



OFFICIAL REPORT  
AITHISG OIFIGEIL

DRAFT

# Meeting of the Parliament

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# Scottish Parliament

*Tuesday 10 December 2024*

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

## Time for Reflection

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

Good afternoon. The first item of business is time for reflection. Our leader today is Sila Collins-Walden, Quaker.

**Sila Collins-Walden (Quaker):** Hello, everyone.

Part of Quaker life is to work gladly with other religious groups in the pursuit of common goals. As a young Catholic girl in Northern Ireland, I did not know any children of a different faith from mine. When I moved to England, I met children of different faiths and backgrounds. A friend invited me to her church's harvest festival. I had never heard of that festival. I accepted, but was nervous. I wondered, "What would my mother say?", so I did not tell her. The harvest festival was a lovely experience. I made new friends and was given a box of fruit and vegetables by the minister to take home for my mother. How would I explain this box of delights? She was actually pleased—she really did not care where it came from.

Later, in the 1970s and 1980s, I worked as a rehabilitations officer in a large psychiatric hospital. One of my remits was to liaise with the various ministers of religion, one of whom was a rabbi. I came to know him quite well, because the hospital was near a large Jewish community.

The rabbi was planning for Passover. I had to find a room in the hospital for the service and a list of Jewish patients for him. On the day, far more patients turned up than were on the list. Oops! What would I say to the rabbi? However, he laughed and said, "Do you think it's something to do with the Jewish women volunteers, who bring those delicious little cakes and biscuits and sweet raisin wine—non-alcoholic, of course! Word must have gone around about the cakes. It doesn't matter if they are not Jewish; they are still welcome. After all, you are not Jewish, and I've been working with you for the past three years."

The rabbi even invited me to the synagogue and to his son's bar mitzvah. I learned much in my role working with him and various ministers of religion.

Later, I became a Quaker. I joined an interfaith group and met people from different faiths. We organise events such as shared meals, outings and forest walks.

I reflect on that journey, from being a young girl with limited knowledge and understanding of those with different beliefs to mine, to now. I have forged many friendships and bonds, and mutual understanding, through working alongside those of other faiths. It is also a joy to have a grandson who is a Muslim. The key is sharing hopes and working together.

Thank you, Presiding Officer. Thank you, Scottish Parliament.

## Topical Question Time

14:04

### Computerised Tomography Scans (Review)

**1. Carol Mochan (South Scotland) (Lab):** To ask the Scottish Government what its response is to the reported review of more than 1,000 CT scans, in light of concerns regarding the quality of assessments made by a consultant radiologist. (S6T-02241)

**The Cabinet Secretary for Health and Social Care (Neil Gray):** NHS Golden Jubilee, which hosts the Scottish national radiology reporting service, has confirmed that discrepancies were identified in some reports by an individual consultant radiologist and that immediate action was taken by it to comprehensively review all relevant CT examinations. The findings were shared with relevant health boards, which are currently investigating the clinical impact of the discrepancies under the appropriate clinical governance and duty of candour requirements. I understand that it is too soon to determine the impact on individual patients.

Individual staffing matters are entirely for the health board to resolve. However, NHS Golden Jubilee has confirmed that the individual is no longer working for the SNRRS.

**Carol Mochan:** I welcome the immediate action that was taken. However, I seek further clarity on how the discrepancies were allowed to happen, which health boards have been affected and when the affected patients can expect to be notified.

**Neil Gray:** The audit ensures that we are able to pick up on the issues in a relatively timeous way. NHS boards have a duty of candour and must make sure that they report any issues that may impact on patients, and my understanding is that that is under way. As I said in my opening answer, it is too early to say what the impact will be, and it is also too early to say what the geographical spread will be, as Carol Mochan requests. However, as more information comes to light, I will seek to make sure that Ms Mochan and others are kept up to date.

**Carol Mochan:** That is very helpful. I am sure that the cabinet secretary recognises that such errors impact on public trust and confidence in the Scottish national radiology reporting service, which is relatively new, having launched in 2020, and the situation has arisen during a time when we seem to have regular scandals in the NHS. How will the Government ensure that lessons are learned and that similar errors do not occur in the future?

**Neil Gray:** There are two things to note. First, discrepancies are not necessarily errors but are disagreements on the appropriate reporting between two or more radiologists. They are estimated to occur in between 3 and 30 per cent of all radiological examinations. That information comes from the Royal College of Radiologists. There will be some errors, and in a subset of those cases there may be an impact on patients, which will lead to the duty of candour obligations that I set out earlier.

My second point is about reassurance. From the start of a pilot in July 2020, through the transition to business as usual in November 2021 and until March 2023, more than 240,000 examinations were reported through the SNRRS bank, which equates to more than 42,000 hours of reporting. We are therefore discussing a small number of examinations compared with the overall system. On lessons learned and how we are giving patients confidence, I hope that the duty of candour process and the auditing process that are under way will give Ms Mochan and patients the reassurance that she asked for.

**Clare Haughey (Rutherglen) (SNP):** I remind members that I am employed as a bank nurse by NHS Greater Glasgow and Clyde.

I note that around 10 patients have been identified as being potentially impacted by the work of the radiologist. This will undoubtedly be a troubling and worrying time for those individuals and their loved ones. Can the cabinet secretary assure those who have been affected that they will be contacted timeously by NHS boards and supported during this potentially distressing time?

**Neil Gray:** I can. I share Ms Haughey's concern about the feelings of distress that the individuals whom she referenced must be feeling. I express my sincere sympathies to the patients who have been affected at this difficult time.

I confirm that the relevant health boards have initiated duty of candour requirements. The Scottish Government is clear that, when harm occurs or has potential to occur, the focus must be on personal contact with those who have been affected, and that openness and transparency are fundamental to promoting a culture of learning and continuous improvement in health and social care settings and to ensuring that we have that feeling of trust in our institutions.

The duty of candour procedure reflects the Scottish Government's commitment to place people at the heart of health and social care services in Scotland. I hope that that answers Clare Haughey's question.

**Brian Whittle (South Scotland) (Con):** The cabinet secretary will be aware of the advancement of artificial intelligence in reading

scans. It has become extremely accurate and quick at highlighting anomalies to healthcare professionals. What is the cabinet secretary doing to ensure that AI of that kind is adopted into the health service as quickly as possible?

**Neil Gray:** As were the earlier points, Brian Whittle's point is fair, and we are exploring it. He will understand that there are sensitivities in ensuring that we operate artificial intelligence appropriately. However, we have very good intelligence on and experience of artificial intelligence being used to read scans in certain disciplines, not only in Scotland, but across the UK. Cancer is a good example of where AI can identify issues quickly. We are looking to invest in such innovation and technology, and my hope is that the investments that we have proposed through the budget for next year will help us to proceed further with that.

### Two-child Benefit Cap

**2. Kevin Stewart (Aberdeen Central) (SNP):** To ask the Scottish Government what discussions it had with the United Kingdom Government at the British-Irish Council summit regarding ending the two-child benefit cap. (S6T-02237)

**The Cabinet Secretary for Social Justice (Shirley-Anne Somerville):** The First Minister had positive discussions with the Prime Minister at the British-Irish Council summit last week. They discussed a range of issues, including scrapping the two-child cap in Scotland—a measure that could lift around 15,000 children out of poverty.

Last week, our draft budget committed £3 million in the year 2025-26 to develop the systems that are required, but we need co-operation from the Department for Work and Pensions to move at pace. That is why I have also written to the Secretary of State for Work and Pensions, and I hope to meet her as soon as possible to discuss the matter further.

**Kevin Stewart:** Scrapping the two-child benefit cap is the right thing to do and will lift 15,000 children in Scotland out of poverty. However, the Scottish Government requires data from the Westminster Government to make payments a reality. Is the cabinet secretary confident that the Westminster Government will provide that data?

**Shirley-Anne Somerville:** Overall, under the previous Conservative Administration and the Labour Administration, we have had good relations with the DWP with regard to the devolution of social security benefits. However, it would be fair to say that relations were somewhat strained during winter fuel payment discussions. I believe that those good relations will stand us in good stead, and the discussions that the First Minister and the Prime Minister have had will, I

hope, set the tone for both Governments. If we are at the point where Keir Starmer has said that he will not stand in the way of allowing Scotland to scrap the cap, it is perhaps ironic that Scottish Labour and Anas Sarwar might do so, unless they support our budget at the final vote.

**Kevin Stewart:** I hope that there will be an easy data transfer from the Westminster Government. I also hope that Labour in Scotland will reflect on some of the things that have been said by the likes of the Child Poverty Action Group and that it will back the budget.

The right thing for the Westminster Government to do would be to scrap the cap right across the UK, which would be beneficial for children and families from Aberdeen to Aberystwyth. Has the Scottish Government been given any indication that the UK Government is willing to do so?

**Shirley-Anne Somerville:** Kevin Stewart is quite right to point out that the best way to alleviate poverty in that area would be for the UK Government to do the right thing. It is one of the policy interventions that could make the biggest difference in tackling child poverty. Indeed, the Institute for Fiscal Studies said that reversing the two-child limit would lift 540,000 children right across the UK out of absolute poverty. The lack of action in Rachel Reeves's budget—and in further pronouncements from the UK Government—is therefore deeply disappointing.

Repeated calls on the UK Government, which has failed to take action, have resulted in absolutely no change in the Labour Government's policy. The Scottish Government has decided that it cannot wait any longer, so this Government will take decisive action to scrap the cap.

**Stephen Kerr (Central Scotland) (Con):** How much will the policy cost? There is no mention of any amount in the budget documents. Will the cabinet secretary tell the Parliament how much it will cost?

**Shirley-Anne Somerville:** The budget clearly sets out that there is £3 million within the 2025-26 budget to allow us to build the systems and scrap the cap. That obviously cannot be done at source, as we do not have the powers, but that is how we will mitigate it.

The Scottish Fiscal Commission, which is responsible for setting out the detail of how much social security will cost, has estimated the figure at £150 million. The commission will do further work on that and, as always, we will base the Government's work on the Scottish Fiscal Commission's work. That is an important investment in the people of Scotland that the Government will make.

**Paul O’Kane (West Scotland) (Lab):** I welcome the Scottish Government’s on-going positive engagement with the British-Irish Council, which is a very important body for promoting peace and stability across these islands. As a dual citizen, I take it extremely seriously, and I hope that all members take its work seriously, too.

