Scotland will only charge people for shoplifting, for example, if they have a previous record or they are known to the police, which begs the question, "How do you get a previous record if you are never cautioned, never charged, never prosecuted and never sentenced?"

But conversely, the other side of this approach is that, for some people, there is a revolving door in and out of prison for minor offences, often including shoplifting and the non-payment of fines. I spoke just recently to one bright, engaged and engaging young person who told me in his own words that he was an addict and he had spent most of the last few years in and out of prison for minor offences related to his addiction, including shoplifting. In my view, he clearly needed a helping hand, not an iron fist, so I do think we need to have balance in this debate.

USDAW, in its 2023 annual "Freedom From Fear" survey, describes

"a shoplifting epidemic driven by the cost of living crisis and organised crime."

USDAW reports that, among its retail membership, seven out of 10 respondents reported verbal abuse, 46 per cent received threats of violence and, as Daniel Johnson said, 18 per cent were physically assaulted. We know that the biggest single cause of retail crime occurs when somebody is being confronted for shoplifting, and shoplifting has risen by over 40 per cent in the last decade. The annual crime in Scotland report also records that almost a quarter of retail crimes occurred in one of Scotland's top 15 per cent most deprived areas, and that 41 per cent of perpetrators resided in Scotland's most deprived areas. So, there is clearly a link to poverty and inequality, to hopelessness and to powerlessness.

Finally, this Parliament passes legislation on alcohol minimum unit pricing, on vapes and tobacco, on the shelving and display of alcohol and on fireworks, but the enforcement of those laws that we pass invariably falls to those low-paid shop workers out on the front line, which is why they need protection, which is why we passed a law in this Parliament to do just that. But, like any other piece of protective legislation, it needs to be enforced, and that places a requirement on retailers to take their duty of care to their staff seriously; that demands the police treat these incidents not as occupational hazards but as crimes; that means we as a society need to get to the root causes which lie behind this rise in retail crime; and it underlines the important role of trade unions in enforcing the rights of working people, which also means we need to challenge those employers, amongst them some of the biggest supermarket chains, which continue to resist trade union membership and organisation.

So, this is about dignity at work, but it is also about democracy at work. This is about workers' rights, but it is also about human rights.

13:29

Alexander Stewart (Mid Scotland and Fife) (Con): I am pleased to be able to speak in the debate, and I commend and congratulate my colleague Sharon Dowey on bringing this important issue to the chamber. Retailers play an increasingly important role in communities across the country and are the lifeblood of many sectors of our economy. We can all agree that it is unacceptable for those working in retail settings to find themselves subject to any kind of abuse.

Unfortunately, as we have heard from many speakers in the debate, the reality is that abuse is continually happening the length and breadth of the country and the motion rightly highlights those alarming trends.

Earlier this year, a report from the Scottish Grocers' Federation found that 100 per cent of retailers reported an increase in shoplifting in the past year, and 99 per cent said that it happened daily in their stores. The report also found that the cost of the crime was up to £12,000 per store, totalling £62.9 million across Scotland during a year. Perhaps the most shocking statistic was that 92 per cent of stores reported that violence against staff occurred at least once a week.

Clearly, it is a serious problem and serious action and solutions are required. In recent years, the implementation of the Protection of Workers (Retail and Age-restricted Goods and Services) (Scotland) Act 2021 has been a welcome step; but it is only a step. Under the act, more than 10,000 incidents have already been reported to the police since August 2021, which shows the scale of the problem that we are facing. However, more needs to be done to ensure that the perpetrators are prosecuted. As we have already heard, there need to be consequences. Despite Police Scotland identifying the person responsible in 60 per cent of cases, only 11 per cent of those result in a conviction. On top of that, the SGF has highlighted that the lack of response from the police and the lack of confidence that retailers have in them is affecting the situation. It found that 90 per cent of retailers believe that the response to shoplifting is unsatisfactory or insufficiently delayed. There should not be delays; there should be consequences for these actions.

The low conviction rate shows that we are not addressing the problem in the right way, and 75 per cent of retailers say that they are unlikely to report incidents to the police because of it. That is having a massive effect on the sector and the individuals who work in it. The true extent of those crimes is not clear as the raw data is not being uncovered. Although the legislation is there to protect workers, which is a step forward, much more needs to be done.

For example, the motion speaks about the Scottish Retail Consortium's call for greater focus on retail crime from Police Scotland, and for the Scottish Government to take the issue much more seriously. We cannot tolerate a situation in which the police are unable to investigate supposedly minor incidents of shoplifting simply because of a lack of resources from the Government. Instead, we should be aiming for a system that does not hesitate to support individuals who report or have experienced shoplifting.

For the individuals who are working in retail up and down the country, and those who suffer the reality of it each and every day and week, a no-tolerance approach to retail crime and abuse is the least that they deserve. We should support them in that.

13:32

The Minister for Victims and Community Safety (Siobhian Brown): I thank Sharon Dowey for raising this important issue. I am aware that, earlier this week, the cross-party group on independent convenience stores met to discuss many of these issues, too.

As the member notes, shoplifting and violence and abuse towards retail workers are part of a worrying trend across the UK—it is not unique to Scotland—that is, rightly, causing concern among our retailers. The latest police recorded crime statistics, for the year ending this June, suggest that shoplifting is up by more than a third on the previous year. That is not acceptable, and neither is the violence and threatening behaviour that often accompanies such incidents. I thank all members for their contributions to the debate. I know that the issue is very emotive, and I think that all of us in the chamber, regardless of our political colour, want to tackle it.

Russell Findlay: Does the minister accept that this shocking rise that she accepts is happening is in any way due to the fact that there are no consequences for those who are committing the crimes?

The Deputy Presiding Officer: Could the minister adjust her microphone slightly?

Siobhian Brown: I will come on to some of the issues that have been raised later in my speech.

I heard concerns about these issues first hand when I attended meetings of the retail industry leadership group on 14 March and the Scottish Retail Consortium on 19 March. At those meetings, I heard about the work that retailers are doing to cope with these issues, including introducing extra security measures and support for staff, as well as their views on what is driving the upward trend.

I appreciate Ms Dowey's comments on her previous career and her experience of violence in the retail sector in a past life. I have also personally experienced it.

Although the increase cannot be entirely attributed to the cost of living, Police Scotland has been clear with me that that is undoubtedly a major driver. These incidents are deeply concerning, which is why I urge all retailers to keep reporting crimes. I appreciate that some will not, but I will come later in my speech to a Police Scotland initiative that could encourage them to do so.

Each crime report aids our collective understanding of who is doing this and why, and means that police officers may also have intelligence that they can use to catch the perpetrators. Policing in Scotland continues to be a priority for the Scottish Government. Our budget for 2024-25 includes record total police funding of £1.55 billion, which is an increase of £92.7 million on the previous year, despite exceptionally difficult financial circumstances due to the UK Government's austerity.

Daniel Johnson: I wonder whether the minister might respond to the point that I made on that in my speech. It is not about the numbers or the funding but about the model of policing that we have adopted. We prioritise central specialist units over response units, which means that we have fewer response officers than we did prior to police reorganisation. That contributes to the issue.

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

Siobhian Brown: I believe—and we discussed this in a debate last week—that there is an issue in local authorities with collaborative working with the police. I had a meeting last week with my local police and they told me that they could identify all the shoplifters in Ayr town centre and knew how to get in touch with them. There has to be a collaborative approach between local authorities, because it is not just up to the police. There has to be collaborative working between the council, antisocial behaviour services and the police.

I return to Police Scotland funding. That funding will allow the chief constable to deliver on her commitment to strengthen the force through her plans for a revised model of policing, including enabling the service to restart recruitment and increase officer numbers. I note that a few members have called for more police. I am glad to report that Police Scotland has welcomed more than 690 new officers since March and more than 1,280 new recruits since the beginning of 2023. Further intakes are planned throughout this year, with Police Scotland set to take on more recruits this year than at any time since 2013. Police

Scotland described the number of candidates and applicants looking to join up as really positive. I hope that members welcome that.

I am encouraged by the approach that Police Scotland is taking to tackling shoplifting and addressing these recent trends. Central to that work is the innovative Scottish partnership against acquisitive crime strategy, also known as SPAACE, which is led by Police Scotland. It works with retailers and other organisations, including Retailers Against Crime and Neighbourhood Watch Scotland. Its focus is on prevention, deterrence and, where appropriate, enforcement.

I note that the motion raises a point about the protection of retail workers in the South Scotland region. Officers have engaged directly with retailers of various sizes across the whole country on how to minimise opportunities for this type of crime, protect individuals and businesses and deliver clear advice and guidance for prevention. I ask that retailers take advantage of Police Scotland's advice in this area. Although the problem must also be tackled through enforcement, ensuring that premises are not an easy target for shoplifters is important.

The Scottish Government underlines its support for the SPAACE approach in our programme for government, which was published earlier this month, and I would like to draw members' attention to a specific pilot project that Police Scotland has initiated in Fife. Statistics on the number of retailers who are not willing to report crime were given, and work on that is being undertaken. Police Scotland, together with partners and information technology providers—

Sharon Dowey: I mentioned the pilot project taking place in Fife in a previous question. It is not in my region, and I was not able to find out much information about it, but I got feedback from one group that is involved that crimes are being reported—there is a new way to report them—but no action is being taken by the police. The ongoing issue seems to be that the retailers are not reporting any incidents to the police because the police do not have the capacity to respond.

Siobhian Brown: I will have to look into that. I will give the member further information, but I have been told that reports have been submitted to the procurator fiscal as a result of the pilot.

To go back to the pilot, Police Scotland, together with partners and information technology providers, have helped to develop a platform allowing staff in stores to send details of crime directly to Police Scotland, so that offences can be investigated. That happens in other parts of the United Kingdom and it is also happening in New Zealand. There has been engagement with

businesses across the local authority area encouraging participation in the pilot.

Following a soft launch earlier this year, the go live in September 2024 saw more retailers join the platform, which has already resulted in the positive identification of offenders and a number of reports submitted to the procurator fiscal. The ability for stores to compile their own crime reports and submit those directly to the police not only empowers businesses to take action against criminals but frees up police time to investigate incidents. Lead officers hope to see further arrests being made as part of the pilot, and I would join them in encouraging as many retailers as possible in Fife to get involved. I really hope that the scheme will be rolled out throughout Scotland.

The debate has raised an important point about the use of criminal law in attacks against retail workers. Retail workers are already protected by a wide range of criminal laws, including the protection of workers legislation, which came into force in August 2021 and which was based on a member's bill by Daniel Johnson. Today's motion rightly highlights the impact that legislation has had on improving visibility and legal protection for retail workers. Although it is always shocking to hear that retail workers are being threatened and abused, they should feel confident in reporting such offences, as they are being taken seriously by the police.

I am very conscious of time, but one issue that I want to raise is bus passes. [*Interruption.*] I am sorry, but I am not going to take any more interventions, as we are running too short of time.

Work is on-going with stakeholders, including the bus industry, to develop specific actions to tackle antisocial behaviour on the bus network. Work to develop a process for temporary suspension or withdrawal of concessionary travel entitlement through the national concessionary travel scheme is being progressed for consideration in the medium term, including an assessment of the most appropriate route to enable that within the statutory scheme. Work is on-going on that.

I welcome the opportunity to have this debate about these important issues and I again thank Sharon Dowey for lodging the motion.

The Deputy Presiding Officer: That concludes the debate, and I suspend this meeting of Parliament until 2 o'clock.

13:42

Meeting suspended.

14:00

On resuming—

Portfolio Question Time

Education and Skills

The Deputy Presiding Officer (Annabelle Ewing): Good afternoon. The first item of business is portfolio question time, and today's portfolio is education and skills. As ever, I would appreciate succinct questions and answers in order to get in as many members as possible.

Teacher Employment

1. **Fulton MacGregor (Coatbridge and Chryston) (SNP):** To ask the Scottish Government what steps it is taking to ensure that qualified teachers are able to find suitable employment through permanent teaching posts in Scottish schools. (S6O-03733)

The Cabinet Secretary for Education and Skills (Jenny Gilruth): Local councils are responsible for the recruitment and deployment of their staff. That includes providing a complement of teachers that best meets the needs of each of their schools and their pupils.

Although the employment of teachers is a matter for local authorities, the Scottish Government remains committed to protecting teacher numbers and ensuring that qualified teachers are able to find suitable employment through permanent teaching posts. In this year's budget, we are providing local authorities with £145.5 million for that purpose.

Fulton MacGregor: Over the past couple of years and this year, in particular, an increasing number of constituents who are teachers have come to me on the issue. They have advised me that they cannot get permanent posts in North Lanarkshire Council or other councils and that they are having to rely on supply teaching. What more can be done to ensure that those people who are trained to teach our children to the high standards that we can be proud to have here in Scotland are able to do so? What further discussions will the cabinet secretary have with councils, including North Lanarkshire Council, to further realise that potential?

Jenny Gilruth: It is worth noting that the teacher induction scheme provides a one-year probationary placement to allow teachers to meet the standard for full registration. Although that does not provide a guarantee of future employment with a particular council, the scheme is fully funded by the Scottish Government.

Teaching posts require to be advertised and filled in a fair and transparent manner. It is also

worth reflecting on the fact that, over the past 10 years, since 2014, the percentage of teachers who are in permanent posts has remained relatively stable at about 80 per cent. Although we cannot direct teachers with regard to where they should work—nor would I want us to—we will continue to do everything that we can to maximise the number of jobs that are available for teachers, including permanent posts.

To that end, I have had substantive discussions with the Convention of Scottish Local Authorities. I have also asked the strategic board for teacher education to provide me with advice on how we can better understand and tackle the challenge at local authority level. I will meet the board next week to talk about the progress that it has made, and I expect to receive an initial report from it by the end of this year. I am also happy to discuss the issue directly with North Lanarkshire Council, as I have done with other councils. It is worth saying that councils have responsibility for the employment of teachers.

The Deputy Presiding Officer: A number of members wish to ask supplementary questions. We will try to get through as many as we can in the time available.

Karen Adam (Banffshire and Buchan Coast) (SNP): In my constituency, we are seriously struggling to attract and retain teachers. The Scottish Government's incentives to encourage newly qualified staff to take up posts in rural areas are having limited success there. Parent councils in Aberdeenshire are calling for a summit to address the issue. Will the cabinet secretary please meet me and the parents who are concerned about the situation to discuss it further?

Jenny Gilruth: I met parent council representatives from Aberdeenshire earlier this year. I have also met the local authority directly. This year, we have looked at the way in which we make allocations through the preference waiver scheme. This year, by doing that manually, we have sought to increase the number of probationers who are going to Aberdeenshire.

It is also worth saying that fewer teachers are engaging with that scheme post-pandemic. I have asked officials for advice on how we might be able to reflect on, review and update the scheme, because it is not working as I think it was intended to work. There are local challenges in Aberdeenshire, but, as Ms Adam will know, schools such as Banff academy are using pragmatic approaches to filling vacancies. I will be more than happy to meet the member and her constituents.

Liam Kerr (North East Scotland) (Con): In Angus, it has been reported that newly qualified primary teachers have next to no hope of getting

permanent jobs. Only 10.5 per cent of them have a permanent job after a year. They are stuck in a limbo of supply work, in which they are unable to buy a house. Some report being unable to have a family, and some have been offered a refuse collection job as an alternative to a teaching post.

Local figures suggest that Angus Council cannot afford to employ the number of teachers that it needs. Does the cabinet secretary recognise that the Government urgently needs to rethink how it resources education departments in Angus and take practical action of the sort that was absent from her previous answers, to avoid further letting teachers and pupils down?

Jenny Gilruth: I thank the member for his interest. I actually did outline practical action that I have taken in the past year, which is that, where teachers have ticked the box to go anywhere, they have been sent to authorities such as Karen Adam's constituency, where there are vacancies. Therefore, that is a practical measure that we have taken this year, which has sent more probationers to that part of the country.

I am more than happy to engage with the member on the issues in Angus. Every local authority in Scotland is responsible for its own employment of teachers, and they all have different practices. I see the member gesticulating at me about money, and I again remind him that, in this year's budget, which his party voted against, we are providing an extra £145.5 million, ring fenced, to protect teacher numbers. If he wants me to put additional funding into that, I am sure that he will engage with me and members across the Government throughout the budget process on where that additionality might come from.