I welcome the commitment made at the weekend by both the Prime Minister and the Chancellor of the Duchy of Lancaster to work constructively with the Scottish Government as part of the wider reset of relations between the Governments. The cabinet secretary and I have previously discussed the new UK Government’s child poverty task force, which is examining a range of issues including universal credit and the two-child limit. I know that Scottish Government ministers and officials were at the task force meeting in Glasgow on 21 November with the Secretary of State for Work and Pensions, Liz Kendall. Can the cabinet secretary confirm whether the Scottish Government discussed its policy proposal on the two-child limit at that meeting?

**Shirley-Anne Somerville:** That was a public meeting, as the member will be well aware, and it would not be appropriate to get into discussions about what may happen within a Scottish Government budget at a public meeting in such a setting.

It is fair to say—and this should not come as a surprise to Paul O’Kane or the Labour Party—that, after the “change” election, when there was no change to the two-child cap; after the budget, when there was no change to the two-child cap; and after the launch of the child poverty task force, when there was no change to the two-child cap, it is the Scottish Government that has delivered the change that people were looking for.

**The Presiding Officer:** That concludes topical question time.

## Education (National Improvement Framework)

**The Presiding Officer (Alison Johnstone):** The next item of business is a statement by Jenny Gilruth on the 2025 national improvement framework and long-term strategy for Scottish education.

14:18

**The Cabinet Secretary for Education and Skills (Jenny Gilruth):** I welcome the opportunity to update the Parliament on the Government’s strategy for improvement in Scottish education, which is published today in the 2025 national improvement framework. I intend to return to the chamber in the new year for further discussion with members on the framework.

I know that each of us in the Parliament cares deeply about improving Scottish education. We hear from our constituents about the challenges in our schools post-Covid and about the invidious impacts of poverty blunting educational interventions before our children have even crossed the school gates. It is therefore welcome news today that the gap between the most disadvantaged and the least disadvantaged learners has narrowed to its lowest-ever level on three of the four key indicators. That shows that our long-term inputs, such as the Scottish attainment challenge, are delivering improved outcomes for our children. I pay tribute to the hard work of our children and young people and the teachers who care for them every day, and I note the positive outcomes that we can see in this year’s achievement of curriculum for excellence levels—ACEL—data, which show significant improvement across the board.

Indeed, over the past year, the proportion of primary pupils who are achieving expected levels has increased for all stages. The proportions of secondary 3 pupils who are achieving third level or better—including fourth level—have increased and are at record levels. That is a significant achievement and a clear indication that the work introduced by the Scottish National Party Government is supporting better outcomes for our young people.

The ACEL data shows good, solid progress, and we are determined to build on that. We still have more to do to ensure that all young people fulfil their potential. The data shows variation in outcomes across different parts of the country, which must be addressed. That challenge will be the focus of a joint education assurance board that we are establishing with the Convention of Scottish Local Authorities to drive improvement across the education system. To that end, I



welcome the agreement from COSLA to that partnership approach, which will strengthen our ability to work together to close the poverty-related attainment gap.

Of course, improvement can be delivered only with the necessary people and resources. That is why the Government believes that teacher numbers are pivotal in closing the poverty-related attainment gap. No parent, pupil, educationalist or political party in Scotland would argue that educational improvement can be advanced with fewer teachers in our schools. I am therefore pleased—particularly when the pupil roll in Scotland has dropped by 3,100 in the past year—that our overall pupil teacher ratio has remained relatively stable, at 13.3, and is by far the lowest in the United Kingdom. However, I am disappointed that teacher numbers have reduced in the past 12 months, despite the additionality of the £145.5 million that the Scottish Government provided.

Half of Scotland's councils managed to increase, maintain or come close to maintaining teacher numbers. I put on record my thanks to those authorities. I am pleased that, in the budget, the Government has continued to recognise the importance of teacher numbers, by uplifting the £145.5 million to maintain teacher numbers by £41 million, which provides additionality and more support for councils. We are also providing councils with an additional £28 million to address additional support needs in our schools, which is to be used to employ more specialist staff, such as ASN teachers, to support children and young people with additional needs. Through the budget settlement, we are offering Scotland's councils an extra £69 million, which will see local government and the Scottish Government commit to working together to restore teacher numbers to 2023 levels next year. I am pleased that COSLA leaders have responded positively to that offer.

Those additional resources come on top of the real-terms increase in local authority budgets that the Scottish budget delivers. That budget will also see continued investment in the £1 billion Scottish attainment challenge, including the pupil equity fund, which flows directly to our headteachers and empowers them to take the decisions that they see fit to support the young people who are in their care.

Other elements of the agreement that we have reached with local government depend—to an important degree—on having sufficient teachers in post. They are the freezing and protection of current learning hours and the progression of reduced class contact time. On class contact time, I want us to rapidly make a joint proposal to the Scottish Negotiating Committee for Teachers to make progress at pace. Creating the necessary time for Scotland's teachers to engage with

education reform has never been more important, and I know that the teaching profession is responding to an increasing workload, post-pandemic.

Medium-term and long-term joint workforce planning will also take into account the importance of responding to such issues, including different local needs. I confirm to the chamber today that, as a result of the agreement with COSLA, the Scottish Government will now issue the £145.5 million to local government in full this financial year.

I recognise that persistent and stubborn challenges remain in our education system in relation to teacher employment. Those challenges are not new—I raised that issue in my first speech in the chamber back in 2016, which was predicated on my experiences as a faculty head and those of my peers. Like members across the chamber, I have been concerned about reports of new teachers struggling to find permanent roles. When I recently met representatives of the Scottish Teachers for Permanence group, we discussed a range of issues regarding the ability of some teachers to secure permanent employment. We know that fewer permanent posts are available for teachers post-pandemic, which is causing distress and anguish to many teachers—particularly those who are post-probation. The allocation of an additional £69 million will therefore help local authorities to provide greater job security, because they will have the ability to offer more permanent posts.

However, I must also reflect on the Government's responsibility towards sustained teacher employment. I am particularly mindful of the £40 million of direct investment that we make every year in fully funding the costs that are associated with the probationer scheme. That is why I can announce that we will work with partners to ensure that the teacher induction scheme meets the needs of the system.

In addition to the ACEL data, there has been further improvement with regard to the increase in school attendance. Similarly, it is welcome to see the reduction in persistent absence—particularly given the links between poverty and disadvantage and poor school attendance.

On the ground, the Government's interventions are making a real difference, whether that is through the virtual school headteachers programme or via initiatives such as breakfast clubs, which support attendance and children's wellbeing. The draft budget proposes a new initiative of bright start breakfasts, which will expand access to breakfast clubs in primary schools across Scotland and provide thousands of children in low-income communities with a healthy

breakfast at the start of the school day, alongside an early drop-off for working parents.

I want to take further measures to build on that improving picture. We will launch a national marketing campaign from next year, working with partners—including parents—to support our young people to return to, engage with and benefit from their learning.

Members will recognise that there is a further increase in the number of young people who are reported as having an additional support need. The draft budget makes provision for an additional £28 million to flow to Scotland's councils, which supplements the record £926 million that was spent in the past financial year. The updated additional support for learning review action plan, which was published last month, further commits the Government and local authorities to improve ASN support across the country for Scotland's young people. Funding is also being provided to support national initiatives that will help to recruit and train more additional support for learning teachers. It is vital that every child and young person with an additional support need, including those with complex needs, gets the support that they need to reach their potential.

I know that every member in the chamber shares that sentiment with me, and I have listened intently to the stories that have been shared by families who need the Government and Scotland's councils to do more. I look forward to engaging further with parents and teachers on that crucial issue at the Educational Institute of Scotland's stand up for ASN event, which is being held in the Parliament this evening.

The data that has been published today demonstrates that our education system continues to recover from the damaging effects of the pandemic, but we must remain focused on further improvement. To that end, the 2025 national improvement framework has been updated to provide clarity and focus in our work on improving Scottish education. The framework sets out seven strategic outcomes, the delivery of which will make a significant difference to our children and young people. We—national Government, local government, schools, teachers and parents—all have a role to play in delivering the improvements that we want to see. That message came through strongly in my recent discussions with headteachers across Scotland—our schools cannot do this on their own.

The national improvement framework sets out that, in the short term, the focus will continue to be on our immediate priorities of ABC—attendance and attainment, behaviour and relationships, and the curriculum. Those priorities have fed into and informed our longer-term priorities, as set out in the new strategy. They include the Education

(Scotland) Bill; the curriculum improvement cycle, which is already under way and will ensure that our curriculum supports high-quality learning and teaching; and improving support for children with additional support needs through the ASL action plan.

I thank the Education, Children and Young People Committee for its stage 1 report on the Education (Scotland) Bill in relation to education reform and for its support for the general principles of the bill. I am pleased that, in publishing the refreshed NIF today, we have fulfilled one of the committee's key requests, which was to provide an updated long-term vision for improvement in Scottish education.

The data that has been published today provides a detailed and focused snapshot of progress across a range of issues. The Scottish Government, working with our partners, is taking detailed and specific actions to build on that progress to improve outcomes for our children and young people. I will continue to inform that work by listening to the education profession and building on our recent national events with secondary headteachers by holding similar sessions with primary heads across the country. It is only by listening to those at the chalkface that we can hope to drive the improvements that are needed to support Scotland's schools and her young people.

The narrowing of the attainment gap is welcome, and we are determined to build on that progress. Education must transform lives, because we know that for too many, their opportunities in life are determined before they arrive in our schools. I am acutely aware of the pressures facing our pupils, families and teachers across Scotland. Post-pandemic, they are responding to greater need than ever before, with our schools being forced to fill the gaps where the United Kingdom welfare state has failed. The presence of poverty in our schools, from food banks to clothing stations, represents a direct cause-and-effect of austerity.

The Scottish Government is acting to end child poverty. Our schools have a vital role to play in that, but they cannot do it alone. That is why a partnership approach is needed, in particular with Scotland's councils, but also politically. It is in that spirit that I urge all members in the chamber to work with us to deliver the improvements that we all want to see for the benefit of Scotland's future.

**The 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. I would be grateful if members who wish to put a question would press their request-to-speak buttons.

**Miles Briggs (Lothian) (Con):** I thank the cabinet secretary for providing advance sight of her statement. It is interesting that the statement was scheduled to take place today, after the publication of some shocking statistics that show that the number of teachers in Scotland has gone down by 621 and that one in three pupils are persistently absent from our schools.

The issue that I want to ask the cabinet secretary about today is literacy. Improving literacy levels in primary and secondary education must be our number 1 priority, and the national improvement framework must embed that if we want to improve literacy outcomes for all our children. We need to see improvements in that regard.

Will ministers take on board the calls to reintroduce the Scottish survey of literacy and numeracy? That would benchmark the ABC work that the cabinet secretary outlined in her statement, and it would enable us to know whether children are ready before primary and secondary school. We have seen reductions in literacy across Scotland, and we need to acknowledge that in order to move forward.

**Jenny Gilruth:** Mr Briggs and I have discussed literacy in the chamber in recent weeks, and I will come on to that momentarily.

On teacher numbers, I recognise the challenge. I hope that the member will recognise the additional support that the Government is providing by uplifting the £145.5 million to maintain teacher numbers by £41 million. We are also providing an additional £28 million directly to local authorities to help them to employ specialists such as ASN teachers, because we recognise the importance of having such teachers in our schools. I do not think that anyone in the chamber would disagree with that.

It is hugely important that we work to support our local authorities, and I am very pleased that we have been able to reach an agreement with COSLA.

The member mentioned the Scottish survey of literacy and numeracy, which was replaced by the ACEL data. I am more than happy to engage with him on that. However, my recollection, which is from when I was last in a classroom, is that the SSLN was a survey and was often not a data set that classroom teachers could engage with. The ACEL data arguably provides a much richer data set, and it is also predicated on teacher judgment, which is hugely important.

The ACEL data is showing us progress in relation to improvement, a narrowing gap and record attainment throughout the system. We are starting to see real progress because of the Government's inputs. I am happy to work with Mr

Briggs on the issue, and I committed to discussing the topic in the chamber with him in the very near future.

**Pam Duncan-Glancy (Glasgow) (Lab):** I thank the cabinet secretary for providing advance sight of her statement. However, with no specifics on a change of direction and little reflection on the reality that schools face today, it is more of the same. It is not a strategy, and it is not long term. Indeed, having waited, we have been told to wait again for more detail in the new year.

The cabinet secretary has listed data—she can list the data that she chooses—but the reality is, as she noted in her statement, that the problems that schools face are long standing. Indeed, they date back to 2016, when the current First Minister was the Deputy First Minister and Cabinet Secretary for Education and Skills, and they are deep rooted. Pupil absence is stubbornly high; resource for pupils with ASN has not kept pace with need; probationary teachers cannot get work; the pupil teacher ratio in secondary schools is at its highest level since 2004; the Government has never met targets on class sizes; and local government is pulled from pillar to post.

Everything is going in the wrong direction, and pupils, parents, teachers and staff know it. Does the cabinet secretary honestly think that it is acceptable to come to the chamber on a promise of a strategy but to deliver no detail? Will she finally set out when the Government will deliver on the Parliament's will and publish a long-term strategy for the workforce in education?

**Jenny Gilruth:** Ms Duncan-Glancy raises a variety of points, all of which I will try to cover, although I might not be able to do so.

The member alluded to my coming to the chamber today without a plan. I hope that she has read, or at least taken cognisance of, the national improvement framework, which was published today, which sets out that strategic plan.

The member also asked about workforce planning. That has been agreed to as part of our commitment to work with local authorities. I hope that the member recognises the additional support that this Government is providing to local authorities to help them to restore teacher numbers to 2023 levels and the additional support that we are providing them with for ASN.

The member mentioned the historical challenges. However, despite some of the challenges of the past year, it is still the case that, today, we have more than 2,500 more teachers in Scotland's schools than we did back in 2014. I hope that the member recognises that. I also note the context for some of the falls and reductions: in the past year, we have seen the pupil roll reduce by 3,100.

Notwithstanding that, it is welcome news that we have been able to reach a joint agreement with local authorities on educational improvement. That is what the national improvement framework is all about. I look forward to engaging with the member on any suggestions that she might have to that end, because I know that she is absolutely focused on delivering the necessary improvements for our young people.

**George Adam (Paisley) (SNP):** I appreciate that the cabinet secretary mentioned this in her statement, but can she tell me in more detail how the latest sets of ACEL statistics compare with last year's figures?

**Jenny Gilruth:** As the member has alluded, literacy and numeracy levels are at a record high under this Government. The 2023-24 ACEL data shows significant improvement across the board, which I hope that members will welcome. The proportion of primary pupils who are achieving expected levels has grown to 74 per cent for literacy and 80.3 per cent for numeracy, which is the highest level on record.

In our secondary schools, the proportion of pupils who are achieving third level or better has grown to 88.3 per cent in literacy and 90.3 per cent in numeracy, which is the highest-ever level to date. The attainment gap for literacy between the most and the least disadvantaged children in primary and secondary school has narrowed to its lowest ever.

I am sure that all members will join me in welcoming that news and thanking teachers and schools for all their hard work in ensuring that progress thus far. We have much more to do, but we should celebrate that success and improvement today.

**Roz McCall (Mid Scotland and Fife) (Con):** Outcomes for care-experienced children are conspicuous by their absence from the statement, but that is hardly surprising, given the issues surrounding data collection that I have mentioned to the cabinet secretary in previous exchanges.

In her statement, the cabinet secretary welcomed the small decrease in persistent absence compared with 2023. However, the rate of persistent absence remains substantially higher than it was between 2010 and 2021, when it was around 20 per cent. In secondary school, more than 40 per cent of pupils are missing more than 10 per cent of the school year. Although breakfasts and additional ASN teachers are welcome, what more does the cabinet secretary intend to do, given that we are looking at concerning neurodivergency issues behind the statistic?

**Jenny Gilruth:** We have discussed the role of the virtual headteacher programme in the chamber

previously. Given the overlap here, I should put on the record the fact that I am recused from the Promise. However, more broadly, we are looking to expand the virtual headteacher network, because that is delivering real results in our schools, particularly in relation to care-experienced young people.

My second point is a broader one. The issues relating to persistent non-attendance since the pandemic are not unique to Scotland. I am sure that the member has engaged with the Children's Commissioner for England's publication, which sets out some of the challenges that they are facing down south with that exact issue.

My third point relates to the measurement of persistent absence. Last year, I recognised some of the challenges of non-attendance, and we looked with officials at how we could gather better data. We inserted a new data set on persistent absence last year, so it is welcome that we now have that data, which was not previously gathered at national level.

The member alluded to some of the work on breakfast clubs. I was at a school in the Clackmannanshire Council area only yesterday, and I saw the difference that having a breakfast club has made to attendance in that school. I spoke to the mums about the difference that it makes to their working day.

Such interventions, whether we are talking about the virtual headteacher programme or the free breakfast initiative, which is part of the draft budget, are making a difference on the ground.

The last point that I will make—forgive me, Presiding Officer; I am mindful of the time—is that I have asked the chief inspector to include measurements of persistent absence in every school inspection report. That is hugely important to driving improvement, which is exactly what the national improvement framework is all about.

**Jackie Dunbar (Aberdeen Donside) (SNP):** How does the Scottish Government's announcement of bright start breakfasts build on the current provision of breakfasts in Scotland?

**Jenny Gilruth:** It is worth reminding members that almost half of primary and special schools all over Scotland are already providing breakfast at the start of the school day. However, our £3 million investment will enable a parallel approach—to evaluate what is already happening alongside providing support to expand access to free breakfast across Scotland, and to deliver thousands of new free breakfast places for primary school-age children. That approach is fundamental to understanding the benefit of the different delivery models that already exist and it will inform our future policy. It forms part of our on-going work to build a system of school-age childcare in

Scotland, although I would make the link that I made in response to the previous question about the provision of free breakfasts helping to improve attendance.

**Martin Whitfield (South Scotland) (Lab):** In her statement, the cabinet secretary talked about the work that was introduced by the SNP Government to support better outcomes.

However, annex A of the 2023 national improvement plan, which lists on-going and completed activities, shows that just 41 out of 116 action points are completed, and 65 are still on-going.

Will the new NIF result in a greater success rate?

**Jenny Gilruth:** It is fair to say that many of those action points have been encapsulated in the updated and refreshed NIF, the point of which is to understand, post-pandemic, where we are at with our schools. That is exactly why the plan references some of the challenges that the member and I have regularly debated, whether those relate to attendance, attainment or behaviour.

We are taking forward actions further to the previous NIF, and we have updated and refreshed our approach, as has been set out and published today.

**Evelyn Tweed (Stirling) (SNP):** How will the plan address rural education challenges such as teacher recruitment and ensure that young people in rural areas have the same opportunities as young people in other areas?

**Jenny Gilruth:** I am very aware that remote and rural councils face additional challenges in attracting teachers to work in different parts of the country. Of course, simply training more teachers will not fix that issue if people want to live and work in urban areas. I take concerns about teacher recruitment and retention very seriously, and I have already asked the strategic board for teacher education to develop advice on how we can better understand and tackle those challenges. I am looking for creative solutions and I am working with our local authority partners, many of which know their schools and local requirements. I am keen that we build on our agreement with local authorities to develop better workforce planning and support their needs.

For example, we are working with universities to target talented undergraduates who may not have previously considered teaching, to highlight the benefits that teaching offers, especially in rural areas, and to provide opportunities to spend time in class supporting pupils. One reason why the additional funding for additional support needs is

so important is that it might present opportunities to some who may train to be classroom teachers.

**Ross Greer (West Scotland) (Green):** The cabinet secretary rightly mentioned that teachers are struggling with unsustainable workload, but teachers would also say that they are not seeing action by national or local government to reduce it. She will be aware that, about a year ago, I submitted a report to the Government that was commissioned by the Scottish Greens and produced by Professor Mark Priestley and Dr Joseph Smith of the University of Stirling, which focuses on eliminating bureaucracy to tackle teacher workload. Will the cabinet secretary commit to responding to that report and working with me on steps that we can take that are immediate and at no cost to reduce teacher workload through eliminating the unnecessary administration that has built up around the curriculum?

**Jenny Gilruth:** I know that Mr Greer cares deeply about that area. He will recognise that, from my perspective, workload will look different in different parts of the country and that it will also be dependent on the role that a teacher has in the school context. However, I think that the member's point relates to reducing class contact time. I hope that he will welcome today's commitment from the Scottish Government and COSLA to work together to provide a meaningful offer in relation to reducing class contact time.

I recognise that, post-pandemic, our schools are responding to far greater pressures than any of us might have imagined five years ago. It is really important, and it is incumbent on local authorities and on Government, to work with our teaching and trade union partners to alleviate some of the pressure. Reducing the class contact commitment is key to that, but I am more than happy to meet the member to discuss the wider work that he has undertaken.