Pam Duncan-Glancy (Glasgow) (Lab): The fact that teaching has become a precarious job is not something that most of us in Scotland ever thought would be the case, and yet, in 2016, half of post-induction teachers got jobs and, in 2022-23, that had fallen to under a quarter. Pupils and teachers need stability, so I ask the cabinet secretary: how did it get to this, and what will she do to ensure that those who train as teachers get jobs?

Jenny Gilruth: I go back to the point that I made in response to a previous question. The number of teachers in permanent posts today is roughly the same as it was in 2014. I recognise some of the challenges in this regard, and it is important that we work with local authorities such as Angus, which has specific challenges, and Aberdeenshire, which has challenges with regard to subject areas.

I have previously provided an update to the chamber on some of the work that we have done

on supporting bursaries for certain subject areas, and I think that we will have to consider that again. I also intimated in my response to a previous question that I am meeting with the strategic board for teacher education next week to hear advice from it on how we can try to change some of the mood music around here.

However, I would again reflect on the additionality that the Scottish Government is putting in to protect teacher numbers, which is helping to sustain permanence in many parts of the country. Without that, we would see a much more challenging picture. I am more than happy to work with members of the Opposition on that and to hear any ideas that they might have.

Willie Rennie (North East Fife) (LD): I genuinely cannot understand the Government's policy. It says that it wants to recruit 3,500 teachers, even though local councils just cannot afford that, but it then floats the idea that it could reduce teacher contact time without the 3,500 extra teachers. The result is unemployed and underemployed teachers right across the country, so what is the Government's policy? Does it want 3,500 teachers or not?

Jenny Gilruth: As Mr Rennie knows, we invest in Scotland's teachers. I am sure that he welcomed the acceptance from the teaching trade unions only last week of the pay offer that will put an extra £29 million into the pockets of teachers across the country. We invest in Scotland's teachers. The national numbers show that, since 2018, we have seen thousands more teachers in Scotland's schools—there were more than 2,000 more teachers in 2018 alone. I also responded to a previous question about the additionality that we are ring fencing. However, I recognise the challenges. They are local and often vary in relation to subject areas. For example, we need to look at the probationer scheme, which is directly funded by this Government. I look forward to working with the strategic board for teacher education, which I will meet next week.

Islands Scholarship

2. Liam McArthur (Orkney Islands) (LD): To ask the Scottish Government whether it will provide an update on its work to explore the feasibility of an islands scholarship to support higher education students studying in Scotland's islands. (S6O-03734)

The Minister for Higher and Further Education; and Minister for Veterans (Graeme Dey): The Scottish Government is aware of the important contribution that students bring to our island communities, and we want to create opportunities for them to apply their skills and remain on our islands after graduating. During my recent visit to Orkney, I spoke with Professor

Sandy Kerr, who has been working with officials on the idea of an islands scholarship. While mindful of the current pressures on public finances, we agreed that the proposal merits further consideration, and I requested more information, which he provided earlier this week.

Liam McArthur: I thank the minister for that response and for the time that he spent in Orkney last month. Orkney is an important and growing hub of renewables innovation, hosting world-leading firms that provide jobs and benefits to the local community, as well as supporting efforts to meet Scotland's wider just transition goals. However, since the recent withdrawal of the Scottish Funding Council grants for priority postgraduate taught courses, the local energy sector is facing challenges in recruiting skilled staff. Those grants provided huge benefits for relatively modest investment. I urge the minister to give those proposals, which he now has in more detail, positive consideration, to ensure that skills shortages and the risk of depopulation can be addressed through that investment.

Graeme Dey: I give Liam McArthur the assurance that the updated proposal from Professor Kerr, which reached me only in the past few days, will be given appropriate consideration. The public finances are in the most challenging state since devolution. On my first read through, I think that there might be one or two other potential issues with regard to what is being proposed. However, as with any suggestion of that type, I am prepared to consider it on its merits. I recognise the genuine interest on the part of Professor Kerr and Liam McArthur, and I will seek to keep the member updated on the matter.

Learning Disabilities, Autism and Neurodiversity

3. Miles Briggs (Lothian) (Con): To ask the Scottish Government what plans it has to deliver better outcomes for children and young people with learning disabilities, autism and neurodiversity, in light of its decision not to include the introduction of its proposed learning disabilities, autism and neurodivergence bill in the programme for government 2024-25. (S6O-03735)

The Minister for Children, Young People and The Promise (Natalie Don-Innes): Although it has not been possible to include the learning disabilities, autism and neurodivergence bill in the year 4 programme, we remain absolutely committed to the bill and to the need for legislation. We will continue with our work to develop the bill, and we have committed to publishing draft bill provisions.

Maree Todd will meet the bill lived experience panel and stakeholders shortly to discuss the next steps and their involvement. In addition to

developing the bill, we will continue with a range of work that is important to both younger people and adults who are neurodivergent or who have learning disabilities. That includes the roll-out of learning disability annual health checks, our work on neurodevelopmental pathways, and work across Government on the issues that were raised in the consultation on the proposed bill, including employment, education and transport.

Miles Briggs: Many autistic people and families are disappointed that the LDAN bill has been delayed in this way. That is especially the case for the parents of autistic young people who are denied their rights in education because of a lack of support.

Will the minister commit to bringing forward mandatory training for teachers, regardless of whether the bill progresses? I am pleased to see that the Minister for Social Care, Mental Wellbeing and Sport is in the chamber as well today. A cross-party group of Lothian MSPs has written to the Government to outline our concerns about waiting times for children in Lothian to receive a diagnosis and medication, so I hope that those issues can be discussed across portfolios for constituents in Lothian.

Natalie Don-Innes: Absolutely—we are aware of the issues that have been raised in the letter and we are sorry to hear of those concerns. We want to ensure that neurodivergent people are getting the support that they need. We acknowledge the need for better access and support for people who may have attention deficit hyperactivity disorder, that private assessments can lead to issues with medication and that there are still UK-wide ADHD medicine shortages.

We are working with all national health service boards to improve neurodevelopmental support and pathways and will engage with NHS Lothian on the contents of the letter. Both I and Ms Todd would be happy to meet to discuss that further.

Mandatory training is being considered in approaches to the additional support for learning action plan, and I will be happy to update the member as that progresses further.

Foyso Choudhury (Lothian) (Lab): Last year's Hayward review, which we should hear about later today, noted that the impact on learners with disabilities and those with additional support needs should be considered in the creation of any new Scottish qualification. Can the minister outline whether the Scottish Government plans to review educational bodies to ensure that they are delivering a positive outcome for pupils with disabilities and those with additional support needs in developing that qualification?

Natalie Don-Innes: Mr Choudhury raises an important issue. Work is being undertaken on

that—I understand that the cabinet secretary will provide an update on that shortly, and I will allow her to do so.

Mark Ruskell (Mid Scotland and Fife) (Green): I am sure that both the minister and Jenny Gilruth are aware of the Fife neurodevelopmental assessment pathway project, which is a multi-agency approach that enables children and families to get the support that they need while they are waiting for an assessment.

When I visited a Fife school that was involved in the pilot, a couple of years ago, it was clear that that was transforming the learning environment for young people and helping neurodiverse children to unlock their potential. Has the Government reviewed the impacts of that pilot? What consideration is being given to rolling out that type of approach in other parts of Scotland?

Natalie Don-Innes: I am not aware of the current position on that, but I would be happy to look into it and get back to the member.

Teacher Retention

4. **Annie Wells (Glasgow) (Con):** To ask the Scottish Government what action it is taking to encourage teacher retention during the current academic year. (S6O-03736)

The Cabinet Secretary for Education and Skills (Jenny Gilruth): The enhanced pay deal that was agreed last week ensures that Scotland's classroom teachers will continue to be the best paid in the United Kingdom, thereby helping to support teacher retention and ensuring that children and young people's education will not be disrupted. Despite a challenging fiscal position, we have been able to support the deal this year with an additional £29 million being made available to allow for that improved offer, in recognition of the hard work that teachers put into supporting our pupils across Scotland. Ultimately, local authorities have statutory obligations in respect of education and should ensure that they employ the right number of teachers to meet local requirements.

Annie Wells: Teachers in Glasgow are currently voting on industrial action in response to the Scottish National Party city council's decision to cut 450 teaching posts over three years, a move that the Educational Institute of Scotland has described as "damaging and dangerous". That comes as newly qualified teachers in the Glasgow region struggle to get jobs. Does the cabinet secretary accept that the SNP's underfunding of councils and failure to support the teaching profession will have an irreversible impact on pupils in Glasgow?

Jenny Gilruth: I thank the member for her interest in that matter. It is important to say that any legal challenge will be a matter for the council.

Fundamentally, my view is that we do not want teacher numbers to reduce in Glasgow or anywhere else in the country. That is why we are making available £145.5 million to councils to maintain teacher numbers this year; Glasgow has been offered funding of £16.5 million for this financial year to maintain teacher numbers, which is its share of the funding that I spoke of. In 2024-25, Glasgow City Council will receive more than £1.6 billion to fund local services, which equates to an extra £74.9 million to support vital day-to-day services, or an additional 14.9 per cent compared with 2023-24.

I do not accept the second part of the member's question. However, I do recognise the challenge, and she, too, will recognise that there is an on-going legal challenge that I cannot comment on.

As cabinet secretary, I am very much focused on protecting the funding, because protecting teacher numbers is really important in improving outcomes for our children and young people.

The Deputy Presiding Officer: Stuart McMillan has a brief supplementary question.

Stuart McMillan (Greenock and Inverclyde) (SNP): The recruitment and retention of teachers are a matter for local authorities, as Annie Wells and the Tories know. How is the Scottish Government investing in the education system to empower local authorities in that regard?

Jenny Gilruth: Stuart McMillan is correct. Fundamentally, councils are responsible for making sure that they have the right numbers of staff in place to meet local needs. However, as I have mentioned, we are supporting councils to ensure that Scotland continues to have the most teachers per pupil and the highest-paid classroom teachers in the United Kingdom.

We have provided record funding of more than £14 billion to local councils this year alone—a real-terms increase of 2.5 per cent compared with the previous year. That includes the £145.5 million that has been ring fenced to protect teacher numbers and £242 million to support the previous teachers' pay deals. As I set out in my answer to Annie Wells, we have also made available £29 million during this financial year to support the teachers' pay deal.

Stephen Kerr (Central Scotland) (Con): I hear very clearly what the cabinet secretary has said about protecting teacher numbers, but I ask her directly whether that means that the SNP has abandoned its manifesto commitment to add an additional 3,500 new teachers. Has that policy been abandoned—yes or no?

Jenny Gilruth: I have set out the investment that this Government is putting into maintaining teacher numbers at the current time. I would like to

go further, and I look forward to hearing the budget proposals from the Conservatives to support that additionality.

Stephen Kerr: It is in your manifesto.

Jenny Gilruth: I hear the member heckling from a sedentary position but, if he wants me to put in extra funding to support extra teacher numbers—as, of course, the new Labour Government has committed to doing elsewhere—he will have to identify where in the Scottish Government budget that additionality should come from. *[Interruption.]*

The Deputy Presiding Officer: Excuse me, members—could we please not have all this chuntering? Let us make some progress.

Green Skills (Further Education)

5. **Brian Whittle (South Scotland) (Con):** To ask the Scottish Government what action it is taking to ensure that green skills are embedded in the provision of further education. (S6O-03737)

The Minister for Higher and Further Education; and Minister for Veterans (Graeme Dey): Further education and the work of our colleges are critical to ensuring that we have the skills to deliver on our climate goals. The Scottish Funding Council's net zero and sustainability framework is supporting the sector's work to enable Scotland's workforce to develop the high-quality, lifelong skills that are needed for the transition.

With funding from the Scottish Funding Council, the Energy Skills Partnership acts as the college sector lead for the transition to net zero and supports institutions in developing their capability, capacity and curriculum pathways. Our work on skills planning will further develop the approach to green skills.

Brian Whittle: Key to meeting climate change targets will be the delivery of a future workforce that matches that delivery need, and the further education sector has the capability to deliver the apprenticeships that businesses across the engineering and trade sectors are crying out for, as well as upskilling people who are transferring to the renewables sector.

The Audit Scotland report on colleges that has just been published says that there is a lack of leadership and direction on reform from the Scottish Government. What can the Scottish Government do to better align future Scottish Government policy with FE sector delivery and ensure that the output from colleges matches the workforce needs for future green economy skills?

Graeme Dey: Green skills provision is already part of the offering of the FE sector in Scotland, with colleges such as West Lothian and South Lanarkshire being excellent examples of that.

However, it is imperative that the green skills offer aligns with the needs of what is an evolving sector—Brian Whittle is right about that. To that end, when I attended a meeting yesterday of the Scottish offshore wind energy council, I was greatly encouraged to hear about the very detailed and advanced work of its skills and energy group in identifying current and predicted skills needs, particularly in the offshore arena. That work is being carried out in conjunction with the university and college sectors, and that very direct partnership working, which is actively encouraged and supported by this Government, will ensure that the right green skills are on offer from our institutions.

Colin Beattie (Midlothian North and Musselburgh) (SNP): How are organisations such as Lantra Scotland assisting with the provision of green skills-related courses in the further education sector, and how does the Scottish Government support that?

Graeme Dey: Lantra plays a key role in delivering green skills by supporting the skilling, upskilling and retraining of workers in the land-based, aquaculture and environmental conservation sectors. Those sectors contribute to the just transition to net zero by increased carbon capture through regenerative farming practices, forestry and restoration of our peatlands.

The Scottish Government funds Lantra Scotland's 2024-25 work plan, which will enable the organisation, among other things, to distribute practical training funds—for example, the women in forestry and future forester funds—to support applicants in acquiring the green skills that they need to develop their careers.

School Attendance (Care-experienced Young People)

6. Roz McCall (Mid Scotland and Fife) (Con): To ask the Scottish Government what steps it is taking to improve the school attendance of care-experienced young people. (S6O-03738)

The Cabinet Secretary for Education and Skills (Jenny Gilruth): I am committed to supporting improved school attendance for all young people. I recently asked Education Scotland to undertake a deep dive to support greater understanding of the issue, and its report includes five recommendations for improving practice. Education Scotland and the Scottish Government are working together to support those actions, including on an online package of support, designed with local authorities and schools.

In addition, Education Scotland is working with councils on providing practical support, with the first cohort of the improving attendance quality improvement programme beginning shortly. I have

also asked the chief inspector of education to identify successful approaches that can be shared more widely, as part of inspections.

Finally, I read with interest the Children's Commissioner for England's report on children and young people's attendance, and I hope to meet Dame Rachel de Souza to discuss it soon. Officials have been working with the Convention of Scottish Local Authorities and the Association of Directors of Education in Scotland on the development of a framework for education to support improved educational outcomes for care-experienced children and young people, including their attendance.

Roz McCall: The findings contained in the University of Stirling report "Permanently Progressing? Building Secure Futures for Children in Scotland" are deeply concerning. Its study found that, out of the 1,836 participants, it was not possible to link educational attendance, exclusion and absence data for a whopping 1,086. Moreover, 60 per cent did not have a Scottish candidate number. The cabinet secretary will be aware that children are issued with an SCN when they start school, but because that number was not available for the majority of the cohort, linkage with educational data was not possible.

What more is the Scottish Government doing to ensure that our data gathering is robust and includes all children who have experienced care? How can we ensure that the Promise is fulfilled if we do not have the appropriate data set—

The Deputy Presiding Officer: Thank you. I think that the cabinet secretary has got the gist.

Jenny Gilruth: I thank the member for raising the issue. It is a hugely important point, and I very much recognise the importance of using the SCN as a data set to gather information on young people and to track their progress through the educational system. I am concerned by what the member has outlined to me today, and I am more than happy to engage with her directly on that. However, I should put it on the record that, in relation to the Promise, I am recused, as my wife sits on the implementation board.

The Deputy Presiding Officer: I will take two supplementary questions, if both members can be very brief.

Audrey Nicoll (Aberdeen South and North Kincardine) (SNP): Will the cabinet secretary set out some of the reasons why there has been an increase in anxiety and other factors that have caused young people to be less able to engage in their education than was previously the case?