**Kenneth Gibson (Cunninghame North) (SNP):** I am pleased that the Scottish Government is providing an additional £28 million to address pupils' additional support needs. Given the seemingly exponential increase in the number of children who are presenting with additional support needs and issues such as attention deficit hyperactivity disorder, and given the time that it takes to recruit, train and deploy staff who are qualified to assist pupils, how are schools currently managing the challenges that are associated with that increasing demand?

**Jenny Gilruth:** Our increasing ASN pupil population reflects the inclusive approach of Scottish education. Additional needs in schools are increasingly being recognised by education authorities, which is certainly to be welcomed. That was a key positive that came from the

national discussion report that was published last year. We are, however, aware that the growth in ASN presents challenges across the system. That is why, as the member has alluded to, the budget offers a package of measures worth an estimated £29 million, including measures to support the recruitment and retention of the ASN workforce. We know that, in the financial year 2022-23, spending on ASN by education authorities reached a record high of £926 million. We have also continued to invest £15 million per year since 2019-20 and to provide more than £11 million to directly support pupils with complex additional support needs and to support services for children and families.

**Willie Rennie (North East Fife) (LD):** For months, the education secretary has issued dark threats to local authorities that dare to reduce teacher numbers. Today, we find that the number of teachers is down by 621, but she has released every penny of the £145 million. In fact, she is going to give local authorities more next year. Will this mark an end to the idle threats, and will there be a more respectful relationship with local authorities in future years?

**Jenny Gilruth:** I thank Mr Rennie for the joy that he has brought to the chamber. I want to work with our local authority partners in a spirit of collaboration and partnership. I see him shaking his head at me from a far-away location. I want to work with our local authority partners, because that is what will deliver improved outcomes for our children and young people.

I thought that Mr Rennie would have welcomed the release of the funding that he was advocating that I release only weeks ago. The release of that funding was contingent on a shared agreement with local authorities on reducing class contact time—which I thought he supported—and on our commitment to establishing an educational assurance board with local authorities.

I am surprised that Mr Rennie has not welcomed the collaborative approach that I have set out today. I will, of course, continue to work collaboratively with him on Scottish education.

**Bill Kidd (Glasgow Anniesland) (SNP):** The cabinet secretary's statement sets out the Government's ambitions and plans for the future of Scotland's education system, but is it not the case that all the budget investments in education can reach schools and pupils only if the budget is respectfully supported by other parties across the chamber?

**Jenny Gilruth:** The 2025-26 Scottish budget outlines wide-ranging investment to deliver progress on our national mission to eradicate child poverty. Education is absolutely central to that mission, which is why the education budget has

increased by about 3 per cent in real terms compared with the 2024-25 budget. As I said in my statement, the budget provides local government with an additional £41 million to support extra teachers—that is on top of the £145.5 million that I have confirmed that I will release today—an additional £28 million for additional support needs and £37 million to continue our expansion of free school meals to primary 6 and 7 pupils in receipt of the Scottish child payment.

The member is correct in saying that all that depends on parties across the chamber voting for the budget. The people of Scotland will expect their representatives to consider and prioritise children and our most vulnerable, which is what the draft budget does.

**Stephen Kerr (Central Scotland) (Con):** The cabinet secretary was right to refer in her statement to “persistent and stubborn challenges”. In relation to the NIF, my question is about the environment for learning in Scotland's schools. Last month, the GMB reported 45,000 attacks on teachers and other school staff—200 assaults a day. It rightly described the situation as “a national emergency”. The Scottish Conservatives have been raising the issue for years, and I am sorry to say that the cabinet secretary has not done enough. What is in the NIF or her strategy that will make schools safe and restore order to classrooms?

**Jenny Gilruth:** The member and I have debated behaviour in Scotland's schools on a number of occasions. I hope that he will recognise some of the progress that we have made through the national behaviour in schools action plan, which was published at the start of the summer term. It includes a joint commitment between the Scottish Government and local authorities to improve behaviour in our schools. I am sure that he also welcomed the additional funding that I confirmed last year to support teachers in our schools.

Fundamentally, the member asked what improvements the Government is bringing forward. My view is that teachers matter in our schools, which is why, for good reason, the Government has protected funding for teacher numbers. We are now increasing the funding that is available to local authorities and increasing the funding for ASN. I hope that the member will recognise that all of that funding will help with behaviour and relationships.

**Fergus Ewing (Inverness and Nairn) (SNP):** Such is the chronic shortage of teaching staff in Nairn academy that it has had to close for many classes for many days. That is in danger of becoming not an occasional but an endemic problem in rural Scotland. The school and the

authorities are obviously trying to fill the vacancies, but will the cabinet secretary consider truly creative measures to fix the situation, such as allowing supply staff who can choose where they wish to work? If they live in Inverness, they are not likely to go to Nairn because they get no travel expenses. Why would they go to a rural school?

For 25 years, constituents who have come from England and who are experienced teachers have been telling me that it is a bureaucratic nightmare to be able to teach in Scotland. Is it not time that the GDC was told by the elected people to allow qualified and excellent teachers from other parts of the world, especially England, to teach our children here?

**The Presiding Officer:** I invite you to respond on the issues raised in your statement, cabinet secretary.

**Jenny Gilruth:** I think that the member is referring to the GTCS—the General Teaching Council for Scotland.

He may know that, when I started my teaching career, I ticked the box to go anywhere and I went to Elgin high school for a year. The preference waiver scheme still exists, and the Government resources it every year. Post-pandemic, however, we have seen that fewer teachers are opting to tick that box. We therefore need to work with local authorities such as Highland Council on creative solutions.

I hope that the member heard from my statement today that I am very open to those measures. I am, and have been, working with Aberdeenshire Council to consider how we might be able to support it in relation to some of the challenges that it is facing. I look forward to continuing those discussions with the Convention of Scottish Local Authorities as part of our new commitment to working with it to support improvement for our young people and in relation to workforce planning.

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

## Judicial Factors (Scotland) Bill: Stage 3

14:52

**The Deputy Presiding Officer (Annabelle Ewing):** The next item of business is stage 3 proceedings on the Judicial Factors (Scotland) Bill.

In dealing with the amendments, members should have the bill as amended at stage 2—that is, SP bill 40A—the marshalled list and the groupings of amendments. The division bell will sound and proceedings will be suspended for around five minutes for the first division at stage 3. The period of voting for the first division will be 45 seconds. Thereafter, I will allow a voting period of one minute for the first division after a debate.

Members who wish to speak in the debate on any group of amendments should press their request-to-speak button or enter the letters RTS in the chat function as soon as possible after I call the group.

Members should now refer to the marshalled list of amendments.

### Section 1—Appointment of judicial factor

**The Deputy Presiding Officer:** Group 1 is on the registration or recording of documents. Amendment 1, in the name of the minister, is grouped with amendments as shown in the groupings.

**The Minister for Victims and Community Safety (Siobhian Brown):** Section 6(1)(b) requires the clerk of court to register the notice of appointment in the register of inhibitions. Sections 6(3) makes similar provisions in relation to reregistration of the notice of appointment and sections 29(6) and 33(3) make provision in relation to registration of certificate of termination, recall and discharge.

In its written evidence, the Centre for Scots Law suggested that it would be more accurate for the provision in section 6(1) to require the clerk of court to send the notice of appointment to the keeper of the register of inhibitions for recording, rather than requiring the clerk of court to register the notice in the register of inhibitions. I agree that that wording better reflects the current process and the status of court documents recorded in the register. Amendments 1 to 12 and 27 to 29 adjust the bill accordingly and make the necessary consequential changes.

I move amendment 1 and ask the chamber to support all the amendments in the group.

**Jeremy Balfour (Lothian) (Con):** For the record, Conservative members support all the

amendments in the minister's name and will vote for all of them. Members will be glad to hear that we will also not comment in any way on any of the amendments.

**The Deputy Presiding Officer:** Does the minister wish to add anything in winding up?

**Siobhian Brown:** No, thank you.

*Amendment 1 agreed to.*

*Amendments 2 to 5 moved—[Siobhian Brown]—and agreed to.*

### **Section 6A—Review of appropriateness of registration in the Register of Inhibitions**

*Amendments 6 to 10 moved—[Siobhian Brown]—and agreed to.*

### **Section 27—Approval of judicial factor's scheme for distribution of factory estate**

*Amendment 11 moved—[Siobhian Brown]—and agreed to.*

### **Section 29—Termination, recall and discharge after distribution of factory estate**

*Amendment 12 moved—[Siobhian Brown]—and agreed to.*

### **Section 30—Duty of Accountant to apply for appointment of replacement where judicial factor has died or ceased to perform duties**

**The Deputy Presiding Officer:** Group 2 is minor and technical amendments. Amendment 13, in the name of the minister, is grouped with amendments 14, 25 and 30.

**Siobhian Brown:** Section 31 sets out the process for the recall of a judicial factor's appointment and the appointment of a replacement judicial factor. I understand that discussions between my officials and the Law Society of Scotland showed that there are some concerns about how section 31 would operate procedurally and that there could be some difficulties in replacing a judicial factor.

The first concern comes from the fact that, under section 31 as currently drafted, accounts must be prepared and sent to the Accountant of Court before a recall is granted. That raises a question of practicality, given that the estate must continue being managed in the meantime.

The second concern is that the original judicial factor's appointment is not recalled until the appointing interlocutor for the replacement factor is issued, which means that two factors would be appointed over the estate, even though that might be for a short period of time. That raises questions about where the responsibilities and liabilities for

the management of the estate would lie during that period.

Amendments 15 to 24 and amendment 26, all in my name, address those concerns. I ask members to support the other amendments in the group and I move amendment 15.

**The Deputy Presiding Officer:** I think that you are moving amendment 13, minister.

**Siobhian Brown:** Yes, sorry. I move amendment 13.

*Amendment 13 agreed to.*

*Amendment 14 moved—[Siobhian Brown]—and agreed to.*

### **Section 31—Resignation and applications for recall and discharge in other circumstances**

**The Deputy Presiding Officer:** Group 3 is on process for recall of judicial factor and appointment of replacement under section 31. Amendment 15, in the name of the minister, is grouped with amendments 16 to 24 and 26. I call the minister to move amendment 15 and to speak to all amendments in the group.

**Siobhian Brown:** Please bear with me, Presiding Officer. My apologies—my speaking note says that I just spoke to amendment 15. I am sorry.

**The Deputy Presiding Officer:** Please resume your seat, minister.

I understood that you had moved amendment 13, which was grouped with amendments 14, 25 and 30. We called amendment 13 and Parliament agreed to it. We then called amendment 14, which had already been debated. You moved that amendment formally and it was also agreed by Parliament.

We are now turning to group 3, which is on process for recall of judicial factor and appointment of replacement under section 31. I have now called amendment 15, which is grouped with amendments 16 to 24 and 26, and I have called you to move amendment 15 and to speak to all amendments in the group.

**Siobhian Brown:** My apologies, Deputy Presiding Officer; I am a novice at stage 3.

Amendments 13, 14 and 25 resolve certain inconsistencies across sections 30 to 32 as to how the original judicial factor and replacement judicial factor are referred to and defined.

As a consequence of amendments that were made in relation to charities at stage 2, amendment 30 defines the Office of the Scottish Charity Regulator for the purposes of the bill.



I move amendment 13 and ask members to support all the amendments in the group.

15:00

**The Deputy Presiding Officer:** Minister, can I clarify which amendments you are speaking to? Amendment 15 is the lead amendment, and the other amendments in the group are amendments 16 to 24 and 26. I think that maybe the minister referred to amendments that were in previous groups.

**Siobhian Brown:** Yes, Presiding Officer. I move amendment 15.

**The Deputy Presiding Officer:** Thank you for that clarification.

*Amendment 15 agreed to.*

*Amendments 16 to 23 moved—[Siobhian Brown]—and agreed to.*

### **Section 32—Inventory and balance sheet where replacement judicial factor appointed**

*Amendments 24 to 26 moved—[Siobhian Brown]—and agreed to.*

### **Section 33—Termination of judicial factory where insufficient funds**

*Amendments 27 and 28 moved—[Siobhian Brown]—and agreed to.*

### **Section 50—Interpretation**

*Amendments 29 and 30 moved—[Siobhian Brown]—and agreed to.*

**The Deputy Presiding Officer:** That ends stage 3 consideration of amendments.

As members will be aware, the Presiding Officer is required—[*Interruption.*] Mr Balfour, I am speaking, and this is part of the legislative process, so it would be helpful if we could all concentrate on what we are doing.

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

## **Judicial Factors (Scotland) Bill**

**The Deputy Presiding Officer (Annabelle Ewing):** The next item of business is a debate on motion S6M-15783, in the name of Siobhian Brown, on the Judicial Factors (Scotland) Bill at stage 3. I invite members who wish to speak in the debate to press their request-to-speak buttons.

15:02

**The Minister for Victims and Community Safety (Siobhian Brown):** I thank all the members of the Delegated Powers and Law Reform Committee for their attentive and valuable work in scrutinising the Judicial Factors (Scotland) Bill.

The bill is a Scottish Law Commission bill: I thank the commission for its considerable work—not only on this project, but on all the other projects that it undertakes to simplify and improve our laws. I am committed to introducing bills to implement its proposals. This is the third SLC bill to be introduced in this session of Parliament, with the fourth, on the termination of commercial leases, being due shortly.

A judicial factor is a person who is appointed by the court to gather, hold, safeguard and administer property that is not being properly managed. Examples include the winding up of a partnership when the partners are unable to agree on how the partnership will operate, and when a child is due to receive funds in excess of £20,000 and/or when the child's estate is large or complicated, which might be the case after a personal injury damages award, for instance.

If it is agreed to this afternoon, the bill will put in place an updated and comprehensive framework that will bring clarity, accessibility and efficiency to this vital area of the law. There are only about 50 judicial factors currently appointed to manage someone else's property, and only a handful of applications for appointments are made each year. To my mind, that reflects the fact that applications are a last resort. However, despite the small numbers, for those who are involved with judicial factors in one way or another, the bill will make positive changes.

The appointment of a judicial factor to manage the property of a missing person was closely scrutinised by the DPLR Committee, and for very good reason. Although such appointments have been made in the past, they have been rare, despite 15 people in Scotland each year being declared long-term missing. There will be various reasons that are individual to each case for why an application for appointment is or is not made, but the bill will remove one potential obstacle,

which is the difficulty that is caused by the outdated and complex law.

The bill aims to bring the law together in one place to make it easier for users of the legislation. Not only is that the case, but one of my amendments from stage 2 has committed the Scottish ministers to producing and publishing guidance for such an appointment. I will work with the charity Missing People and other stakeholders, including the Office of the Accountant of Court, to help to prepare that guidance.

The Delegated Powers and Law Reform Committee has already suggested a number of points that should be covered in the guidance, and I will make sure that they are included. Just as important—

**Martin Whitfield (South Scotland) (Lab):** Will the minister take an intervention?

**Siobhian Brown:** Of course.

**Martin Whitfield:** I am grateful to the minister for taking an intervention following that very important point regarding missing persons.

The minister will also recall that, at stage 1, I raised the question of safeguarding of children. Indeed, the minister kindly wrote to me, making reference to the Children (Scotland) Act 2020, and she talked about provisions being commenced in 2025 to cover the points that I had raised.

Is the minister able to say in what part of 2025 the Government is considering rolling out those provisions, which are important for safeguarding children?

**Siobhian Brown:** I agree that the provisions are important. At this particular time I cannot give Martin Whitfield a definite timescale, but I will be happy to write to him to keep him updated on progress on that.

Just as important is that my stage 2 amendment also made it clear that it is competent to appoint a judicial factor to the estate of a missing person.

The bill also addresses other important issues. I will briefly remind members about some of its key provisions and what they are intended to achieve.

There is always a question as to whether the person who seeks a remedy from the court has a sufficient interest to justify raising legal proceedings. Under the current law, the usual rule is that the applicant must have an interest in the property over which the appointment is sought. The bill widens the scope in respect of people who may competently raise court proceedings, because it might be possible that a party might have an interest not in the property but in its maintenance. For example, if disrepair of one semi-detached property begins to have an effect on the other half of the building, the owner of that

other half might be concerned about possible damage to their property. The bill gives the court flexibility to allow for a judicial factor to be appointed in such circumstances, where appropriate.

Currently, there is uncertainty as to what powers a judicial factor has by virtue of their appointment. When a judicial factor is appointed, the court will often provide in its decision that they are appointed with the “usual powers”. What the “usual powers” are in a particular case will depend on the purpose for which the factor has been appointed. That can lead to uncertainty for both judicial factors and the third parties who deal with them, and has resulted in some factors being reluctant to carry out certain actions. That uncertainty has led to litigation, which has often taken the form of a request to the court for additional powers, with the consequence being that the expense of such litigation is paid from the factory estate. The bill provides clarity by setting out that a judicial factor will have

“all of the powers of a natural person beneficially entitled”

to the property—which will be readily understood as empowering the factor to do everything that an owner of an estate could personally do.

At present, a judicial factor may be terminated by way of a formal court procedure or, in limited circumstances, by way of the less formal procedure of an administrative discharge. A judicial discharge comes with a level of formality that is not required in all circumstances, and the expense of such a discharge is paid from the factory estate. An administrative procedure enables matters to be brought to a conclusion more economically than a case in which an application is lodged with the court. The bill ensures that the procedure for administrative discharge is extended to all types of judicial factories.

The bill also makes clearer the role of an accountant of court in supervising judicial factors and the work that they undertake.

The bill will introduce 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 will be of benefit to all who are involved in any capacity in judicial factories.

I move,

That the Parliament agrees that the Judicial Factors (Scotland) Bill be passed.

15:09

**Jeremy Balfour (Lothian) (Con):** I welcome the stage 3 debate, as I will the passing of the bill later this afternoon. As the minister said in her

opening statement, the bill does not affect a lot of people in Scotland; however, for the people whom it affects, the appointment of a judicial factor to look after their estate is important.

We are all aware that the law has not changed in decades and is outdated for 21st century Scotland. I believe that the changes that the bill will make will encourage and facilitate more people to use judicial factors, when that is possible.

In particular, as the minister said in her statement, it has been complicated recently for the estates of people who have gone missing to be administered and to function in a proper way. I hope that streamlining and bringing that process into the 21st century will give more reassurance and greater protection to people who are dealing with that situation.

The bill will also help charities in the work that they do, as well as vulnerable children who require estates to be looked after.

Just because a bill is not controversial and does not get as much time in the chamber as other bills, that does not mean that it is not important. I add my thanks to the Scottish Law Commission for all the work that it has done in getting the proposal to this point. Most of its work goes unseen because it is fairly academic, but it is, nonetheless, vitally important. Without the commission producing the groundwork, we would not be where we are today.

I also thank the committee clerks for helping the committee to work our way through the bill, and I am grateful for the legal advice that we have been given. I thank the minister for the way in which she has interacted with the committee, which has been really beneficial.

I do not intend to labour my remarks, which most members will be glad to hear, except to say that this is an important step. Such bills are important, if not controversial, because they affect real lives and real situations. It is a credit to us as a Parliament that we are modernising this area of law for the 21st century.

I look forward, with my colleagues on the Conservative benches, to voting for the bill later today.

15:12

**Michael Marra (North East Scotland) (Lab):** With this legislation, the Government seeks to modernise the law relating to judicial factors. As the minister has already set out, some of the legislation dates back as far as the 18th century.

Judicial factors have important, if seldom-used, legal functions that apply, for example, when a solicitor or solicitor's firm has breached the Law

Society of Scotland's accounting rules and is, or appears to be, insolvent, or when no executor is willing to administer a deceased person's estate.

Scottish Labour agrees with the Scottish Government's stated aim of clarifying the current legislation and making a judicial factor a more attractive option in a range of circumstances.

Like other members, I thank the Scottish Law Commission, without which the legislation would not exist, the Law Society of Scotland for its helpful briefings and evidence to Parliament, and the Delegated Powers and Law Reform Committee for its scrutiny of the bill. I also thank the minister and her officials for the way in which she has conducted the legislation. I was pleased that, at stage 2, the Government introduced amendments that responded to some of the concerns that were raised in the committee's stage 1 report on behalf of stakeholders.

There is broad agreement across the chamber and among the legal profession that this area of law is outdated and in need of modernisation. Scottish Labour has supported the bill throughout its passage through Parliament. In the light of the amendments at stage 2 and, today, at stage 3, we will be pleased to support it again this evening.

I will be surprised if the bill, should it pass today, makes it on to the front pages of tomorrow's newspapers. There is nothing headline grabbing or unduly controversial about updating legislation on judicial factors, and neither should there be. However, the legislation will make some people's lives a little bit easier, and it is important for that reason alone.