Jenny Gilruth: As we have discussed across the chamber in recent months, it is clear that the pandemic continues to have an impact on

behaviour in schools and has impacted children and young people in lots of different ways. It was a very significant life event, impacting social and emotional development, affecting the transition between primary and secondary schools and causing an increase in anxiety about physically attending school.

We also know from the behaviour in Scottish schools research that other impacts include increased mobile phone use; indeed, I set out some of the response to that in the weeks prior to our returning to Parliament. I will continue to work with our school leaders on how we can best support our young people and our teachers post the pandemic, as those effects are still being felt in our schools today.

The Deputy Presiding Officer: I will take a brief supplementary from Martin Whitfield.

Martin Whitfield (South Scotland) (Lab): I have no intention of embarrassing the cabinet secretary, so I will just ask that, following the publication today of the update on keeping the Promise, her department write to me on what work is being done on the Promise in education framework that deals with the absenteeism of care-experienced children.

Jenny Gilruth: I am more than happy to have my minister write to the member with that information.

The Deputy Presiding Officer: I can squeeze in questions 7 and 8, but I will need brief questions and answers.

Tertiary Education Funding

7. Maurice Golden (North East Scotland) (Con): To ask the Scottish Government what its position is on whether the levels of funding for tertiary education are adequate to support a thriving sector. (S6O-03739)

The Minister for Higher and Further Education; and Minister for Veterans (Graeme Dey): We recognise the crucial role of our universities and colleges in providing post-school education and skills, which is why, despite facing the most challenging fiscal position since devolution, we have allocated around £2 billion to both colleges and universities this year. That demonstrates our long-term commitment to supporting the delivery of high-quality education, training and research. We are also continuing discussions on joint priorities, including funding, with the sectors and the Scottish Funding Council through our tripartite groups.

Maurice Golden: The university sector is not a homogeneous group, and different challenges will be faced by larger and smaller institutions, not least of all because smaller institutions are more

dependent on SFC funding. Does the minister recognise that? If so, can he explain what specific measures have been put in place to ensure that the needs of smaller institutions are being met?

Graeme Dey: As the member will understand, I regularly have a number of institutions seeking to advance their case for more favourable treatment than they currently receive. However, the funding envelope is the funding envelope that we have. If we distribute it more generously in one direction, that means less for others. I have had conversations with a number of universities in that regard. I can commit to working more closely with the universities as a collective as we negotiate the upcoming budget process, trusting that the suggestions that are brought forward reflect, as far as possible, the sector's collated asks.

Wraparound Care (Glasgow Maryhill and Springburn)

8. Bob Doris (Glasgow Maryhill and Springburn) (SNP): To ask the Scottish Government how it supports wraparound care for school-age children in the Glasgow Maryhill and Springburn constituency. (S6O-03740)

The Minister for Children, Young People and The Promise (Natalie Don-Innes): Glasgow is one of our childcare early adopter community areas that are being supported by £16 million of investment over the next two years, as set out in the programme for government. That includes work in the Canal ward, in Mr Doris's constituency, on expanding access to affordable school-age childcare services for targeted families who are most at risk of living in poverty. We are also funding activity services in the area through our extra time programme with the Scottish Football Association, as well as supporting Stepping Stones for Families to deliver affordable school-age childcare and wider family support services in Possilpark.

Bob Doris: I commend that investment. I am fortunate, in that my son benefits from an excellent breakfast club from 8 am and after-school provision until 6 pm when required, both of which are provided by Summerston Childcare. However, how is the Scottish Government addressing unmet need and demand for such services, not only in Maryhill but right across the country? Importantly, how is it mapping progress in addressing those gaps when they are identified?

Natalie Don-Innes: There are a number of work streams in relation to that. At a local level, all local authorities have a statutory duty under the Children (Scotland) Act 2020 to consult with parents about their school-age childcare needs every two years, and to prepare and publish plans for the provision of appropriate care. In addition, through those six childcare early adopter

communities, we are co-designing local childcare systems to meet parents' and carers' needs, understanding that that will look different in each community.

At a national level, the Scottish Government has been working with the Improvement Service and Assist FM to map breakfast and after-school club provision across all 32 local authorities and to identify any gaps in that provision. We will continue to work with our partners across local government to understand what it takes to expand access to year-round school-age childcare, building on the provision that is already in place and respecting local flexibilities.

The Deputy Presiding Officer: That concludes portfolio questions on education and skills. There will be a brief pause before we move on to the next item of business, to allow front-bench teams to change positions.

Greenhouse Gas Emissions 2021 and 2022

The Deputy Presiding Officer (Annabelle Ewing): The next item of business is a statement by Gillian Martin on greenhouse gas emissions in 2021 and 2022. The cabinet secretary will take questions at the end of her statement, so there should be no interventions or interruptions.

14:29

The Acting Cabinet Secretary for Net Zero and Energy (Gillian Martin): Tackling the climate emergency has been a long-standing commitment of the Government. We were one of the first nations in the world to declare a global climate emergency, and we are already more than halfway to net zero. I am proud to say that, in Scotland, nearly half of the population can now benefit from free bus travel, we provide grants and loans to support households and businesses to move to clean heating, and we have ensured that the public electric vehicle charging network is on track to include 6,000 charging points in 2024, two years ahead of schedule.

Recently, the Met Office confirmed that 2023 was the hottest year on record. Against a backdrop of ever-increasing global temperatures and more extreme weather here, the twin crises of climate change and biodiversity loss are perhaps the single greatest long-term threat that we face globally. It is that threat, the effects of which we are already seeing, that makes action on the climate emergency an urgent moral and environmental imperative.

In line with the requirement under section 36 of the Climate Change (Scotland) Act 2009, we laid in Parliament on 5 September an emissions reduction catch-up report for the 2021 and 2022 annual targets. The report sets out the additional emissions reductions that are required to reach the annual targets, which were, regrettably, missed in 2021 and 2022. I am thankful for the opportunity, in a busy schedule of business, to discuss in the Parliament the details of the report.

Earlier this week, I informed the Parliament of two numerical errors that have come to light following the publication of our section 36 report. Those errors pertain to the climate change targets and a recent statement that was made about peatland restoration. The errors do not affect the primary purpose and effect of the section 36 report, as the policy measures that are identified in the report are more than enough to make up for the excess emissions.

The two numerical errors came to light following the publication of our section 36 report. They are

relatively limited, but any error of that nature requires immediate and emphatic corrective action. I assure members that I take the importance of providing accurate and clear information to the Parliament very seriously, and I am therefore taking the opportunity to address the matter in the chamber. I wrote to the Net Zero, Energy and Transport Committee on Monday evening and had a short discussion on the issue during my committee appearance on Tuesday.

The first issue relates to the climate change targets for 2021 to 2029, as published on the Scottish Government website. On the basis of advice from the Climate Change Committee in December 2022, those targets were revised and republished. However, in reviewing the methodology for calculating annual targets as part of the preparation for the passage of the Climate Change (Emissions Reduction Targets) (Scotland) Bill, my officials have determined that there are minor discrepancies of 0.1 percentage points for selected targets between 2021 and 2029, including the target for 2021. That took place in the context of a revision of targets, at the recommendation of the Climate Change Committee, to take account of methodology changes in how greenhouse gas emissions were being measured.

That error has an impact on the section 36 report, which I am here to discuss. We reported that the greenhouse gas account reduced by 49.9 per cent between the baseline period and 2021 and that, as a result, the target of a 51.1 per cent reduction was missed.

On recalculation, I confirm that the correct target figure in 2021 is 51.2 per cent. That small miscalculation has not altered the fact that we missed the 2021 target; it has altered only the scale by which we missed it. The level of resultant catch-up duty has increased by a very small amount: less than 0.1 megatonnes. I confirm that the policy measures that were identified in the published section 36 report are more than enough to make up for that addition.

If the Climate Change (Emissions Reduction Targets) (Scotland) Bill is passed as introduced, that error should only be a backward-looking issue for 2021, rather than a forward-looking issue for performance against current and future targets.

Separately, I must inform members that an error has been identified in the reporting of a peatland restoration statistic relating to the 19 June 2024 statement to the Parliament on Scotland's performance against the greenhouse gas emissions target. The error was repeated in the 5 September publication of the section 36 report. We stated that we have restored 75,000 hectares of degraded peatland since 2019, which is incorrect. The 75,000 hectares figure reflects the

total amount of peatland that has been restored to date, not since 2019.

I have notified the Parliament by letter of those small errors, and I will ensure that the necessary corrections are made to the impacted publications.

We have now reviewed all the policies and actions that we have taken since the publication of the climate change plan update in December 2020. The section 36 catch-up report included the regulation of fluorinated gases—F-gases—and the emissions trading scheme. Those are additional to what was included in estimates of the emissions reductions covered by the climate change plan update. They involve co-ordination with the United Kingdom and Welsh Governments, as well as with the Northern Ireland Executive, to support emissions reductions in Scotland, as well as in the rest of the UK. F-gases are up to 20,000 times more powerful than carbon dioxide. They contribute to climate change and are used in settings such as refrigeration, air conditioning, heat pumps and energy networks. The UK ETS is a carbon-pricing instrument that imposes a cost on emissions from certain sectors.

The report also includes an ambitious package of new policies to step up action on climate change in Scotland and support a just transition to net zero. The policy package contains 19 policy actions, including more than quadrupling the number of electric vehicle charge points by 2030, developing an integrated ticketing system that can be used across public transport, and piloting the roll-out of methane-suppressing animal feed products.

The policies in the report are being progressed in parallel with our ambitious and wide-ranging programme of legislative reform through the Circular Economy (Scotland) Act 2024, the Agriculture and Rural Communities (Scotland) Act 2024 and the Land Reform (Scotland) Bill. We also continue to consider next steps with our proposed heat in buildings bill, following recent consultation.

In addition, this year, we will set out a route map for the delivery of approximately 24,000 additional public electric vehicle charge points by 2030. We will progress our ambition of a 20 per cent reduction in car use by 2030, and we will support farmers and crofters to reduce emissions and deliver biodiversity improvements through our agricultural reform programme. However, despite committing £4.7 billion in 2024-25 for activities that will have a positive impact on the delivery of our climate change goals, the almost 9 per cent cut to our capital budget by 2027-28 from the UK Government—a cumulative loss of more than £1.3 billion—has added to the already very challenging fiscal environment. We are also concerned that the £22 billion-worth of cuts that were recently

announced by the Chancellor of the Exchequer could have a further negative impact on delivery.

We have introduced legislation to enable a carbon budget approach to be taken to emissions targets. Replacing linear annual targets with five-year carbon budgets will provide a more reliable framework for sustained progress on reducing emissions. We are retaining our ambitious commitment to reach net zero by 2045, alongside annual reporting on our climate progress, and we will continue to publish catch-up reports for any missed targets. Scottish ministers have an unwavering commitment to a just transition to net zero by 2045—five years ahead of the UK as a whole—which is still one of the most ambitious targets in the world.

I look forward to working with members on this vital issue and to the Parliament's consideration of the Climate Change (Emissions Reduction Targets) (Scotland) Bill.

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

Douglas Lumsden (North East Scotland) (Con): I thank the cabinet secretary for advance sight of her statement, but that statement by the devolved Scottish National Party Government is an embarrassment. The Government constantly misses its climate change targets and now has to admit that it cannot even do its sums properly, which smacks of complete incompetence. Targets have been missed, calculations are wrong, the section 36 report is inaccurate and the peatland restoration figures are wrong. We were promised a climate change plan months ago but have no guarantee that we will see a draft by next summer. We were promised an energy strategy and a just transition plan months ago, but those have still not been published. Targets have been scrapped and there is no real clarity about when the new carbon budgets will be in place.

When it comes to climate change, the SNP has overpromised and underdelivered. It has simply lost all credibility. What will the devolved Government do to regain the people's trust? Can the cabinet secretary guarantee that there will be a climate change plan in law before the end of this parliamentary session? What steps will the Government take to ensure that the data that is published is accurate?

Gillian Martin: It is regrettable when we miss targets, but I still think that we should set stretching targets. I also think it is important that we have the mechanism of a section 36 report, so that we can take corrective action when we do not meet such targets.

The report that I published includes a suite of new policies, including more than quadrupling the number of electric vehicles, that will step up action in Scotland on climate change. We are also working with the UK Government on fluorinated gases and on the UK emissions trading scheme.

One of my predecessors, Roseanna Cunningham, said that when we set stretching targets, we must be prepared to follow them up with action. When we bring measures to Parliament to accelerate that action, we should expect that those who are critical, like Mr Lumsden, will vote for them in order to meet the targets. In the spirit of what Mr Lumsden asked, I therefore look forward to having the full support of Conservative members for the measures that we propose to make up for missing the targets, because action is required in those areas.

Mr Lumsden mentioned statistical errors. My statement included an assessment of how those small errors were made. Action to correct those errors was taken within a matter of hours of the officials noticing them. We are talking about a difference of 0.1 percentage points between figures, and that has been corrected. I wrote to the committee as soon as I found out about the error and discussed it as part of my evidence on Tuesday, and I am making the point here today. If Mr Lumsden wants more detail, I would be happy to write to him.

Sarah Boyack (Lothian) (Lab): I also thank the cabinet secretary for advance sight of her statement and welcome her commitment to transparency, although the adjusted numbers still represent missed targets and missed opportunities.

The cabinet secretary talked about 19 Scottish Government policies, most of which are not new and all of which lack detail. She mentioned the idea of integrated ticketing, which goes back to 2012, but the only commitment in the policy package is to explore that idea. A reduction in car use was also included but, in March, the UK Climate Change Committee said that any clear strategy for how that will be achieved is missing. The cabinet secretary referred to bus passes for the over-60s, which I introduced, and for the under-22s, which I welcomed, but we are losing buses, train services are being cut and peak fares are coming back at the end of the month.

Almost all 19 policies are just warm words. The current approach is failing, so will the cabinet secretary outline the actions that the Government is taking to tackle the highest-emitting sectors such as transport, buildings, land use and industry? Will she also set out what sectoral reductions the Government will actually deliver to reduce our emissions?

Gillian Martin: The report includes a range of actions, and a range of ways of delivering emissions reductions was set out in the programme for government.

I will point to some of what is in the plan. Some ideas are long-term and we will build on or develop them. There is a consultation at the moment about the management of marine protected areas. We have a biodiversity delivery plan, and the coming land reform will include actions to reduce emissions. We will use a hydrogen action plan to decarbonise our industries.

We have strategic investment in offshore wind, which will decarbonise our electricity supply. We will have a natural environment bill, which is designed to improve biodiversity, and a heat in buildings bill, which is designed to bring down the emissions from both our domestic and commercial building networks. We are implementing an agricultural reform programme as part of the Agriculture and Rural Communities (Scotland) Act 2024, the bill having been passed before the summer recess. We are committed to a 20 per cent reduction in car use and, as we committed to in April, we are consulting on a carbon tax.

The actions that we have included in the report should result in a reduction of 4.1 megatonnes in greenhouse gas emissions, which will more than compensate for the shortfall in 2021-22. Factors from before that point made a material impact: there was an increase in car use and, indeed, in aviation use as a result of restrictions being lifted after Covid-19, which meant that there was a spike. That is why the five-year carbon budgeting approach will look at things beyond the in-year process, where we have spikes and troughs.

I assure Sarah Boyack that I am doing everything I can with the budget that I have available to me and that the cabinet secretaries are helping me to reduce emissions in their sectors in order to ensure that we look strategically at where we can take direct action. A lot of that will be informed by the cross-Government work that we do where there are reserved issues, such as with regard to the gas grid. I will continue that very challenging work with the budget that I have, and I am happy to take any advice from anyone who has solutions to any of the challenges that we face.

The Deputy Presiding Officer: I advise members that we have used up about seven minutes and a number of back benchers are keen to answer questions, so brief questions and brief answers would be appreciated.

Audrey Nicoll (Aberdeen South and North Kincardine) (SNP): It is vital to ensure that Scotland's pathway to 2045 is set at a realistic

pace and scale that are feasible and reflect the latest independent advice. Will the cabinet secretary say more about the Government's plans to engage with stakeholders and experts such as the Climate Change Committee as the pathway unfolds?

Gillian Martin: We intend to engage more widely during the development of the secondary legislation in order to set carbon budget levels in developing the next climate change plan. That will include requesting formal advice from the Climate Change Committee and continued engagement with groups such as the climate change plan advisory group.

The time period for parliamentary scrutiny of the next climate change plan remains unchanged. It will still be a minimum of 120 days. I set my ambition in committee earlier this week: if we get our advice from the CCC in early spring, I hope that I will be able to put a draft climate change plan in front of the committee and our wider stakeholders before the summer recess. However, our public engagement strategy sets out our vision for all of Scotland to understand the challenges that we face and to embrace their role in our transition to net zero.

Graham Simpson (Central Scotland) (Con): The cabinet secretary mentioned integrated smart ticketing, which was first promised in 2012. Given that the technology exists to set that up and it is being used across Europe, when does she expect to see such a system here in Scotland?

Gillian Martin: I look forward to seeing an integrated ticketing system as swiftly as possible, but I do not lead on that particular policy area—Fiona Hyslop does that. I will get Ms Hyslop to write to Graham Simpson with an exact indication of when she sees that happening.

We still have the 2045 target, and we want to increase public transport use as much as possible and have a viable alternative to people using their cars. Of course, that is not the only solution. We are also encouraging people, when they buy a car, to choose an electric vehicle, and we are well ahead of target in delivering the promised number of EV charging places.

We have to make sure that there is not a one-size-fits-all approach to transport, because there are rural areas where people require to use their cars more often than they might use buses or trains. We are taking a strategic approach. The specific question that Graham Simpson asked about the delivery of an integrated ticketing system is a question for Fiona Hyslop, and I will make sure that she responds to him.

Michael Matheson (Falkirk West) (SNP): The cabinet secretary will recognise that peatlands have an important part to play in supporting us in

reaching our climate targets and reducing our emissions. However, three quarters of the almost 2 million hectares of peatlands that we have in Scotland are degraded at present. What specific action has been taken to prevent any further degradation of our peatlands? In addition, given that one of the biggest challenges that we face in the repair of our peatlands is access to the right skill sets to carry out that work, what work has been taken forward to make sure that we bridge that skills gap, in order to speed up the process of repair?

Gillian Martin: Michael Matheson will be familiar with the Scottish Government's commitment to deploying £250 million over 10 years to bring peatlands back from degradation, as they are an important carbon sink. He made a very good point that delivering on that is about not just money but the capacity of the skilled workforce.

There are a couple of areas to note. I mentioned the provisions in the Agriculture and Rural Communities (Scotland) Act 2024, which will be rolled out to encourage land managers to restore peatland in their areas. To help them in that, the NatureScot-led peatland skills action plan will focus on increasing the workforce capacity for the design of restoration schemes, and growth in the contracting sector to deliver on future restoration targets.

There is a strong focus on increasing the available workforce. The Crichton Carbon Centred training events and open days have been attended by nearly 450 people so far this year. Many of the attendees at the training events were contractors looking to enter the sector by enhancing their skills. That is only one tranche of the work that is happening. I am very aware that we have to shout from the rooftops that we need to restore peatland as quickly as possible, provide the space for contractors to bid for work, and ensure that people who want to enter the sector know that they have a viable career opportunity and give them the support that they deserve.

The Deputy Presiding Officer: Cabinet secretary, we need more succinct answers. I appreciate that detail is key, but we must try to allow as many members as possible to ask questions.

Rhoda Grant (Highlands and Islands) (Lab): Agriculture is one of the most important areas that needs clear guidance on practical ways to reduce emissions. The rural support plan has still not been published. What specific outcome-based measures will be in the plan for farmers and crofters to target emissions, given the heavy lifting that the industry will have to do to meet the climate change ambitions?

Gillian Martin: Mairi Gougeon is working on the deployment of all the measures that were included in the Agriculture and Rural Communities (Scotland) Act 2024, which is part of the work that Rhoda Grant referenced.

Ms Grant mentioned heavy lifting, but there also needs to be a recognition of the work that has already been done in the agriculture sector to improve biodiversity and sequester carbon. That has not been recognised in the support system that we have at the moment. There will be a recognition of the work that happens, but there will also be an incentivisation, through support payments, for more work to happen, so that, for example, when farmers and land managers plant in a particular way that is better for biodiversity, or when they decide to rewet a peatland that is in their area, they will be rewarded.

As I said to other members about work in other cabinet secretaries' areas, I am happy to let Ms Gougeon know that Rhoda Grant has asked that question, as she may be able to provide more detail.

Willie Coffey (Kilmarnock and Irvine Valley) (SNP): The Scottish Government has proposed the adoption of new carbon budgets to measure progress towards emissions reduction targets alongside the rest of the UK and, I understand, international counterparts such as France and Japan. Will the cabinet secretary say a bit more about the lessons that have been learned from the use of the carbon budgeting systems in those countries and how they have informed the Scottish Government's approach to the issue?

Gillian Martin: Carbon budgets are an established model of emissions reduction in a number of countries. We have learned from our own experience that emissions reduction does not happen in a straight-line trajectory. I mentioned in my answer to Sarah Boyack that there are peaks and troughs.

A carbon budgeting system has been used by the UK, the Welsh Government, the Northern Ireland Executive and countries in the European Union. Using such a system means that we will be able to look at a five-year period, but I add that we will always report yearly on our movement towards the ambitions set within those five-year budget envelopes. It is an established model that is used in a great number of countries and one that the CCC has asked us to adopt, too.

Patrick Harvie (Glasgow) (Green): The only aspect of the report that is a new one on me is not even a change in Scottish Government policy or action; it is a highly technical series of consultations on the ETS, which were conducted using a four-nations approach. Most of the report simply restates existing policy, or the policy

package that was announced back in April—each policy of which, I have to say, was painfully extracted under pressure from the Greens against reluctance from the Scottish National Party. None of that was designed to be the contents of a section 36 report to catch up on 2021 and 2022. Why does the report contain no new policy or action beyond what we all already knew about?

Gillian Martin: The report is designed to set out a suite of policies that will make up for the shortfall in 2021 and 2022, and it more than does that. The objective of the legislation is that when organisations have to report on their missed targets, they put plans in place. The plans in this report will more than compensate for the missed targets and will go much further, too. We have to consider what we can do and where we can take the most action within the financial envelope that we have. As I am sure that Mr Harvie will understand from his time in government, it will not be easy to deliver on new policies on top of the ones to which we have already committed. The actions that we have set out in the report are sufficient to make up for the shortfall.

Bob Doris (Glasgow Maryhill and Springburn) (SNP): The full delivery of Scotland's ambitious net zero agenda is compromised by the UK Government's huge 9 per cent cut to Scotland's capital budget. Therefore, it is vital that we continue to urge the UK Government to take climate change seriously and to meet the significant up-front costs that are required to deliver a net zero economy. Will the cabinet secretary say a little more about the Scottish Government's latest engagement with the UK Government in that regard? I hope that it has been constructive.

Gillian Martin: The First Minister and the Cabinet Secretary for Finance and Local Government have met the Chancellor of the Exchequer several times. They highlighted the expected real-terms cut to our capital funding, which is severely impacting our ability to progress vital infrastructure projects, not least those for achieving our net zero ambitions.

I have already been engaging with my counterparts in the UK Government on their net zero ambitions. I am keen to work with the UK Government to ensure that the 30 October budget provides for us—and, indeed, for my UK counterparts. If the UK will not reach net zero by 2050, Scotland will not reach net zero by 2045, and the reverse is true. We need to ensure that in the future there will be funding behind all those policies if we are to achieve the ambitions that both Governments have set out.

Liam McArthur (Orkney Islands) (LD): It is vital that the Government is accurate when setting out how it will catch up on missed targets.

Unfortunately, the vague list of reviews, consultations and plans set out back in April will be insufficient. As Sarah Boyack pointed out, integrated ticketing, which the Cabinet Secretary for Transport has promised, was first promised by the SNP back in 2012.

Sticking with the subject of transport and actions to persuade people out of their cars, does the cabinet secretary accept that increasing rail travel will be of little use if we are still using old, polluting diesel trains? Can she confirm that the Government is still committed to removing diesel passenger trains from service by 2035?

Gillian Martin: The Scottish Government is committed to decarbonising its passenger rail network. Details of how that will be achieved will be set out in the rail services decarbonisation action plan, which commits to all passenger diesel trains being replaced. The programme for that, and the order in which things will be done, will depend on business cases and the available budget. However, as I said in response to other members' questions relating to the transport secretary's portfolio, I will be happy to ask her to provide Mr McArthur with further details.

Edward Mountain (Highlands and Islands) (Con): This afternoon's statement has come about because of unforced errors in simple mathematics, so let me see whether I can help the cabinet secretary. She talked about a route map for electric vehicles. That was announced in June 2023, with a target of 6,000 more EVs by 2026, supported by £30 million from the Scottish Government and £30 million from the private sector. Has the cabinet secretary got the £30 million from the private sector yet?

Gillian Martin: It is fair that we recognise that other portfolio areas are important in getting us to net zero. However, I appear to be being asked particularly intricate questions about the transport portfolio responsibilities of my colleague Fiona Hyslop, although, obviously, I do not have the intricate granular detail on that in front of me. Therefore, I am quite happy to make sure that Ms Hyslop writes to Edward Mountain to provide him with the detail that he needs on that very specific point.

The Deputy Presiding Officer: That concludes the statement. I apologise to the two members whom I was unable to call, but, as always, we have come up against the clock, and I need to protect the rest of the business of the afternoon.

Qualifications and Assessment

The Deputy Presiding Officer (Liam McArthur): The next item of business is a statement by Jenny Gilruth on the Scottish Government response to the independent review of qualifications and assessment. The cabinet secretary will take questions at the end of the statement, so there should be no interventions or interruptions.

15:01

The Cabinet Secretary for Education and Skills (Jenny Gilruth): Today, I am pleased to set out the Scottish Government's next steps on qualifications reform in response to the recommendations from the independent review of qualifications and assessment. I once again thank Professor Louise Hayward and the independent review group for the significant care and attention that they took in producing the final report.

Last year, when I became Cabinet Secretary for Education and Skills, numerous reports were sitting on my desk, with a significant programme of reform to consider. My primary concern has been ensuring that I took the right decisions for our young people, the teachers who support them and wider society. That is why I paused elements of the education reform programme. Taking the time to really listen to the views of school pupils, teachers and parents groups alike has been critical to informing the Government's response to the independent review.

The pandemic has changed our schools. That context, which has been compounded by constrained public finances, cannot be ignored. Challenges with attendance, attainment, relationships and behaviour are the reality for our schools every day. It is my job to recognise that and to shape a response accordingly.

It is clear that there is a wide range of views on qualifications reform. Some people continue to call for radical changes next week, while others favour a more pragmatic approach, recognising the other pressures that face schools post-Covid.

For some time now, there has been an understandable focus on the senior phase and qualifications pathways. We must be mindful that qualification reform is not in itself a panacea. Our ambition to improve Scottish education must encompass high-quality learning and teaching at all levels: in early years and in our primary and secondary schools across Scotland. Indeed, if we narrowly consider the senior phase of our children's education—that is, secondary 4 to secondary 6—in a silo, it will be too late in a child's educational journey to make the necessary interventions. To that end, I will set out a fresh

national approach to educational improvement later this year. The new plan will set out the short, medium and longer-term priorities for Scottish education, with a clear focus on excellence and equity through improvement. Further, I believe that a new, independent inspectorate will have a key role to play in driving improvement.

It is essential, within that new opportunity, that the local support that is needed for schools is there, particularly given that the statutory responsibility for the delivery of school education currently rests in the hands of local authorities. To that end, a national thematic inspection of local authority approaches to school improvement is under way, with inspectors due to visit every council in Scotland. That will ensure that, nationally, we have a better understanding of priority areas for improvement and examples of effective support and intervention. It will further support local authorities to address local variability, as evidenced in this year's exam results, and enhance educational quality.

Our approach to improving education must be built on the existing commitment and professionalism of Scotland's teachers. That is why, over the coming weeks, I will lead a series of regional events, initially with secondary headteachers, followed by engagement with primary and early years teachers. They will provide further opportunities to test a more focused improvement plan for both local government and national Government to support.

The evolution of Scotland's approach to assessment in the senior phase will be an integral part of our wider plans to improve the curriculum. The curriculum improvement cycle is already under way, beginning with maths and numeracy. That means that, for the first time, there will be a systematic approach to ensuring that the curriculum in Scotland remains relevant and forward looking, that it clarifies the role of knowledge and that, ultimately, it supports high-quality teaching, learning and progression.

Communications with updates on progress with the curriculum improvement work will start later this month. I will write to the Education, Children and Young People Committee in due course, setting out further details and associated timescales for delivery in every curricular area. Fundamentally, our approach will be underpinned by teacher expertise. Subject specialists must and will lead on improving and updating Scotland's curriculum.

The curriculum should drive qualifications, not the other way round. That is why the qualifications content will also be updated, to ensure strong alignment between broad general education and the senior phase. Although curriculum improvement and qualifications reform are an

integral part of our education reform programme, our national bodies will also be reformed to support the changes and improvements that are required.

The effective leadership of those bodies will be key. As Parliament may be aware, a new chair of the Scottish Qualifications Authority was appointed in December last year to lead its transition to qualifications Scotland. This week, both the substantive posts of His Majesty's chief inspector of education in Scotland and chief executive of Education Scotland were advertised on a permanent basis. The three organisations will play a pivotal role in curriculum improvement and qualification development. Leadership of all three will be essential in garnering trust and credibility with Scotland's young people, teachers, and parents and carers.

I agree with the report's recommendation that the balance of assessment methods in the senior phase should change so as to have less reliance on high-stakes final exams. That means that, in the future, internal and continuous assessment will contribute a greater percentage of a final grade. That will support more young people to successfully evidence their learning, and it will act to increase the resilience of our overall approach to assessment.

I want to be clear that taking steps to rebalance assessment does not mean that exams will be removed. I can therefore confirm that examinations will remain part of our overall national approach and will not be removed from all national 5 courses. I know from direct engagement as cabinet secretary that many young people prefer examinations over continuous assessment. As evidenced by the teachers survey that was published earlier this year, many secondary school teachers who responded support the retention of exams as a means of applying a consistent and objective standard.

There are, however, a number of practical national courses where an exam might not be needed. The qualifications body is consulting on whether courses such as national 5 and higher fashion and technology, national 5 practical cookery and national 5 practical electronics should have an examination component.

I support the view that the senior phase has, over time, become overly complex. It is right that young people are now able to choose from a wider variety of learning opportunities than previously. However, it is vitally important that all young people have a clear and coherent senior phase offer, which aligns with pathways that are available in both higher and further education, and on into employment. The Scottish Government therefore supports the view that a degree of rationalisation of the senior phase will allow us to ensure clearer

pathways that are less confusing for young people. Learning from our past experience with unit assessments and associated issues around teacher workload, we will further explore how modularisation of graded national courses can be reintroduced, so that pupils have maximum flexibility to build credit as they progress.

With regard to interdisciplinary learning, or IDL as it is known, I recognise the desire, including from some young people themselves, for IDL opportunities to be more consistently available. It is that consistency—that parity of opportunity—that is important. Indeed, I am conscious of the recent publication by His Majesty's Inspectorate of Education on curriculum design in Scotland, which stated:

“There remains lack of clarity regarding high-quality IDL”.

I am therefore of the view that more work is required if IDL is to become a required part of the senior phase. A refreshed national working group, which will be chaired by a senior secondary school leader, will bring together all relevant parties that are already active in this space. The group will lead a new phase of work, with the objective of better determining the place of IDL in secondary schools, while ensuring that an equitable, high-quality offer is available for all young people. In addition, the exercise will help to expand our shared knowledge of the ways in which IDL could be embedded in a school's curriculum, including in respect of timetabling. Consideration will also be given to accreditation.

The Scottish Government supports the principle that young people should receive recognition for their wider learning. We will therefore explore the issue of how best to recognise such achievement with a range of stakeholders, including young people. In doing so, we will need to work through the significant concerns that have been raised, with the main concern being that such a step would further entrench and exacerbate social inequity. In considering the next steps, that is the principal barrier that I believe must be addressed and overcome.