The bill will make the judicial factor procedure easier to navigate for a missing person's family members, who are struggling with the grief and uncertainty caused by their disappearance. I am glad that the minister heeded calls from the Labour benches—particularly from my colleague, Martin Whitfield—as well as from stakeholders and the committee, to explicitly outline provisions around appointing a judicial factor in the case of a missing person. I welcome the minister's comments regarding the work of the charity Missing People in that regard, as she seeks to expand the clarity on it.

We all know the vital work that charities do in our communities—many of them help to deliver front-line services to the most vulnerable in society. Amendments that were agreed at stage 2 mean that the bill will deal more appropriately with the specific case of judicial factors that are appointed to charities.

The stage 3 amendments were largely technical in nature, and we, on the Labour benches, were happy to support them. Recent history is littered with examples of bills that were variously rushed,

incoherent or light on detail, meaning that well-intentioned bills became unworkable acts of Parliament. However, I am pleased that, as a result of cross-party working and the Government responding to the concerns of stakeholders such as the Law Society of Scotland, the bill will buck that trend.

The bill's provisions interact with a range of other areas of law including charity law, trust law, the law of succession, child and family law and bankruptcy law. An interaction that stakeholders have raised questions about is how the bill will operate alongside the Adults with Incapacity (Scotland) Act 2000. The Law Society of Scotland has asked for clarification of which provision will ensure that guardians who have been appointed under the 2000 act remain outside the judicial factors regime and in what way we will ensure that judicial factor appointments do not become a loophole for those who would wish to evade the safeguards for incapable adults that are set out in that act. I would appreciate it if the minister would address those issues in her closing speech.

Scottish Labour welcomes this important update to our nation's laws and we will be pleased to support the bill at decision time this afternoon.

15:15

**Maggie Chapman (North East Scotland) (Green):** I once again thank the Scottish Law Commission, the committee members and clerks, the minister and her staff, and all those who responded to the various consultations on the bill.

In the stage 1 debate, I spoke about the work of the charity Missing People and its hopes for the bill. The situation that arises when someone goes missing, with family and friends struggling to cope with financial matters, is one where the appointment of a judicial factor can be of very practical help. I am happy that the minister responded to Missing People's request for the bill to be amended and that it will now be more obviously and easily of assistance to the people whom the charity represents.

I also appreciate the work that has been done to respond to other comments, especially from professional bodies, about the operation of the bill. Most of the amendments were small, low key and undramatic. They were not the stuff of impassioned debate or screaming headlines. However, legislation does not have to be exciting to be efficient or effective, and the changes that have been made will make the eventual act clearer, more workable and more responsive to the changing situations in which it will be used.

I and the Scottish Greens appreciate the unique traditions of Scots law, its particular vocabulary and concepts and its links with jurisprudence in a

range of jurisdictions. The work of the Scottish Law Commission, as implemented by this Parliament, allows that law to develop appropriately and organically to meet the needs of Scottish people and institutions both now and into the future, and the bill is an excellent example of that.

I am, therefore, pleased to confirm that the Scottish Greens will vote in favour of the bill. I look forward to seeing its rapid and efficient implementation.

**The Deputy Presiding Officer:** We move to the closing speech from the minister. I call Siobhian Brown to wind up the debate.

15:18

**Siobhian Brown:** I thank members for their contributions to this short debate. I hope that it is clear from the debate that we listened to what was said by stakeholders, by the committee and by MSPs during the earlier stages. The changes reflect those views and, to my mind, they have improved the bill.

If the bill is passed today, it will put in place a modern and broad framework for judicial factors that sets out the essential features of the office and how it is supervised. That will bring clarity, accessibility and efficiency to the area, which we hope will mean that the option to appoint a judicial factor is utilised in a wider range of circumstances where it is not currently used because of uncertainty, complexity and cost.

I was happy to lodge amendments at stage 2 to implement almost all the committee's recommendations. I will briefly touch on two issues in relation to missing persons and charities.

The committee recommended that a reference to missing people be added to the bill to make it clear that it may be used by those who are seeking to manage the estate of a missing person. The bill was deliberately drafted widely and it already allowed a judicial factor to be appointed in a wide range of circumstances, including over the estates of missing persons. However, having considered the strength of feeling across the Parliament at stage 1, I lodged an amendment that reflected the recommendation while ensuring that the wider policy in the bill would not be undermined.

The committee asked me to consider suggestions made by stakeholders in relation to the management of charity property by judicial factors. Before a judicial factor is appointed, and also at stages of a judicial factory, the bill requires intimation of documents to every person with an interest in the estate. The bill now requires that, when the estate is that of a charity, in addition to

the standard requirement to intimate to persons with an interest in the estate, intimation is given to the Office of the Scottish Charity Regulator, and a notification is to be given to the general public by way of an advertisement.

The court and the accountant were also given powers to dispense with some of the intimation requirements and the notification requirements to the public where circumstances justify that. Overall, the bill is now better able to respond to cases involving charity property.

I will touch on two of the points that Michael Marra raised and that the Law Society of Scotland raised in yesterday's briefing, regarding adults with incapacity and how that issue remains outside the judicial factors regime. The current judicial factors legislation, which the bill repeals, applies not only to judicial factors so-called but to other types of administrator, although guardians appointed under the Adults with Incapacity (Scotland) Act 2000 are expressly excepted. On the other hand, the bill applies only to judicial factors so called, whether they are appointed under the bill or other legislation. Section 47 of the bill makes that clear. Accordingly, the guardians appointed under the Adults with Incapacity (Scotland) Act 2000 remain outside the judicial factors regime.

The member raised the point about how to circumvent the safeguards for incapable adults, which is set out in the 2000 act and relates to the Law Society. Similar to the 2000 act, the bill includes a number of protections. First, anyone with an interest is required to be notified of an application for the appointment of a judicial factor and will therefore have an opportunity to present their position to the court if they wish. Secondly, all judicial factors are supervised by the accountant of court who has powers to issue directions to judicial factors and to investigate any concerns. The person appointed as the accountant also holds the appointment as a public guardian, which means that judicial factors and guardians are, in effect, supervised by the same person. Lastly, judicial factors have to account for their dealings with an estate, and they are required to regularly prepare accounts, which are audited by the accountant, and are held to be liable for any misdeeds. I consider that the safeguards in the bill are sufficient.

If the bill is passed today—I hope that it will be—I am clear that there is still work to be done before the provisions can be commenced. Not least, that work will involve working with the charity Missing People and others to prepare guidance for the families of persons considered missing who are applying for the appointment of a judicial factor.

Members will also be aware that I am in discussion with the UK Government seeking a

Scotland Act order to extend certain provisions in the bill to allow judicial factors to manage properties in other parts of the United Kingdom. That work is progressing, and I will keep Parliament updated on future developments. Given the nature of the reforms that are proposed by the bill to the court process and the supervision of judicial factors by the accountant on behalf of the court, the bill will also require new and amended court rules. I am committed to that, and I will ensure that all necessary work to be done by the Scottish Government is done swiftly.

I thank the members who have contributed to today's debate, the committee and its clerks and those who gave evidence to help to improve the bill. I thank my officials, who have put a lot of work into the passage of the bill, and, finally, the former commissioner to the Scottish Law Commission, Patrick Layden.

I commend the motion in my name.

**The Deputy Presiding Officer:** That concludes the debate on the Judicial Factors (Scotland) bill at stage 3.

## Human Rights

**The Deputy Presiding Officer (Annabelle Ewing):** The next item of business is a debate on motion S6M-15782, in the name of Shirley-Anne Somerville, on pathways to global human rights: towards a stronger human rights culture in Scotland.

Before I call on the Cabinet Secretary for Social Justice to open the debate, I note that two front-bench contributors are not here, which is really not ideal. I hope that they can be asked to come to the chamber, and they will then have to apologise to the Parliament and to me.

15:25

**The Cabinet Secretary for Social Justice (Shirley-Anne Somerville):** It is a delight and an honour to open this debate marking human rights day 2024. This year's theme is "Our rights, our future, right now". We are asked to reflect on

"how human rights are a pathway to solutions"

and a route to a more

"peaceful, equitable, and sustainable world".

It is a reminder of the transformative power of human rights. It is, fundamentally, a message of hope.

We are marking not only the signing of the United Nations Universal Declaration of Human Rights in 1948, but the founding of the Council of Europe 75 years ago. One of its founding instruments was the European convention on human rights, which laid the cornerstone for a future based on human rights justice, and which forms part of our domestic law through the Human Rights Act 1998. It is through the ECHR, along with more than 200 treaties, conventions and protocols, that the Council of Europe upholds the rights of millions, holding Governments accountable and ensuring that the principles of freedom, dignity and justice are upheld.

In the face of war in Europe and the regression of human rights and fundamental freedoms across the region, the work of the Council of Europe remains critical. The existence of the ECHR and the various international human rights instruments signed and ratified by UN member states have never been more vital. The world can feel like an increasingly uncertain place, with values that we once took for granted now routinely challenged. Fundamental rights are threatened by a confluence of attacks on civil liberties, a cost of living crisis that has pushed people into poverty and destitution and a climate crisis that is increasingly devastating the homes and livelihoods of the most vulnerable in our global community.

Today is an opportunity for the Parliament to come together and stand firmly behind the message that human rights are a force for good. It is a chance to show our collective resolve and to recommit to respecting, protecting and fulfilling human rights in everything that we do.

Volker Türk, the UN High Commissioner for Human Rights, has said:

"Human rights have the power to unify us at a time when we need to come together to contend with the existential challenges we face as humanity."

It is clear, then, that human rights must remain at the centre of renewed action for global peace. In the face of the interconnected challenges of climate change, war and population displacement, the hard work of progress can never cease. The devastating full-scale invasion of Ukraine goes on and looks like it will enter a third year. There is still no sign of a ceasefire in Gaza, nor of sustained progress towards unimpeded access to humanitarian assistance.

Over the weekend, we witnessed and welcomed the fall of the brutal regime in Syria. We join the international community in calling for a peaceful and inclusive political solution that puts the Syrian people first, and for humanitarian aid to reach those most in need. The people of Syria have endured unimaginable suffering under the dictatorship of Assad. Their future must now be determined through a peaceful transition that upholds the rights of all Syrians.

Those are just some of the collective challenges that the world faces. They require collective solutions, underpinned by the shared values that are set out in our international human rights treaties and agreements.

In Scotland we have been on a journey, and there remains much to do. Advancing human rights is central to the Government's mission to eradicate the scourge of child poverty, build better public services and tackle the climate emergency. We should all be proud of the Parliament's work to incorporate the United Nations Convention on the Rights of the Child into domestic law. The United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 is helping to create a culture of everyday accountability for children's rights across our public authorities, which will make a real difference to the lives of children and young people in Scotland.

We have further to go, which is why the Government has committed to continue work towards a human rights bill that will incorporate further international standards, including important economic and social rights, and make them part of domestic law.

**Jeremy Balfour (Lothian) (Con):** Is the Government's intention to introduce that bill in this

parliamentary session? Will we see the bill before the next election?

**Shirley-Anne Somerville:** I have been clear—and I will come back to this point later in my remarks—about the Government's continued commitment to the human rights bill. The bill will be introduced in the next parliamentary session. One of the reasons for that is that we have a new United Kingdom Government, with which we have the opportunity to build a genuine working relationship on human rights. With respect to Mr Balfour, I am afraid that it was not the same when his party was in government at a UK level.

Passing the bill will help our human rights culture in Scotland. It will allow the culture in Scotland's public services to develop and ensure that, where rights are not being realised, that is addressed. It will be complementary to our ongoing work to advance a culture of equality, inclusion and human rights, including our proposed mainstreaming strategy, which is being consulted on.

As I have said, we have taken the decision to take more time to work on the human rights bill before it is introduced. I again put on record that I very much recognise the frustration—indeed, the anger—that that decision has caused for many who have worked so hard over so many years on the issue. However, I feel that the extra time that we will take over the next 18 months will give us the opportunity to develop the bill further and make it stronger. It is my absolute determination not just to deliver a bill, but to deliver the strongest bill possible and a workable piece of legislation.

We need a bill that will deliver on our shared ambition to truly embed a human rights culture across public services. The election of the new UK Government has presented an opportunity to explore the challenges that we have previously had, including how the constraints of the devolution settlement have limited our ability to truly transform incorporation legislation. We saw that during our debates on the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill—now an act. We want to work on our relationship with the new UK Government to build a constructive and collaborative relationship on human rights, and I hope that we will see progress there.

In the meantime, it is important that we use those 18 months to further strengthen the bill, as I have said. We will shortly share with partners a detailed plan for taking forward bill development over the remainder of this parliamentary session. As part of that process, we are giving careful consideration to the publication of a policy paper that will build on last year's public consultation and set out our thinking on the bill overall to support

constructive engagement as we continue to test and refine proposals.

I commend and pay tribute to the role of organisations such as the Scottish Human Rights Commission, the Human Rights Consortium Scotland and the many other civil society actors for their positive collaboration with the Government to help to develop proposals to this point. I know that they are deeply disappointed at the decision that the Government has taken.

Those organisations, along with individuals who have shared their experiences of how human rights play out in their day-to-day lives, are our human rights defenders. The work of individuals and organisations who have taken part in previous consultations remains at the heart of what the Government does in our continued work to advance human rights. Nothing that they have contributed to will be lost, and it will be the foundation of the work that we will continue to do for the rest of the parliamentary session to make the bill as strong as they want it to be. Indeed, they have a right to expect that from the Parliament.

**Alex Cole-Hamilton (Edinburgh Western) (LD):** I recognise what the cabinet secretary has said about moving the bill into the next parliamentary session, but does she recognise that we can take steps in this session to advance the cause of human rights, not least by looking at our age of criminal responsibility? She has heard me say many times that we are suboptimal in this country in that regard. In fact, we are behind Russia and China with regard to our determination of the age at which children are responsible for their criminal actions. Can she speak to the progress that the Government is making on that topic?

**Shirley-Anne Somerville:** I am not sure whether Mr Cole-Hamilton can read my speech from where he is sitting, but the next page is on next steps, so I will go on to talk about some of that. I did not have in my speech the particular issue that he highlights, but he will be aware that the Scottish Government is committed to reviewing that area, and we will keep him updated on the process.

I will turn to the next steps. The organisations that are disappointed that the bill is not coming forward have rightly challenged us to do more in the time that we have remaining in the current session of Parliament. It is important that, despite the bill not going forward, we can still take action in a number of areas, in particular in relation to protecting economic and social rights.

In my portfolio, for example, we have developed interventions such as the Scottish child payment and our social security system and, should the

budget pass, we will move forward with the effective scrapping of the two-child cap. We can continue that work at a policy level, but it is important that we continue to do everything that we can in the months that we have left in the current session, and I believe that there is a lot that we can do together.

I hope that my remarks have set out not only the international context for the importance of human rights, but the important domestic context. We must continue to challenge ourselves as a Parliament—as we certainly do as a Government—on how we go further and ensure that we develop the human rights framework, in the Scottish Parliament and in Scotland, for which people have long campaigned, as they are quite right to do.

I move,

That the Parliament recognises 10 December 2024 as Human Rights Day; supports this year's theme of "Our Rights, Our Future, Right Now"; agrees that human rights present a route to a more peaceful, equitable and sustainable world; recognises that this year marks the 75th anniversary of the formation of the Council of Europe, and supports its vital mission to uphold human rights, democracy and the rule of law in Europe; celebrates important steps to advance rights in Scotland, including the commencement of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024; commends the role of human rights organisations, human rights defenders and wider civil society in driving change and challenging everyone to do better, and reaffirms its own commitment to strengthen, respect, protect and fulfil human rights through both practical action and future legislation.

**The Deputy Presiding Officer:** I call Tess White to speak to and move amendment S6M-15782.2.

15:36

**Tess White (North East Scotland) (Con):** Thank you, Deputy Presiding Officer—again, I apologise for being late to the chamber.

On this human rights day, we are reminded of the importance of protecting everyone's human rights. However, multiple failures by the Scottish National Party Government have seen the human rights of people across Scotland placed in jeopardy. The "State of the Nation: Civil and Political Rights in Scotland" report from the Scottish Human Rights Commission, which was published today, has identified

"a vast array of challenges for human rights"

in Scotland, and

"failures that have been unchanged for many years."

In an eviscerating letter to the First Minister back in September, more than 100 third sector organisations pointed to the

"diminishing priority given to human rights"

by SNP ministers. The letter followed the Scottish Government's decision to renege on the proposed human rights bill. Stakeholders had been working on the project for years, but the SNP marched them up the legislative hill and then marched them down again. Close to £300,000 of taxpayers' money has already been spent on that so-called landmark legislation.

**Kevin Stewart (Aberdeen Central) (SNP):** Will the member give way?

**Tess White:** I have a lot to get through—if I have time at the end, I will.

For the past two weeks, the Equalities, Human Rights and Civil Justice Committee has taken evidence on the proposed learning disabilities, autism and neurodivergence bill—another piece of legislation that has been kicked into the long grass by Scottish ministers. The committee heard evidence that up to 90 per cent of women with learning disabilities have been sexually abused, but Maree Todd could only say that she shares the "disappointment in the lack of progress."—[*Official Report, Equalities, Human Rights and Civil Justice Committee*, 3 December 2024; c 19.]

Today, the committee took evidence on the Female Genital Mutilation (Protection and Guidance) (Scotland) Act 2020. Four years after the act was passed, it is still not fully in force. Vulnerable women and girls are being failed, but at this morning's session, the Minister for Parliamentary Business had the nerve to say that "we are where we are".

The Gender Recognition Reform (Scotland) Bill was progressed at pace, as was the bill that became the Hate Crime and Public Order (Scotland) Act 2021. However, the 2020 FGM act, the Domestic Abuse (Protection) (Scotland) Act 2021 and the Children (Scotland) Act 2020 have still not been fully implemented.

Those are more broken promises—

**Kevin Stewart:** Will the member give way?

**Tess White:** No.

Those are more broken promises, and more people who feel left behind or ignored.

There is also the National Care Service (Scotland) Bill. The social care sector is on its knees, we have record levels of delayed discharge and self-directed support is not fit for purpose. Scores of people with complex care needs are languishing in hospital settings because of delayed discharge, and they are crying out for care packages. The coming home implementation programme has clearly failed.



What is the SNP's solution? It is to spend millions of pounds of taxpayers' money on flawed and unworkable legislation, which has cost the support of everyone—sorry, which has lost the support of everyone—[*Laughter.*] It has lost the support of everyone except SNP ministers. I do not think that that is much to laugh about.

Meanwhile, the Scottish Human Rights Commission has raised significant concerns about people's rights and rural proofing. Its report, "Economic, Social and Cultural Rights in the Highlands and Islands", which was published last month, found that, in the Highlands and Islands, the minimum core obligation in relation to the right to food and housing was not being met, while the obligation in relation to the right to health was being only partially met.

In my region, NHS Grampian has the lowest bed base in Scotland. That means that patients in the north of Scotland are suffering the pain and indignity of corridor care and ambulance stacking. That is not just a crisis in health and social care; it is a human rights crisis.

After trying to invoke a constitutional grievance with the UK Government over the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill, it took the SNP 709 days to remedy the legislation. The SNP played constitutional games with the rights of children.

Meanwhile, the SNP rushed—

**Kevin Stewart:** Will the member give way?

**Tess White:** No.

**Shirley-Anne Somerville:** Will the member give way?

**Tess White:** No.

Meanwhile, the SNP rushed through the Gender Recognition Reform (Scotland) Bill before Christmas two years ago, with "feminist to her fingertips" Nicola Sturgeon dismissing women's valid concerns. More valuable resources were wasted trying to defend the flawed legislation in the Supreme Court.

Last month, lawyers acting for the SNP Government were on their feet again in the Supreme Court. This time, they were arguing that men could get pregnant, become lesbians and access women-only spaces. Even though John Swinney said that he disagreed, and even though Kaukab Stewart recognised last week that single-sex spaces are a right under the Equality Act 2010, costly King's counsels argued the opposite in the Supreme Court literally days later.

In a thoroughly depressing development, the Scottish Government's case was supported by Amnesty International, which argued against the importance of biological sex, despite its being

used to deny women their fundamental rights in countries such as Afghanistan.

The balance of rights seems to have tipped so far against women and girls under the SNP that the Scottish Government believes not only that sex can be appropriated but that the very definition of a woman is contentious ground.

All of that shows that the SNP Government has struggled to understand the parameters of devolved competence. It has failed to manage the complex balance of rights between competing interests, and it has lacked leadership on the serious challenges that we face in Scotland.