To facilitate greater recognition of wider achievement, I agree that the development of a national digital profile would benefit young people by helping them to consolidate their learning. A profile has been established within the My World of Work platform, which is managed by Skills Development Scotland, and it will now be further improved in conjunction with teachers and young people. That will ensure that all young people in Scotland have consistent and cost-free access to a digital profile, which is a key recommendation in the report.

The central proposal from the independent review is that Scotland should adopt a Scottish

diploma of achievement as a senior phase leaving certificate. Although we are supportive of the development of a leaving certificate as a shared longer-term goal for Scottish education, we believe that more work is needed to determine the exact content of such a certificate and how it would operate. We will work with schools to consider how programmes of learning, IDL and wider achievement could be combined in a more holistic illustration of a pupil's achievements.

The Scottish Government is firmly of the view that teachers require more time if they are to be able to accept greater responsibility for formal assessment. With that in mind, the Scottish Government remains fully committed to the delivery of our commitment to reduce class contact time by 90 minutes a week. That matter is being prioritised by the Scottish Negotiating Committee for Teachers, which, members will recall, is a tripartite body that consists of the trade unions, the Convention of Scottish Local Authorities and the Scottish Government. It is imperative that all parties bring the necessary focus to delivery as quickly and effectively as possible, because we cannot reform our education system without giving teachers more time.

For my part, I know that there are parts of the country where we could begin to roll out reduced class contact time tomorrow, so it is imperative that we get an agreement on that from the SNCT in order to allow us to move at pace.

Allied to that, and to help teachers to focus on learning and teaching, we have launched a CivTech challenge, which invites bids that are designed to reduce teacher workload via the use of artificial intelligence.

Our teachers must be the leaders of the change that we need to see, and they must be empowered to lead the improvements in our education system. That is why an experienced secondary headteacher will be seconded into the new qualifications body to lead a new chapter of meaningful engagement with Scotland's teachers.

The actions on qualifications reform that I am setting out today seek to achieve a balance between ambition and action that is focused, pragmatic and deliverable, given the resources that are available to national and local government and to schools themselves. They build directly on the hard work, success and creativity that are already evident in every school in Scotland. That approach to evolving qualifications and assessment will deliver a fairer and more credible system that enhances learning and teaching, while supporting better outcomes for young people.

However, that is only one part of the improvement picture. A much more holistic and longer-term approach that takes account of the

changes in our schools post-pandemic is required to drive the totality of improvements that must support better outcomes for our children and young people.

The Deputy Presiding Officer: I note that the length of the statement exceeded the 10 minutes that was allocated, but I intend to protect the 20 minutes or so for questions.

Liam Kerr (North East Scotland) (Con): I thank the cabinet secretary for providing advance sight of her statement. I welcome the fact that, at last, responses to the many excellent reports that have been produced are dripping through from the Government to Parliament, although I wonder whether such a fragmented—as opposed to holistic—approach is the optimum way to address the reforms that are needed.

On that note, the Hayward report and the reports from the Royal Society of Edinburgh, Professor Muir and many others have all made it clear that what is needed is a long-term strategic vision for the future of Scotland's education system, from which actions, plans and priorities can be driven, but no such vision or destination has been laid out in the cabinet secretary's statement. Given that she has chosen to ignore those experts' calls for a proper strategic destination, how confident can the cabinet secretary be that a piecemeal approach, rather than a visionary one, will deliver the outcomes that the experts tell us are needed?

Secondly, the cabinet secretary makes no mention of the up-front and on-going costs of the reforms, working groups and plans or the delivery of reduced class contact time. Last week, we heard the cabinet secretary justify the shameful breach of the SNP's manifesto promise on school meals by referring to a lack of money. How much do all the plans that are set out in the statement cost, and from where will that sum be drawn?

School leaders advise that the challenges with attendance, attainment, relationships and behaviour—to use the cabinet secretary's earlier words—would improve if the curriculum offer were broader and more appealing to all learners than traditional academic pathways might be. Therefore, what plans does the Scottish Government have to support schools to offer a breadth of curriculum that is suitable for all learners?

Jenny Gilruth: The member raises some pertinent points. First, I will not make any apologies for building in extra time to consult the teaching profession. When I was appointed, I was told that there was real ambition in the system for radical change now, but through my engagement with Scotland's secondary teachers over the past

year, I have found that, actually, that view is not shared across the profession. That is important.

Liam Kerr: That is not what I asked.

Jenny Gilruth: The member will have reflected on the views—[*Interruption.*] I hear the member chuntering, but if he would listen—[*Interruption.*]

The Deputy Presiding Officer: Can we listen to the questions and responses with a degree of courtesy and respect?

Jenny Gilruth: The member asked about a longer-term strategic vision. I do not think that today was the moment to set out that vision, because today's statement is a response to a review that looked specifically at the senior phase level of qualifications. However, in my statement and the Government's written response, which I appreciate that members have perhaps not had time to familiarise themselves with, I said that I will set out the longer-term ambition for improvement in Scottish education. It is hugely important that that does not look narrowly at only the senior phase; it must look at early years and primary and secondary education in totality.

The second part of the member's question relates to funding. It is worth while pointing out that the actions that I have set out today are pragmatic and proportionate. The member talks to the issues that were highlighted in last week's debate, which relate largely to funding, and I am very cognisant of that as cabinet secretary. It is a feature of my thinking with regard to the practical deliverability of qualifications reform, when the public finances are as constrained as they are in Scotland. The member may wish to reflect on why that might be the case.

However, on-going qualifications development is a key function of the current qualifications body, and it will be a key function of Qualifications Scotland. Therefore, much of that work will be costed and funded as part of core operational activity that is already being undertaken by the current qualifications body.

The member asked about the curriculum offer. Through education reform, I will be working directly with schools, the new qualifications body and Education Scotland on how we can help to support a better curriculum offer across the country. There is variance across the country, and we need to look at how we can deliver a consistent and equitable offer for all young people.

Pam Duncan-Glancy (Glasgow) (Lab): I thank the cabinet secretary for advance sight of her statement and for meeting Opposition spokespeople this morning.

Rightly, there is a huge level of expectation and aspiration with regard to reform. However, today's announcement does not match that expectation

and aspiration or the appetite and need for change. Let us remember how we got here: clear issues with the structure of the curriculum; poorly implemented movement between broad general education and the senior phase by the Government, leading to fewer choices and incoherence; and misalignment between the curriculum and the purpose of assessment. However, rather than a concrete plan to address those concerns, and the bold vision for education that experts are calling for, what we have today is just an indication that that vision or plan—another plan—will come in December. There is nothing that will give much-needed certainty to teachers or pupils.

In the interests of getting clarity for the people who are waiting for answers, I will ask the cabinet secretary four things. Has she modelled the impact of the changes on teacher workload? What does she mean when she refers to rationalisation of the senior phase? Does she have confidence that the Education (Scotland) Bill creates the structures and instils the leadership that is needed to reform the system in the way that she wants? Does the cabinet secretary really believe that today's announcement meets the scale of the challenge?

Jenny Gilruth: I am sorry that I did not quite catch Ms Duncan-Glancy's final question. It is worth while recalling the view of the Scottish Secondary Teachers Association, which, today, said:

"The SSTA welcomes the Cabinet Secretary's statement on the Government's response to the Hayward Review. The statement maps a way forward in making the cultural changes required in secondary schools in regard national qualifications and a teacher led continuous assessment. Many SSTA members will be pleased to hear there will be an element of external assessment at Nat 5 in the short-term and that any future developments will be trialled and piloted before implementation."

Ms Duncan-Glancy raised a point about how the practicalities of reform will work in schools. Having been in school the last time that the Government introduced curriculum reform, I know that there are often challenges with how that works on the ground. It is important that the Government works to resource the piloting of measures that are outlined in the response to ensure that teachers have the necessary additionality that may be required in order to make the reforms work.

I have spoken to a number of different actions that are already under way. It is worth saying that the work that we will be undertaking on qualifications reform does not sit in a silo separate from the wider work that Mr Dey is leading on skills reform. I will chair a meeting of the curriculum improvement and qualifications reform assurance group to ensure that progress is being

made and that our shared timetable is being clearly communicated.

The member mentioned teacher workload. I mentioned in my response—there is more detail on this in the Government's written response—the need to look at, for example, the use of artificial intelligence to reduce teacher workload. There are opportunities there, and the Government has commissioned further work to that end, because it is hugely important that the reintroduction of continuous assessment does not overburden teachers. Having given the update to Parliament today, I am resolutely focused on reducing class contact time for teachers, because I am very aware that teachers in our secondary schools in particular need time to have the opportunity to engage with the changes that are being proposed.

The Deputy Presiding Officer: I am conscious that, with the previous statement, we were not able to call every member who wanted to ask a question because of the length of questions and responses. We have 12 and a half minutes, and 10 colleagues who want to get in, so the questions and responses will need to be tighter.

Fulton MacGregor (Coatbridge and Chryston) (SNP): Over recent times, and in particular since the pandemic, when I have visited schools in my constituency, students—including those at St Andrew's high in Coatbridge, for example—have often expressed an overwhelming preference for continuous assessment over final written exam models. A progression of that approach has been featured in this year's programme for government. Can the cabinet secretary say any more about the Scottish Government's plans for the diversification of assessment models?

Jenny Gilruth: I accept that the balance of assessment in the senior phase should now change so that there is less reliance on high-stakes final examinations, with internal and continuous assessment contributing to a greater percentage of the final grade. That will really help to support more young people to successfully evidence their learning, and for many, it will also reduce the stress, which Fulton MacGregor spoke about, that is often associated with final examinations.

As I made clear in my statement, taking those steps to rebalance assessment does not mean that exams will be removed as a matter of course. Many studies from around the world evidence the value of examinations in applying a consistent and objective standard as part of an overall approach.

That said, as has been referenced in this year's programme for government, there may be practical national courses—as I alluded to today—in which an exam might not be needed. The

qualifications body is currently looking at that rationalisation exercise.

Roz McCall (Mid Scotland and Fife) (Con): I note from the cabinet secretary's statement that she is committed to reducing teacher contact by 90 minutes, and it has been mentioned in the chamber. That was promised in the 2021 SNP manifesto, and we are now in 2024. With about 18 months until the next election, time is seriously running out for so many of the Government promises. Can the cabinet secretary guarantee that that proposal will actually happen?

Jenny Gilruth: The member will know that reducing teacher contact was a key feature of my statement today. That was quite deliberate, because I believe firmly that we cannot deliver qualifications reform without creating the headspace and the time to enable teachers to engage with that process. Throughout my responses, I have emphasised that I am very keen to ensure that our secondary teachers in particular are leading on qualifications development.

The member asked about the deliverability of the 90 minutes. In my statement, I made the point that that will require the agreement of the tripartite: the Scottish Government, COSLA and the teaching trade unions. As cabinet secretary, I will play as full a part as I can in that process.

I said in my statement today that I could go ahead tomorrow if we could get an agreement around the purpose of that time, because there are enough teachers in certain parts of the country right now to enable us to get going.

I want us to get going—I hope that the member hears the urgency that I attach to that. I look forward to working with all partners through the SNCT on delivering that change to teachers' working conditions, which I think will benefit our young people.

Ben Macpherson (Edinburgh Northern and Leith) (SNP): I welcome the statement and the time that the cabinet secretary is taking to effectively implement the reform and to do so in a collegiate way, and to future proof the system. In that regard, can she say a bit more how the curriculum improvement cycle will interact with the work on qualifications reform?

Jenny Gilruth: As I set out in my opening statement, the evolution of Scotland's approach to assessment in the senior phase needs to be integral to our wider plans to improve the totality of Scotland's curriculum. The curriculum improvement cycle that I announced last year is already under way. We started with maths and numeracy and, for the first time, there will be a systematic approach to ensuring that the curriculum in Scotland remains relevant and updated. That work is being led by a secondary

headteacher who is a maths specialist to trade; that is hugely important in building credibility in our approach.

However, we know that curriculums should drive qualifications—not the other way around. Qualifications content also needs to be updated in line with the curriculum improvement work, to ensure alignment between the broad general education and the senior phase. For me, that matter was not resolved the last time that we considered qualifications reform.

The practicalities of things such as timetabling are really important in the process to ensure that we get the culture change in the senior phase that we need and, arguably, did not get the last time that we reformed the qualifications system.

Martin Whitfield (South Scotland) (Lab): The cabinet secretary has quoted others' references to the announcement today. She might be interested to know that the Children and Young People's Commissioner for Scotland has just said:

"The Scottish Government's long anticipated response to the Hayward Review was an opportunity to advance the change that young people desperately need. Yet instead of committing to the effort of comprehensive reform, today's announcement was little more than tentative steps."

What is the cabinet secretary's comment on that?

Jenny Gilruth: The children's commissioner made comments last week and, if she would like to meet me to discuss any of those issues, my door is always open.

I met Scottish Youth Parliament members this morning and engaged heavily with them on the plans and next steps. The views of young people have been and continue to be vital to informing our approach to the evolution of Scotland's qualifications offer. Young people were involved through the independent review and the Scottish Youth Parliament, which led a group that brought together a diverse range of young people. Significant engagement with young people was also undertaken through the national discussion on education.

As I mentioned, throughout the past year, I have spoken directly to many young people about qualifications reform, and they have a divergence of views on that. I met the SYP only this morning.

I am clear that the views, knowledge and lived experience of people who are studying for qualifications are essential to delivering qualifications that are in pupils' best interests. That is why we are ensuring a stronger voice for young people and adult learners, with the formal governance arrangements in qualifications Scotland looking at the establishment of the learners panel, which will be hugely important and

a significant shift in how the qualifications body currently operates.

Rona Mackay (Strathkelvin and Bearsden) (SNP): In all those matters, the role of the teacher will be absolutely vital. Will the cabinet secretary set out how she will ensure that the voices of teachers are heard throughout the process, and how teachers will be supported to deliver that approach?

Jenny Gilruth: Teachers, including those in the Gaelic-medium education sector, need to be meaningfully engaged in reform and empowered to lead the improvements that we all want. To that end, as I intimated in my statement, a secondary headteacher will be seconded into the qualifications body; that is hugely important.

Meaningful engagement with teachers is already happening in the driving of curriculum improvement work. Andy Brown is leading the co-creation approach, and the work on maths and numeracy will deliver improvements in that curriculum area.

As I said in response to Roz McCall, I also accept that teachers will need time and space to engage with reform. I remain committed to the delivery of that commitment to reducing class contact time, and I am keen to inject some urgency into that work. I see that as the next step in creating the time that is needed for teachers to fully engage with the proposed changes.

Ross Greer (West Scotland) (Green): The Scottish Greens secured the review after the 2020 SQA scandal because Scotland's Victorian-era exam system was not fit for purpose. We are disappointed that the review's findings are largely not being taken forward. We welcome the fact that there will be more continuous assessment, but surely that should sit alongside fewer exams. It appears that the Government is layering one on top of the other. Will that not massively increase the already unsustainable workload of secondary teachers?

Jenny Gilruth: In response to Ross Greer's point about fewer exams, I talked in my statement about the need for a degree of rationalisation, which Pam Duncan-Glancy also spoke to me about. That is about looking at the number of courses that are currently delivered in schools and asking whether they might be more appropriately delivered elsewhere, such as in college settings. For example, qualifications Scotland is going to reduce the number of examinations in practical subjects; that work is already under way.

For me, the biggest change that is being proposed today is that we will not have an approach that involves high-stakes final examinations. For example, a smaller percentage associated with a final examination will put less

stress on our young people. Fundamentally, that is really important. It will lead to better approaches to learning and teaching, as assessment evidence is gathered throughout the academic year, and, I hope, to a move away from what we have historically referred to as the two-term dash.

The ethos of curriculum for excellence and that of the senior phase have not, to my mind, been able to interlink together correctly. Part of that we need to resolve through appropriate support on timetabling. However, I want the teacher voice to be at the heart of the Government's response to all the recommendations. I have been clear that, for every single angle, we will have teachers leading on the developments that we need to see. I want to continue that work with the profession, because it is only through working with it that we can drive the improvements that we need to see for our young people.

Clare Haughey (Rutherglen) (SNP): As the Hayward review states:

"The relationship between poverty and achievement is an international challenge."

Does the cabinet secretary share my concerns that decisions made at Westminster and the United Kingdom Prime Minister's recent warning that things will get worse will keep more children and families in poverty, the impact of which will be felt across their classrooms?

Jenny Gilruth: The member raises an important question. The financial context is ultimately absolutely relevant to what I am able to do as education secretary in relation to education reform.

We know that UK public finances are facing severe challenges, with a £22 billion gap in funding and with the upcoming UK budget expected to be painful. We have had to manage public finances in that context. In spite of that challenging context, we continue to prioritise investment in our children and young people's education. We have the highest spend per pupil in the UK, the highest teacher pupil ratio and continued investment through the Scottish attainment challenge and pupil equity funding. That is making a difference, but it is undoubtedly becoming much more challenging, with funding cuts being driven from elsewhere. That is also impacting on the level of ambition that I can have around curriculum and qualification reform.

Willie Rennie (North East Fife) (LD): It has been more than six reports and eight years since the deep problems in education were identified by Nicola Sturgeon, who is not here yet again today, despite it being her defining mission. With the bulk of the recommendations being rejected or stuck into working groups, does the cabinet secretary think that her statement matches the scale of the

problem that has been identified? Why does the cabinet secretary sound so sceptical, when she is putting so much of the work on personal pathways, the diploma and interdisciplinary learning into working groups that she has established?

Jenny Gilruth: Eight years ago, back in 2014, I was in a classroom delivering new qualifications. I know how this works and I understand how it operates in our schools. It needs to be dealt with carefully. When Mr Rennie talks about matching the scale of ambition, I am thinking about the pragmatic deliverability of that in our classrooms. I will always have that at the heart of my decision making in this role, because it is really important that we get this right for Scotland's children and young people.

I could come to the chamber today and accept all the recommendations, but I do not have the budget to resource them, as the member knows. We had a debate to that end only last week.

Mr Rennie talks about working groups. Yes, I think that they are important. It is important that teachers who have skills in areas such as interdisciplinary learning—the Government's response refers to a number of schools that have real skill sets in that area—are able to pilot approaches that others might be able to learn from.

I am also cognisant of the HMIE reports that say that there is variability across the country at the current time in relation to IDL. We need to make sure that there is an equitable and consistent offer, which is not the case currently. I am taking small steps forward in a number of those areas through working groups, but fundamentally through teacher leadership, because I think that that is the right way to deliver qualification reform.

Sue Webber (Lothian) (Con): Cabinet secretary, in your statement you said that you believe that a new independent inspectorate will have a key role to play in driving improvement. At committee yesterday, not one of the witnesses who appeared shared that view. They questioned the independence of the new chief inspector, suggesting instead that it should be a non-ministerial office that reports to Parliament rather than to ministers. Those witnesses are concerned that the role appears to be report orientated and to focus on the inspection of establishments. Critically, the definition and purpose of inspection is missing.

Do you agree that the legislation needs to be amended to deal with the serious flaws, to ensure the effectiveness of the chief inspector role from day 1, and to ensure that what you have outlined here today will be achieved?

The Deputy Presiding Officer: Through the chair.

Jenny Gilruth: My statement today is about the Hayward review. I accept that the member has asked me about wider work that relates to a piece of legislation on which I will be giving evidence to her committee in the coming weeks.

The approach that we have taken in relation to the separation of HMIE from Education Scotland mirrors the approach that existed prior to the joining of Learning and Teaching Scotland and the inspectorate. It is an approach that the system previously followed and that teachers will be familiar with. If the member wishes to lodge amendments to the bill, that is in her gift. I am happy to work with her to listen to any concerns that the committee might have.

However, it was a recommendation that the inspectorate be removed from Education Scotland. The Government is now legislating to deliver on that recommendation, and I hope that members will welcome that.

Judicial Factors (Scotland) Bill: Stage 1

The Deputy Presiding Officer (Liam McArthur): The next item of business is a debate on motion S6M-14485, in the name of Siobhian Brown, on the Judicial Factors (Scotland) Bill at stage 1. I invite members who wish to participate in the debate to press their request-to-speak buttons now or as soon as possible.

15:36

The Minister for Victims and Community Safety (Siobhian Brown): The Scottish Law Commission does the important job of consulting on, and making recommendations to simplify and improve, our law. I am committed to introducing bills to implement its proposals, and the Judicial Factors (Scotland) Bill, which we are debating today, is one of the SLC's bills. It is the third SLC bill to be introduced by the Government this session, and members will know that the recent programme for government included a commitment to bring forward a fourth SLC bill, on the termination of commercial leases.

A judicial factor

"is a person appointed by the court to gather, hold, safeguard and administer property which is not being properly managed."

Examples of the use of judicial factors include where there has been a breach of the Law Society of Scotland's accounting rules by a solicitor firm that is, or appears likely to be, insolvent, and when there is no executor who is willing to carry out the administration of a deceased person's estate. If passed, the bill will put in place an updated and comprehensive framework that will bring clarity, accessibility and efficiency to this vital area of law.

A judicial factor is generally an appointment of last resort that is made when all other avenues have failed. Currently, there are around 50 judicial factors who have been appointed to manage someone else's property. There are, on average, fewer than 10 court applications a year for such appointments.

The bill proposes to make important and practical changes for all those who are involved with judicial factors in one way or another. The appointment of judicial factors to manage the property of missing persons is an area that came in for close scrutiny by the Delegated Powers and Law Reform Committee, for which I am grateful. Such appointments have been made in the past, although rarely, yet in Scotland 15 people each year are declared to be long-term missing, and the current total is just over 700 people.

There will be a number of reasons, individual to each of those cases, why an application for the appointment of a judicial factor is not made. One of those reasons might be the difficulty in doing so that is caused by an outdated and complex law. The bill aims to bring the relevant law together in one place to make it easier for users of the legislation.

When I gave evidence to the committee earlier this year, I made a commitment to work with the charity Missing People to help to produce guidance. That will help the families of those who have gone missing to know how to deal with their estate, which might include things such as paying the mortgage, managing joint bank accounts or looking after dependants. I reiterate that commitment today.

In its report, the committee suggested a number of points that should be covered in guidance, and I will make sure that those are included.

An important issue that came out in evidence, and on which the committee commented, was ensuring that

“it is competent to appoint a judicial factor to the estate of a missing person.”

Section 3 of the bill is deliberately widely drafted and already allows a judicial factor to be appointed to the estate of a missing person. Appointments of a judicial factor to the estate of a missing person are rare but they have been made in the past; the bill will not change the legal position. However, I have listened to the views that were expressed, and alongside the guidance that we will prepare, we will expand on the detail in the explanatory notes to make clear that a judicial factor can be appointed to manage the estate of a missing person.

Martin Whitfield (South Scotland) (Lab): The committee was quite explicit about the requirement that it felt should go in the bill. I understand the commitment from the Government both to the guidance and in relation to the explanatory notes, which courts could rely on as evidence of the intention of the bill. Could the minister explain—perhaps more clearly, if I may put it that way—why a simple endorsement in the bill to give satisfaction to families of people who are missing is proving such a challenge?

The Deputy Presiding Officer: I will give you time back, minister.

Siobhian Brown: Such an amendment, in my view, is not only unnecessary but could risk undermining the wider policy regarding the circumstances in which the judicial factor may be appointed. As I said, section 3 is deliberately widely drafted and already allows for a judicial factor to be appointed to the estate of a missing

person. Amendments that specifically relate to missing people could cast doubt on the generality of section 3 and prevent the appointment of a judicial factor in other circumstances.

The committee raised a number of other matters in its stage 1 report, some of which I want to discuss. First, it might be necessary for a factor to seek information from others, such as banks and other financial institutions, about the property that is being managed. Section 12 confers a power on judicial factors “to require information”, including provisions on data protection that the committee and a number of stakeholders have questioned. Making it clear that data protection legislation is not overridden is not unusual in bills and can be useful in providing clarity. However, I have listened carefully and will lodge amendments to address the issues that were raised.

At present, the appointments of only some judicial factors are publicised. Publication increases creditor protection and helps to reduce the risk of a third party unknowingly purchasing property in respect of which a judicial factor has been appointed. The bill provides that every appointment of a judicial factor must be recorded in the register of inhibitions, which is a searchable database that the Registers of Scotland oversees.

Those who gave evidence were of the general view that publication of appointments is desirable but questioned whether a new bespoke register was needed. The committee recommended that the bill should be “flexible enough” to allow for a change in the register if circumstances warrant that. I welcome the committee’s recognition of the importance of registration and will lodge an amendment at stage 2 that gives effect to its recommendation.

I will also speak with the Registers of Scotland and the Law Society of Scotland to consider what can be done to raise awareness of the use of the register in relation to judicial factories, so that people know that property is being managed by a judicial factor.

Separately, some stakeholders and the committee raised the need to make clear in the bill the fiduciary character of a judicial factor’s role. Reading the bill as a whole, I think that it is clear that the nature of the judicial factor’s role is fiduciary, although that term is not used. The bill requires judicial factors

“to hold, manage, administer and protect the factory estate for the benefit of persons with an interest in the estate ... to exercise care, prudence and diligence”

and to

“take professional advice when appropriate.”

However, I think that something can be added to the explanatory notes to make that point clearer to users of the legislation.

Finally, the Accountant of Court, who supervises the work of judicial factors, is appointed and employed by the Scottish Courts and Tribunals Service. The bill sets out that the accountant should be

“appropriately qualified or experienced in law and accounting.”

There is no requirement that the accountant be formally qualified in both disciplines or in either; that is a restatement of the current legal position. It is for the Scottish Courts and Tribunals Service to determine whether the person appointed is the best fit for the role. With an eye to the flexibility of the legislation, the Delegated Powers and Law Reform Committee considered that it would be beneficial for the accountant's qualifications to be made subject to review and amendment by regulation, if necessary. The committee made recommendations to that effect. I recognise the flexibility that that brings to the bill, and I will lodge an appropriate amendment at stage 2.

I put on record my thanks to the Scottish Law Commission for its work on this reform project. I thank those who gave evidence, and I also thank the members of and clerks to the Delegated Powers and Law Reform Committee for their work in scrutinising the bill and for the committee's stage 1 report.

I move,

That the Parliament agrees to the general principles of the Judicial Factors (Scotland) Bill.

The Deputy Presiding Officer: I call Stuart McMillan to speak on behalf of the Delegated Powers and Law Reform Committee. You have around seven minutes, Mr McMillan.

15:45

Stuart McMillan (Greenock and Inverclyde) (SNP): As the convener of the Delegated Powers and Law Reform Committee—the lead committee for the Judicial Factors (Scotland) Bill—I am delighted to speak in the stage 1 debate on the bill.

I thank the minister for her helpful response to the Delegated Powers and Law Reform Committee's stage 1 report and recommendations. The minister touched on that in her comments. This is the third Scottish Law Commission bill in this session of Parliament for which the committee has acted as lead committee. It is worth reiterating that that is a part of the committee's role and remit that members appreciate and find very much worth while. I want to make the minister aware of a point that I put to the Minister for Parliamentary

Business this morning: our committee is always happy to look at SLC bills. We have touched on that in the past.

For the vast majority of the population, Scottish Law Commission bills are, by design, rarely the most eye-catching pieces of legislation. They are less political by nature, but they are all crucial in ensuring that we have a statute book that is fit for purpose. We believe that the commission's role in ensuring that the law keeps pace with the way we live and work in Scotland is very much worth while. The resulting legislation, such as the Judicial Factors (Scotland) Bill, is hugely important, even if quietly so. I pay tribute to the commission for its work on the bill.

Judicial factors are an ancient, pre-union institution of the Scottish courts. The minister explained what a judicial factor is, so I do not have to reiterate that. The bill updates the main current law on judicial factors, which is Victorian, dating from 1849 and 1889. It also repeals some even older acts of sederunt from the Court of Session, the oldest of which dates from 1690. That perhaps gives members a flavour of the age and background of the office of judicial factor and why it was an appropriate subject for the Scottish Law Commission's attention.

The commission's work in the area began back in the 1970s, but it stepped up a gear in the early 2010s with its 2013 report, on which the bill is based. We were very grateful to the Scottish Law Commission—including its chair, Lady Paton, former commissioner Patrick Layden, who led on the report, and the now former interim chief executive, Charles Garland—for giving evidence to the committee. We were grateful to all the organisations that engaged with us on the bill.

I pay tribute to my committee colleagues for the way in which they worked on the bill. All our recommendations were unanimous, and the committee agreed with the general principles of the bill. I also thank the Delegated Powers and Law Reform Committee clerking team for its crucial assistance during the stage 1 process.

There are only around 65 active judicial factories in Scotland. Those are open cases where a judicial factor has been appointed to manage the estate. The number of new appointments is also low, with only about seven applications for appointment a year. However, we agree with the consensus among witnesses and those who responded to the call for views that the role of a judicial factor is a necessary one that should be continued.

Of course, as with any bill, we identified a number of areas where more work may be worth while. I will briefly touch on a couple of the main points.

In her response to the committee's stage 1 report, the minister agreed with a number of the committee's recommendations. I also thank the Scottish Courts and Tribunals Service for its helpful response to the report.

One area that we must get right is when a judicial factor is appointed to help manage the estate of a missing person. The bill presents an opportunity to help the families and loved ones of people who go missing and will perhaps make an inevitably stressful and difficult situation slightly easier.

The charity Missing People gave compelling evidence to the committee, raising important issues such as how practical it would be for a lay person who is a family member or friend to be appointed as a judicial factor. The charity supported such a proposition, given the cost of having a professional—such as the solicitors and accountants who make up the majority of judicial factors at present—looking after the best interests of a missing person. It also asked what those “best interests” might mean in different situations and what evidence would be required for a court to accept that a person is missing.

It is encouraging that the minister has committed to creating guidance specifically on judicial factors in relation to missing people. We are assured that that will cover many of the issues raised by the committee, and that the Government will engage further with Missing People, which will be crucial in getting that area right.

The committee made a specific recommendation that the bill should include

“an explicit statement ... that it is competent to appoint a judicial factor to the estate of a missing person.”

We thought it important to ensure clarity on that point, and I would be grateful if the minister could say more in her summing up about how that could be addressed.

During our stage 1 scrutiny, we were encouraged by the willingness of both the Government and the Scottish Courts and Tribunals Service to adapt and review processes—including those for making complaints about a judicial factor—to make them easier for lay people to navigate. We hope that the implementation of changes will follow in a similar spirit.

In its report, the committee also raised the issue of how judicial factories are advertised, via a register, to those who need to know about them. Our report discusses data protection and the extent to which that area of law has sometimes been cited as a reason why information is not shared with judicial factors. The report also refers to the need to obtain a section 104 order from the

United Kingdom Government to ensure that the bill gives judicial factors the powers that they need if they are to operate effectively.

I do not have time to go into those important issues in depth, but I am hopeful that the committee's scrutiny will lead to positive differences between the bill as introduced and what the eventual act will look like.

Members will be aware that section 104 orders are, understandably, a recurring theme with SLC bills, so I would be grateful if the minister could provide an update in her summing up regarding any communication that the Scottish Government has had with the new UK Government on that matter.

My final point is about why no judicial factor was appointed in the case of McClure Solicitors. Committee evidence on that matter was helpful, and the Regulation of Legal Services (Scotland) Bill, which is also going through Parliament, may actually be of more assistance than the Judicial Factors (Scotland) Bill in ensuring that future clients do not experience anything similar.

As I said, although this might not be the most eye-catching bill, it covers a hugely important part of the legal landscape, and it is time for that to be modernised.

15:53

Jeremy Balfour (Lothian) (Con): In a week's time, we will celebrate the 25th anniversary of the Parliament. If you went out to the highways and byways of Scotland to ask people about the most exciting bills that the Parliament has passed in those 25 years, I suspect that this bill, like many others that have come through the Delegated Powers and Law Reform Committee, would not make it into the top 10 or even the top 20. However, those bills make a real difference to real people's lives and, as Stuart McMillan pointed out, we are seeing a number of Scottish Law Commission bills coming into law. They may make small differences to small numbers of people, but those differences will make lives better.

I also thank the Scottish Law Commission for its work and I thank the clerks and all who gave evidence to the committee, which I attended on and off as the bill was going through. As Mr McMillan pointed out, there was real unity in trying to find a way forward with the legislation.

We in the Scottish Conservatives appreciate the crucial role that judicial factors can play in our legal system and we recognise the need for reform. I think that we all want the system to be updated and streamlined and the legislation to be better and more efficient.

As both of the previous speakers pointed out, there are not that many judicial factors. In 2022, there were only 64 open cases. However, judicial factors are important and we need to ensure that the appropriate services are offered to those who require them.

I welcome the minister's comments this afternoon and her letter to the committee, which put us at ease on some of the issues that we raised. I look forward to scrutinising the stage 2 amendments that she will lodge in due course.

In the time that remains to me, I will highlight two or three areas where some clarity is still needed. The first, which both of the previous speakers mentioned, is the appointment of a judicial factor to manage the estate of a missing person. I think that we all have the same end goal and want to get to the same place, but I did not fully understand the minister's response to Martin Whitfield's question, so I ask her to clarify at stage 2, or in writing to the committee before then, why that matter should not be covered in the bill. The evidence that we took suggested—and the committee moved towards this view—that it should be in black and white in the bill. There may well be good reasons why that is not possible or why it would have a negative effect. The minister tried to explain that, but I and, I am sure, my colleagues would like to have more understanding of that.

Secondly, I appreciate that the role of the Accountant of Court is not within the bill's scope but, as someone who is perhaps old-fashioned, I think that it would be helpful for someone in that role to have an accountancy or legal qualification. The recommendations that have been made on that should be considered at stage 2. One of the major reasons for the appointment of a judicial factor is that a legal firm has got into financial trouble, although, fortunately, that does not happen very often. I welcome the Law Society of Scotland's input on that. As Mr McMillan said, we have to make sure that the law is updated enough to ensure that clients are properly protected when, on rare occasions, a judicial factor is appointed in those circumstances.

There is a helpful section in the report on charities and charity law. Again, there seems to be consensus on that, and I look forward to seeing any changes that are proposed.

We have a good bill, but we can make it a wee bit better at stages 2 and 3. I look forward to working with the minister and colleagues to ensure that that happens.

15:58

Martin Whitfield (South Scotland) (Lab): I echo the other speakers in thanking the Scottish Law Commission, the committee and its clerks,

and I thank the Government for its prompt response to the stage 1 report. The Judicial Factors (Scotland) Bill may not be the most interesting bill but, as with so many uninteresting bills, if it happens to affect a person, it will suddenly become a very important part of their life. One of the crucial roles of the Parliament is to try to protect people and provide them with as much support and guidance as possible at times of challenge, irrespective of the number of people who are affected or the frequency with which the issue arises. As others have said, the bill takes a number of steps in the right direction.

I intervened on the minister to ask about missing people because I have concerns about that. My interpretation of her response is that she was saying, "The Government is confident that the general section covers missing people. We will address the matter in the explanatory notes and in guidance just to make sure that everyone knows about it, but we are not going to put it in the bill in case we limit the broad nature of section 3."

With all respect, I do not find that to be a strong argument. We are talking about a group of people for whom life is incredibly conflicting on so many levels. The practicalities of how property, contracts and bank accounts are handled are a challenge that is never expected. Throughout the history of factors, that area has always been there, on the edge. We have an opportunity at the appropriate stage of the bill to clarify the situation—not to exclude anything else that the Government anticipates but to make sure that those who inadvertently find themselves in need are given the clearest support to understand that the judicial factor is there not to take over from them but to support them. I echo the convener and, in particular, the response from the Scottish Courts and Tribunals Service in saying that the practicality of that support can be spoken about in a language that is understandable. That would be useful. I therefore press the Government to explain further its positioning, because the issue will return. Possibly, across parties and with the committee's input, there can be a way through without that becoming a problem.

I thank the Law Society for its response. In particular, I point out that it was in agreement with the recommendation that this issue would specifically appear in the bill and would welcome that. That is a powerful reason for us to look at the issue again and discuss it.

The other aspect that I would like to raise may be a challenge to address this afternoon, but I would be more than happy to receive correspondence on it. I raise it simply because of my on-going interest in the safeguarding of children. That aspect relates to the Children (Scotland) Act 1995. The proposals that were

contained in the 2019 consultation do not appear in the bill. The purpose of those was, in essence, to protect the role whereby property that is owned by children is handled by a factor, and give effect to the safeguarding that is required to ensure that that is not exploited. Given the subsequent passing of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, it would not be inappropriate for the Government to express why that matter has not been pursued. I am more than happy for that to be done in writing.

I welcome the bill and the attempt to put right that mix of statutory and common law that has crashed together over the centuries, as the committee convener pointed out. Given the hard work of the Law Commission, we should take every opportunity to make sure that the bill that leaves this place is fit for purpose this year, next year and perhaps for the next 300 or 400 years. I am grateful, Deputy Presiding Officer, for your patience.

16:03

Maggie Chapman (North East Scotland) (Green): I extend my thanks to the Scottish Law Commission, the committee members and clerks, and those who responded to the various consultations on the bill—especially the charity Missing People. The meticulous, informed and considered work by all involved has been both impressive and encouraging, and I hope that, in the formal stages to come, we can speak and act with the same levels of wisdom and empathy.

I do not suppose that many people will be screaming from the rooftops, or that there will be many headlines, about the debate or the bill that we are considering. Most people, I imagine, go through their lives without ever encountering a judicial factor. It is a shame, perhaps, that the chamber is not packed with journalists eagerly reporting every one of our speeches, because the subject of this afternoon's proceedings is a salutary example of what the Scottish Parliament can do, quietly and steadily, without fanfare or grandstanding, and with real co-operation across parties and with other institutions, other bodies and wider civil society.

The work of the Scottish Law Commission is hugely important for the development of responsible, relevant justice in Scotland. Its law reform recommendations allow us to combine the unique traditions of Scots law with policy and processes that meet the needs of people and communities today and, I hope—and as Martin Whitfield indicated—into the future, too.

That is illustrated by the Scottish Law Commission's and the committee's work on the bill

to explore ways in which the appointment of a judicial factor could help in a range of difficult situations. One such is when a person goes missing, for they leave behind them, with their families and friends, not only anxiety, pain, loss and uncertainty but the practical difficulties involved in managing their financial matters. The charity Missing People offers a lifeline to those who are either missing or thinking about going missing and also to those who are affected by a disappearance. Like me, many members here will know of people whose lives have been saved by the charity's sensitive and painstaking work. Missing People has engaged closely with the development of the bill, in recognising how the appointment of a judicial factor might be a way of enabling families to deal effectively and efficiently with the financial issues that arise from a disappearance.

I understand that the bill has not been able to do everything that the charity had hoped for, but I warmly welcome the Scottish Government's commitment to work with it to address the outstanding issues, including the development of appropriate guidance and procedures. I support the committee's call for the bill to be amended to make absolutely explicit its applicability to families who have been affected by disappearance. I, too, will be interested to hear the minister's closing remarks on that point.

In working to make the bill's processes as straightforward and seamless as possible, we must acknowledge that not all relevant relationships will be within Scotland or will be concerned with devolved matters. I therefore welcome the Scottish Government's on-going discussions with the UK Government on the potential for a section 104 order, which would oblige UK ministers and bodies that deal with reserved matters to provide information on the same basis as for matters within devolved powers.

On behalf of the Scottish Greens, I welcome the bill and look forward to working with other members, in the chamber and beyond, to help make it as valuable as possible in addressing the needs of people and communities in Scotland today and in the future.

The Presiding Officer (Alison Johnstone):
We move to the open debate.

16:07

Rona Mackay (Strathkelvin and Bearsden) (SNP): As a substitute member of the Delegated Powers and Law Reform Committee, I am pleased to speak in this important debate. On the face of it, as others have said, the bill presents as being pretty dry and technical, but, as is always the way,

it concerns a subject that is vital to ordinary citizens in many ways.

Judicial factors are appointed by courts to look after property that belongs to someone else. They can also be appointed to oversee a solicitor's firm where there has been a breach of the Law Society of Scotland's accounting rules or where a sole practitioner dies. Alternatively, they can also be appointed to wind up the estate of a deceased person or to oversee charity property or the estate of a missing person. Essentially, they do the background work that many of us might need at some point in our lives.

The fact is that, as we have heard, the law relating to judicial factors is in desperate need of modernisation; the existing legislation dates back to the 19th century and is now regarded by those who use it as outdated. At present, the majority of individuals who are appointed as judicial factors are legal or financial professionals. The Scottish Government has set out a key policy objective for the reforms, which is to create a comprehensive regime in one piece of legislation, and I welcome what is a long-overdue move. The bill introduces a statutory framework that sets out clearly the essential features of the office of judicial factor and the broad parameters within which it should operate. It aims to bring clarity, accessibility and efficiency.

In 2010, the Scottish Law Commission published a discussion paper on judicial factors, in which it analysed the existing law. In 2013, the commission published its recommendations for reform of the law, and in 2019, the Scottish Government consulted on those recommendations and the current procedure for appointing judicial factors in missing persons cases.

One of the elements that I described earlier was the support that the bill can give to the family of a missing person, which Martin Whitfield has just mentioned. The distress of such a situation is unimaginable, which is why the bill and the support that it will offer are so important. In addition to the emotional distress, the practical implications for family members of having to deal with that person's property and financial affairs while they are missing must be heartbreaking. In such cases, judicial factors can be appointed to manage the missing person's estate and so relieve that stress.

I am pleased that the Scottish Government has committed to working with the charity Missing People to prepare guidance for those who are considering appointing a judicial factor to manage the estate of a missing person. That is to be greatly welcomed, and it confirms the measured and committed way in which the Government is addressing the issue. I also point out that the bill does not make provision about what evidence is

required to satisfy a court that an appointment should be made, as, rightly, that will depend on the circumstances of each case.

A theme running through the committee's consideration of the bill was its application to situations where a judicial factor is appointed or might be appointed to manage the estate of a charity. The Scottish Government has started consultations with stakeholders on proposed changes that are sought by the Charity Law Association ahead of lodging any stage 2 amendments that might be needed in that area. Again, that is an important provision. The minister has advised that, ahead of stage 2, when that engagement is complete, she will write to the committee to confirm the Government's intentions.

A clear and accessible complaints handling route is vital. It is not included in the bill, but the Scottish Government will work with the Scottish Courts and Tribunals Service and the Accountant of Court to ensure that information on how to make a complaint about a judicial factor is clearly accessible.

Overall, a majority of respondents to the committee's consultation supported the Scottish Law Commission's recommendations, confirming the need for existing legislation to be updated, and the bill takes forward, without amendment, the majority of the SLC's recommendations for reform.

This is a good and necessary bill, and I thoroughly recommend that it passes at stage 1.

16:11

Oliver Mundell (Dumfriesshire) (Con): I am having a slightly strange day. I sat through the previous education statement and found myself agreeing with almost everything that the cabinet secretary was saying and then—I hope that this is taken in good spirit—I came to this debate and found myself agreeing almost entirely with Maggie Chapman. I think that she is right and, to a degree, what Jeremy Balfour said at the start of the debate was right, too. The Scottish Law Commission's bills and the work of the Delegated Powers and Law Reform Committee show this Parliament at its best and demonstrate what good committee scrutiny is like.

When I was a member of the DPLR Committee, I found it to be an easy role because the things that that committee deals with are, by their nature, far less political than the things that are addressed by other committees. After that, I moved to the ever-so-exciting Standards, Procedures and Public Appointments Committee. Perhaps in the time that I have left here, I will go on to a different committee and take to it the knowledge that I have gained from my membership of those committees.

That would be useful because, having been on some of the more political subject committees in the past, I think that the kind of work that those committees do sometimes gets lost among the politics. It is good that we have this particular process up and running and working well, because, as other members have said, those areas of law are really important to those whom they affect, and they are also areas that have been neglected for a long time.

That leads me to the one area where the minister could go further: that of missing people, which has already been referenced by other speakers. I understand the point that she makes about section 3 and whether that is the right place to include a reference to missing people, and I am open to hearing more on that.

However, although I know that the minister was, like members of the committee, very convinced by the evidence that we heard, there is a danger of not including a requirement to produce the guidance. We do not know how that area of law will evolve in the future, and there are lots of other mechanisms in the bill that would allow for changes to be made. Is there space somewhere else to include a requirement to produce that missing person guidance and to review it periodically to make sure that it continues to be effective? That might be an alternative course of action.

Stuart McMillan: I know that Oliver Mundell was on the committee when we considered this issue but, for the benefit of others in the chamber, I note that, when we were producing the stage 1 report, we had a lot of debate on the missing people issue, because the evidence that we heard was extremely compelling and powerful, and we wanted our report to reflect that and to help the Government with any potential amendments.

Oliver Mundell: I thank the committee convener for that intervention. I am looking at recommendation 56 on page 10 of the committee's report. I know the wording that was agreed; I remember being there when it was discussed. The committee indicated a strong preference for a reference to missing people to be included in the bill, although we said that we did

"not have a strong preference for how such a reference be added".

That is one of the advantages of going through this staged process: there is still time to have another look at such considerations. Including the reference in the explanatory notes is a step forward for a group of people and families, and the organisations representing them, who often feel that they are not at the centre of policy, because of the small numbers of people affected and the complexity around that. It is probably not even the

most significant issue for those families. Having something concrete would be a starting point but, on the basis of the evidence that we heard, I think that we can do a little bit better. I look forward to hearing a bit more on that area from the minister, and on some of the other points that she has offered to revisit.

16:15

Bill Kidd (Glasgow Anniesland) (SNP): I give a quick thanks to the clerking and legal teams on the DPLR Committee. They do a fantastic job.

The Judicial Factors (Scotland) Bill is a critical step forward in modernising and streamlining our legal framework. The bill is not just a technical adjustment; it is a vital piece of legislation that will help to bring clarity, accessibility and efficiency to an area of law that has long been in need of reform. The existing legislation on judicial factors dates back to the 19th century, when the legal landscape was vastly different from what we know today—just ask Stuart McMillan.

I enjoyed that one—I don't know about anybody else.

Those dealing with this area of law, including legal professionals and the individuals who are directly affected, have long highlighted how outdated the current system is. Procedures have become cumbersome, convoluted and no longer fit for purpose in today's Scotland. The bill addresses those concerns head on, with reforms that reflect the modern legal environment and the needs of the people it serves. The bill's primary aim is to create a comprehensive regime by consolidating the scattered and outdated provisions into one clear and accessible piece of legislation. It introduces a statutory framework that sets out the essential features of the office of the judicial factor and the broad parameters in which it should operate. By doing so, we will simplify and streamline the process, making it more efficient and less intimidating for those who need it most.

Judicial factors play a vital role in safeguarding property and estates in complex situations. Whether it involves stepping in to manage the affairs of a deceased individual or a missing person, or cases in which a solicitors firm has breached the Law Society of Scotland's accounting rules, the role of the judicial factor is indispensable. Although the number of appointments might have decreased in recent years, the bill acknowledges that there is a continuing need for judicial factors, particularly in certain complex and sensitive cases.

One of the key elements of the bill is the provision that it makes for the families of missing persons. As we know, the emotional and practical burdens that fall on families when a loved one

goes missing are immense. The bill ensures that judicial factors can be appointed to manage the estate of a missing person by conserving their assets and protecting their interests until they return or are declared deceased. That will bring much-needed relief to families who, in addition to their emotional distress, might face financial and administrative challenges.

Another important aspect of the bill is its application to the estates of charities. We have heard from stakeholders such as the Office of the Scottish Charity Regulator, which has expressed its support for the bill. The Scottish Government's on-going consultations with stakeholders, including the Charity Law Association, will ensure that any necessary amendments are made at stage 2, making the bill's provisions as robust and effective as possible.

The bill builds on years of careful consideration and consultation, beginning with the Scottish Law Commission's recommendations back in 2013 and continuing through extensive engagement with stakeholders in recent years. It is a thoughtful and considered piece of proposed legislation that will benefit not just legal professionals but individuals, families and charities across Scotland.

The bill is long overdue. It brings our laws into the 21st century, ensuring that they are fit for purpose and can meet the challenges of modern Scotland. By providing clarity, accessibility and efficiency, the bill will make a real difference to those who rely on the vital role of judicial factors.

16:20

Ben Macpherson (Edinburgh Northern and Leith) (SNP): As other members have done, I will speak in favour of the Judicial Factors (Scotland) Bill, which is an important bill that will put in place an updated and comprehensive regime that will bring much-needed and overdue clarity, accessibility and efficiency to a vital but outmoded area of law.

I refer colleagues to my entry in the register of members' interests. I am still on the roll of Scottish solicitors.

As others have said, including the convener, who, in an excellent speech, set out the evidence that was taken at stage 1 and the diligent work that the committee has done, the bill is about service. If it proceeds through the various stages and is passed, it will be more effective than what is in place at the moment in how it deals with people who are affected in the scenarios in which the law applies and, in particular, more sensitive to the needs of the loved ones of missing persons.

The bill is also about facilitating more effective utilisation and application of the law. As someone

who has, in the past, advised on complex areas of law, I know that the more usable the law is for solicitors, the better the service will be, especially on sensitive matters. The bill is important in that it will help those who provide professional advice and those who receive their advice.

The fact that the bill is a consolidating bill is to be welcomed. Obviously, it is a specific example of consolidation, which is necessary because of the historical nature of the current legislation, which covers quite a long period, to say the least—it is clear from what the convener said that we are talking about centuries. The law needs to be tidied up.

The Parliament will probably want to think a bit more about the consolidation of legislation in the period ahead. The bill was developed by the Scottish Law Commission, which does extremely good work. The commission's thoughtfulness, expertise and diligence—the way in which it works through every eventuality, using all its experience and insight—mean that the proposals that it brings to the Parliament and to the people of Scotland are, in the vast majority of cases, ones that we want to pick up, legislate well on and get on to the statute book.

For all the reasons that have been outlined, and to help members of my former profession in their work in future, I will be happy to support the bill at stage 1.

The Presiding Officer: We move to the winding-up speeches.

16:23

Maggie Chapman: In closing for the Scottish Greens, I reiterate my thanks to all those who have worked so hard, so co-operatively and so effectively on the long process, which began with the first discussion paper of 2010, of bringing the bill so far. I am grateful to members for their positive contributions to the debate, and I am heartened to see such wide-ranging examples of cross-party consensus. That goes to show—I say this to Mr Mundell, in particular—that there really is a first time for everything.

Many of the debates about the bill are not so much about its substantive provisions but about what needs to be explicitly stated and what is already the case under existing law. Those judgments have to be made in relation to issues as various as data protection and the power to choose environmentally sustainable and socially just investments. We have heard about how little the office of judicial factor has been used over recent years and how the complexity and, in some cases, the antiquity of previous legislation have contributed to its rarity, but we can hope that, once the bill becomes law, people will know not only

that judicial factors exist but that they can help with some very contemporary problems.

We have heard about the flexibility of the proposed legislation and the way that it recognises the fact that a judicial factor acting to protect the clients of a solicitors firm, a judicial factor paying a missing family member's mortgage and a judicial factor winding up a deceased person's estate might be very different people carrying out very different tasks.

We have heard about what else needs to be done—what amendments, guidance and further action the committee and others are seeking in order to make the bill as effective, its processes as transparent and its implementation as thorough as possible.

The issues that relate to missing people include cost and complexity, the situation when the missing person returns and the interrelationship with the Presumption of Death Act 2013. Those issues particularly demand our attention and care.

The Scottish Greens look forward to those developments and will do what we can to support them. The bill brings long-standing legal traditions into our contemporary context, asking and answering the questions of how we can learn from the past and how we can do justice now and for future generations. We will all seek to do our best to get those answers right.

16:26

Katy Clark (West Scotland) (Lab): Scottish Labour supports the bill, which we regard as non-controversial. We note that the Law Society of Scotland agrees that the law relating to judicial factors is in need of modernisation and that it is supportive of the bill and an up-to-date codification of this area of law. As Ben Macpherson said, it is a consolidating bill.

As the minister indicated, missing people was one of the areas that the committee focused on. I welcome the minister's commitment to continue to work with those involved in this issue, including the charity Missing People. We thank the committee for all the work that it has done on the bill and for its stage 1 report, which clearly outlines the issues. We agree that the role of judicial factor is a necessary one that needs to continue. As the convener said, it is important that we get the law right in relation to a judicial factor for a missing person.

I was pleased that the convener, who has been heavily involved in the McClure Solicitors issue as the constituency MSP, raised the question whether a judicial factor should have been appointed in that situation. Like him, I have been consulted by a number of constituents who have

lost huge amounts of money as a result of the actions of McClure Solicitors, and it will be interesting to hear whether the minister believes that the bill might have made a difference, if it had been enacted previously.

As many speakers said, there have been very few judicial factors, but we need to ensure that the law is updated to deal with situations such as when solicitors firms get into financial difficulties.

Martin Whitfield raised more than once the issue of missing people and the failure to make specific provision on that in the bill. Oliver Mundell also spoke to that point, and the convener confirmed that it was a significant point that the committee considered. I hope that the minister will clarify whether an amendment will be forthcoming from the Scottish Government to put specific provisions on that in the bill.

Rona Mackay said that the bill was dry and technical. However, like Maggie Chapman, she spoke about how important it could be to individuals. She pointed out that since the Scottish Law Commission made its recommendations, it has taken 11 years for us to get the bill. Perhaps that was because of how few cases there are. She also said how important it is that there is engagement prior to stage 2.

I looked carefully at what the Law Society of Scotland said about the bill. It is clear that it supports the committee's conclusion that a complaints process for judicial factors does not need to be included in the bill. We accept its view on that issue. However, it is supportive of steps to improve the accessibility of and signposting to existing complaints mechanisms and it welcomes the Scottish Government's commitment to take forward that recommendation.

The Law Society took the view that the bill preserved the jurisdiction of the Court of Session for hearing applications to appoint a judicial factor, and that that was the correct approach. However, it sought clarification on the proposed interaction between the bill and the Adults with Incapacity (Scotland) Act 2000, and suggested that a power to appoint a substitute judicial factor should be added to the bill. It would be helpful if the minister could respond to those points, either today or as the bill process continues.

The Law Society also took the view that the exclusion of certain UK bodies from the duty to comply with the notice issued by a judicial factor or by the Accountant of Court would adversely impact the ability to obtain relevant information. We therefore welcome the Scottish Government's intention to explore extending that duty. We also welcome the Scottish Government's commitment to clarify or remove references to data protection legislation in those sections of the bill.

I was going to ask the minister to respond to a couple of points. The committee highlighted that the Scottish Courts and Tribunals Service's evidence indicated that there could be a cost of £380,000 if the bill did not get royal assent; it would be useful if the minister could respond to that. In addition, the minister said in committee that the Government was looking at how the bill could be amended at stage 2 to capture the way in which complaints against a professional body could be made in the context of solicitors and regulated professions. Again, it would be useful if the minister could respond to that point.

It is extremely positive to take part in a debate in which there is so much consensus among members in the chamber. We look forward to having a positive debate as we go forward to make sure that we get the best possible law in this area.

16:31

Tim Eagle (Highlands and Islands) (Con): I agree with Katy Clark; I have not been in Parliament for very long, but I would have thought that more consensual debates happened more often—maybe not.

I am delighted to close the debate on behalf of the Scottish Conservatives. It has been a very gentle and kind Thursday afternoon debate. I add my thanks to those of other members to the Delegated Powers and Law Reform Committee's clerks and advisers for all their work on the bill; it really has been outstanding. I also thank all those who gave evidence during our scrutiny of the bill.

As my colleagues Jeremy Balfour and Oliver Mundell said, Scottish Conservatives support the bill's intention to reform, update and consolidate the legislation on judicial factors. I could probably just stop there and say, "Ditto" to what Katy Clark said. I think that I must have got a copy of her speech, because mine was pretty much identical. I will pick up on just a few of the points that I was going to make.

The first one was on the law reform backlog. The Scottish Law Commission originally published a discussion paper on that in 2010, and it made full recommendations in 2013, but we are now in 2024. I welcome the minister—and, I think, Stuart McMillan, too—saying that there will be more of these bills coming through. I think that that would be a good thing in order to deal with such matters, because, although these little things might not be of great interest, they matter to the people who require them. I am looking forward to the legislation coming to Parliament.

On the point about missing people, I cannot add much, except to say to the minister that there seems to be consensus around the need for

something on that in the bill. I hope that the minister will go back and speak with her advisers about that, because it would be good if the Government could bring something on it forward at stage 2, so that we could all coalesce around it rather than leave out that important aspect. Martin Whitfield, Oliver Mundell and Katy Clark, among others, all raised that point.

The committee examined the issue of the complaints procedure quite thoroughly during its stage 1 scrutiny, following the suggestion from the Faculty of Procurators of Caithness that it could be strengthened. Although the committee concluded that it was content with the current system of complaints, as a sensible compromise, we would also like to see the Scottish Government, the Scottish Courts and Tribunals Service and the Accountant of Court work to improve access to information about the complaints process. That brings us back to the point that the process has to be as accessible as possible on the very few occasions that it is actually required.

I will pick up on the point about the Law Society of Scotland's in-house judicial factor. The committee read the argument in the written evidence from the Faculty of Procurators of Caithness against the Law Society of Scotland having an in-house judicial factor and the power to appoint that judicial factor in certain circumstances. Having listened to the evidence, the committee was pretty content that it was fine for the Law Society to have the ability to petition to appoint its in-house judicial factor, having accepted that there are adequate avenues for anyone who is opposed to that to oppose it in court, and that there are processes available in the complaints system. However, great responsibility comes with that power, and I urge the Law Society always to remember that when it is covering those two bases.

During the committee's evidence taking, there was some debate with regard to the creation of a stand-alone register for judicial factors. The committee finally settled on a compromise and agreed to the proposal in the bill to register judicial factors in the register of inhibitions. I welcome the minister's opening remarks, in which she said—if I have got it correct—that the Government will bring forward an amendment at stage 2 to look at the periodic review of that.

This law reform is very welcome, and it will be important to those who seek it. I thank the DPLRC and the minister, and I will welcome the approval of the bill at stage 1 this evening.

16:35

Siobhian Brown: I thank all members for their contributions to this afternoon's debate. I repeat

my thanks to the Scottish Law Commission for the work that has gone into this project and to the Delegated Powers and Law Reform Committee for its work in gathering and responding to evidence on the bill.

A few members who are in the chamber today might remember last year's debate on reform of trusts law, the principal statute of which dates back to 1921. The office of judicial factor has an equally long history in Scots law, as Stuart McMillan mentioned in his speech, and the most recent statutes that are dedicated to the office date from 1849 to 1889. This year's legislative programme includes a bill that will implement the SLC's recommendation on the termination of leases and notices to quit; one of the principal pieces of statute in that area dates from 1756, although it was re-enacted as recently as 1913.

Progress on updating our laws is clearly being made. Really important work is going on in the Scottish Government and in Parliament, and, as Maggie Chapman highlighted, sometimes that is not recognised.

If Parliament passes the bill, a modern and broad framework that sets out the essential features of the role and supervision of judicial factor will be put in place. That will bring clarity, accessibility and efficiency to this area of law, which we hope will mean that the solution of appointing a judicial factor is used in a wider range of circumstances.

The SLC's recommendations achieve the aim of setting out a modern framework for the appointment and supervision of judicial factors. The committee and members who are here today have identified points of detail where they consider that improvements can be made to the bill. I will take away those points and reflect on them; I will also come to some of them later in my speech.

I am willing to listen to and, where I can, work with members of all parties on the bill. Despite the points of difference, I am pleased to hear from members across the chamber that there is broad support for the general principles of the bill.

I will use what time I have left to discuss issues that have been raised this afternoon, of which there are quite a few.

First, I come to the issue of missing people. Most members have commented on that, due to the compelling evidence that the committee took. I understand that missing persons is an emotive issue, but we do not create legislation in a vacuum. We must take into account the rules of statutory interpretation. As I have said, adding something to the bill to make it clear that a judicial factor can be appointed to manage the estate of a missing person could mean that the court does not agree to appoint a judicial factor in other

circumstances. That risk is considered to be unnecessary, but I am listening to members, and my door is always open if they wish to discuss that further with me.

I will move on to the issue of charities, which Jeremy Balfour raised. Judicial factors can be appointed in a wide range of circumstances, and some stakeholders have suggested possible amendments with regard to circumstances in which a judicial factor is appointed to manage the estate of a charity. I am exploring those suggestions and, once engagement with the relevant stakeholders is finished, and ahead of stage 2 proceedings, I will write to the committee to confirm my intentions.

I will write to Martin Whitfield in response to his point about the Children (Scotland) Act 1995.

The issue of section 104 orders and communication with the UK Government was raised. Most of the bill's provisions will apply only in Scotland; however, there are certain provisions that I think should apply in the rest of the UK as well. The aim is to ensure that a judicial factor that is appointed to manage an estate is able to exercise their functions in relation to the whole of the estate, regardless of where the property is in the United Kingdom. Intergovernmental arrangements are in place to manage the delivery of orders that require to be made under section 104 of the Scotland Act 1998, and officials are in discussion with the UK Government about seeking a section 104 order for the bill. So far, those discussions have been positive, and that work will continue as the bill progresses. I will keep the Parliament updated on progress.

Katy Clark and Stuart McMillan highlighted the McClure's issue. Under the Solicitors (Scotland) Act 1980, the Law Society of Scotland can apply to the court for an appointment of a judicial factor to a solicitor firm in certain circumstances. Such a judicial factor does not carry out any legal work in the way that an incoming firm is able to do in many cases, and it might be preferable for another firm to take over the business of a failing firm rather than to put in place a judicial factor. Ultimately, the Law Society of Scotland, as the regulator, would generally be best placed to decide whether to seek appointment of a judicial factor to a solicitor firm.

The Scottish Government has taken proactive steps to militate against a situation like that of McClure's happening in the future. Members will be aware of my other bill that is proceeding through Parliament—the Regulation of Legal Services (Scotland) Bill—which will introduce the authorisation of legal businesses, to bring benefits such as greater consistency in regulating legal firms, and to enable the Law Society of Scotland,

as the regulator, to identify and address deficiencies early.

Tim Eagle brought up a point that the Faculty of Procurators of Caithness highlighted to the committee, and I welcome the committee's view that the system is a sensible approach to the complaints procedure. I have listened to what was said about the accessibility of the complaints procedure, and officials will work with SCTS and the Accountant of Court to make sure that information on how to make a complaint about a judicial factor is clearly accessible.

Katy Clark mentioned royal assent. I do not have any information that the bill will not get royal consent, but I will keep her updated if that is a problem moving forwards. She also mentioned the Law Society of Scotland briefing that was sent to members, which raised quite a few technical aspects of the bill. My officials reached out to the Law Society when we received the briefing, and we are meeting it next week to discuss and go through that.

I believe that today's debate reinforces the impression that there is broad support for the bill and its policy aims. Parliament has an opportunity to look at and consider an area of law that does not usually rise to prominence but is of vital importance to those who need it and who rely on it, whether to distribute a deceased person's estate or to manage a missing person's property. As a whole, the bill seeks to bring the law up to date and takes forward all the substantive recommendations for reform that were proposed by the Scottish Law Commission.

I thank the members who have contributed to today's debate, and I welcome their broad support for the general principles of the bill. As the debate has indicated, however, there are matters to consider and differences of view on points of detail. I look forward to working with the committee and members from across the chamber to consider those issues in the coming weeks.

The Presiding Officer: That concludes the debate on the Judicial Factors (Scotland) Bill at stage 1.

Motion without Notice

16:43

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

Motion moved,

That, under Rule 11.2.4, Decision Time be brought forward to 4.43 pm.—[*Jamie Hepburn*]

Motion agreed to.

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-14485, in the name of Siobhian Brown, on the Judicial Factors (Scotland) Bill, be agreed to.

Motion agreed to,

That the Parliament agrees to the general principles of the Judicial Factors (Scotland) Bill.

The Presiding Officer: That concludes decision time.

Meeting closed at 16:44.

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

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