Too often, the SNP says one thing but does another. The Scottish Government has many of the levers that it needs to protect and promote the rights of the Scottish people, even without new legislation. We are calling for urgent, meaningful and commonsense action now. The SNP needs to stop focusing on fringe issues and find ways to address the very real challenges that impact Scots every day.

I move, as an amendment to motion S6M-15782, to leave out from "that this year" to end and insert:

"the important work of bodies, organisations and charities in Scotland, across the UK and around the world that act to uphold human rights and protect those who are vulnerable; acknowledges the steps to advance rights in Scotland, including the commencement of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024; notes, however, concerns among civil society regarding the Scottish Government's engagement over the draft Disability Equality Plan, as well as other measures to improve and progress human rights in Scotland, which, it believes, the Scottish Government has not delivered; highlights a report from the Scottish Human Rights Commission published in November 2024, which emphasises the 'significant' human rights challenges for people in rural and remote areas of Scotland; recognises that a number of women's groups continue to have serious concerns about the Scottish Government's approach to the rights and safety of women and children; calls on the Scottish Government to work in a careful and considered way with public bodies and the third sector, in light of recent criticism over the way that it has engaged on policy matters, and urges it to take urgent and meaningful action on issues affecting human rights, including Scotland's national housing emergency and access to vital public services such as health and social care."

15:43

**Paul O'Kane (West Scotland) (Lab):** I am pleased to open on behalf of Scottish Labour in this debate marking human rights day.

Presiding Officer,

"it is right and proper, that today is also a day that is associated internationally with the support of peace and work for peace because the basis of peace and stability, in

any society, has to be the fullest respect for the human rights of all its people.”

Those are, of course, not my words but the words of the late, great John Hume, as he received the Nobel peace prize on this day in 1998 in Oslo, along with David Trimble. I say to colleagues across the chamber, as I often do, that we can learn a lot from people such as John Hume and David Trimble on building bridges, opening doors and protecting fundamental human rights.

I am proud of my party’s place in the story of taking action to protect and defend human rights. It was a Labour Government that introduced the Human Rights Act 1998, ratified the United Nations Convention on the Rights of Persons with Disabilities, and ensured that the Human Rights Act 1998 was built into the Scotland Act 1998 and the foundational documents of the Scottish Parliament.

This year’s theme for human rights day, “our rights, our future, right now”, is a timely reminder of the importance of advancing human rights at home and abroad as a route to addressing many of the issues that we face in our world in a dignified and equitable way. In opening the debate, the cabinet secretary referred to some of the corners of the world where we know that human rights have been under threat and said that the international community must do more to protect human rights, not least in Ukraine, the middle east and Syria.

In opening the debate for Scottish Labour, I am pleased to speak about the many areas in which we have been able to work constructively with the Scottish Government to do more to advance human rights in Scotland where we can. That is particularly the case around advocacy for children’s rights, as seen in the cross-party support for actions such as the incorporation of the United Nations Convention on the Rights of the Child into Scots law and the establishment of the Children and Young People’s Commissioner Scotland.

It is important that, when there is consensus, we work across parties. In the cabinet secretary’s opening speech, she talked about how we can do more to advance human rights in Scotland. I very much welcome the spirit and tenor of the discussion with the new UK Government.

**Shirley-Anne Somerville:** Will the member take an intervention?

**Paul O’Kane:** I will take an intervention on that point.

**Shirley-Anne Somerville:** I thank Paul O’Kane for allowing me to put this on the record. The Scottish Government welcomes the fact that we now have a UK Government that allows us to feel

not only that we have the foundations of and a commitment to human rights, but that we can go further. As I would have said to the Conservative member, had she taken an intervention, it is clear that that was not the case under the Conservatives, when we felt that human rights in the UK as a whole were being rolled back. I hope that other members in the chamber can agree that that will no longer happen.

**Paul O’Kane:** I thank the cabinet secretary for her intervention. I have more to say about the Conservative amendment and the prevailing attitude of the Conservatives towards human rights and access to them.

We have more to do. We cannot just talk the talk on human rights—we need to make sure that we are also walking the walk.

The Universal Declaration of Human Rights speaks to us about the fundamental rights of people to adequate standards of living to ensure their health and wellbeing, including food, clothing, housing and medical care. Those are all issues that we debate every week in the Parliament. I do not think that we will find much disagreement across the chamber about those principles, yet we have to face the facts of the challenges that exist in Scotland right now with regard to many of those issues.

On adequate housing, we know that there are record levels of homelessness, a housing emergency and families who are trapped in temporary accommodation.

On medical care, we know that one in six Scots is stuck on a waiting list for national health service treatment. We know that particularly vulnerable groups, such as people who have a learning disability, face serious challenges to access healthcare. Through recent freedom of information requests, we have found that people who have a learning disability, who were promised health checks, have not been able to access them, despite the Government’s investment.

I will mention briefly the right to food and my colleague Rhoda Grant’s work in leading on that issue, not least through her member’s bill. She was hopeful, as were other members who have an interest in various aspects of human rights policy, that much of that would have been covered in a human rights bill.

In our exchanges today, we have already heard about the challenge of the withdrawal of the proposal for that bill and I am sure that we will hear more about it as the debate progresses. I hear what the cabinet secretary has said, and I have said to her previously that I appreciate that she wishes to take more time, but there is serious disappointment out there among those who have been invested in the bill process, who have done

the research work and who have worked extremely hard to bring us to a place where we can consider all the issues in the round. It is clear that we must see more action to progress the issues.

Professor Angela O'Hagan, the chair of the Scottish Human Rights Commission, said that John Swinney and the Government have made it clear that human rights are not a priority for them. The Government will have to reflect on that and on how we go forward in the next 18 months. I recognise that the Scottish Green Party amendment, which was not selected, sought to outline much of that in many of its points.

I have been encouraged by the broad joint working on the Equalities, Human Rights and Civil Justice Committee on many of the issues.

**Pam Gosal (West Scotland) (Con):** [*Made a request to intervene.*]

**Paul O'Kane:** I turn to the Conservative amendment—I will make this point before I take an intervention.

It is disappointing that the Conservative amendment would remove any reference at all to the Council of Europe and its role in upholding human rights. To be honest, I do not think that previous leaders of the Conservative Party, who understood the importance of co-operation on rights and freedoms, would have done that. The Tories appear more interested in clinging to Farage's coat tails than in listening to people such as John Major.

I will take an intervention from Ms Gosal, if she wishes to intervene.

**The Deputy Presiding Officer:** We will have an intervention from Pam Gosal, who joins us remotely—if she still wishes to make one.

**Pam Gosal:** I am sorry, but I did not request to intervene. I do not know what happened there.

**The Deputy Presiding Officer:** All right. I do not think that Ms Gosal is trying to intervene.

**Paul O'Kane:** That is fine. It is fairly difficult to defend wanting to remove any reference to the Council of Europe and the European convention on human rights, but there we go. The Tories are under new management at UK and Scottish levels, so perhaps that is what we have come to expect.

In concluding, I want to be clear that Scottish Labour wants the Scottish Government and the UK Government—and the United Kingdom and Scotland—to lead the way not just in putting down rights on paper but in ensuring that we implement and deliver those rights properly. When we talk about people's rights not being realised or upheld right now, we are talking about children who are struggling, families who are struggling to get a roof

over their heads and all the consequences that flow from policy decisions.

I welcome the chance that today's debate gives us to recognise human rights day 2024, but what matters is that we make significant change to ensure that long-promised action is put into effect by all of us in the chamber, and by Governments across these islands, to give people their dignity and their rights.

15:51

**Maggie Chapman (North East Scotland) (Green):** We know that human rights matter. We, in the Scottish Parliament and Scottish civil society, have been talking for nearly two decades about the incorporation of economic, social and cultural rights into Scottish law, and for almost a whole decade the Scottish Government has been committed to that. We know that fulfilment of those rights—rights to education and health, to work and social security, to food and housing and to a decent standard of living and participation in cultural life—are all essential in themselves, so that individuals and families can thrive. However, they are also vital for our shared life together, to give people the space, the tools and the capacity to care for one another and for our living planet, and to grow the safe and sustainable communities without which we would have no real future at all.

We, in the Scottish Greens, steadfastly hold to that commitment. We believe that incorporating robust rights into law, with clear minimum core obligations and duties of progressive realisation, would represent not just a single tool but a whole workshop of mechanisms to address our key priorities, which include child poverty, climate and nature degradation, inequality and the insidious spread of toxic attitudes and actions.

As those of us on the Equality, Human Rights and Civil Justice Committee heard during evidence sessions in October, the Scottish human rights act that many had hoped to see would have ensured the constitutional priority of human rights and overridden the short-term interests of any political party. Such an act would have embedded human rights in the heart of decision-making processes, and it would have made brutal cuts—such as those that have been made to winter fuel payments, which are morally wrong—legally unacceptable.

That was a vision that we believed that the Scottish Government shared, which is why the decision not to bring forward the bill during this parliamentary session—as its absence from the programme for government starkly communicated—was such a raw shock and a profound disappointment. That shock and disappointment was felt equally acutely by the

individuals and organisations that have worked so hard on the process. So many people have given up so much time and physical, mental and emotional energy in telling their stories of pain and trauma, believing that it would lead—via known and measured timescales—to a groundbreaking and transformational law.

I appreciate the difficulties that have arisen as a result of the Supreme Court's decision on the UNCRC bill, and I know that the cabinet secretary hopes that there will be opportunities to work with the new UK Government. However, that judgment was made three years ago, and the change at Westminster was no great surprise. No state secrets would have been betrayed if the Scottish Government had shared a little more communication and shown a little more courtesy and respect. People are angry.

There was a gathering of human rights activists outside this building at lunch time. They are angry, frustrated and disappointed, and I share their anger, frustration and disappointment. This is not just about hurt feelings; it is about the Parliament's relationships with our citizens—the organisations that we rely on to do vital, life-saving work and our partners in the endeavour to make our world a better place.

Trust has been broken, as is further evidenced by the JustCitizens group's open letter to the cabinet secretary. The group highlighted not only the scrapping of the proposed human rights bill but the disability equality plan, the funding of weapons manufacturers and other issues as examples of cases in which consultations have been carried out and then ignored. Community groups, grass-roots organisations and advocacy and support networks feel "tokenised" and "exploited"—those are their words—with their engagement serving as "backdrops for performative gestures".

However, there are ways to rebuild trust. In the words of a Gypsy Traveller who took part in recent work with MECOPP and the Scottish Women's Budget Group, which I was pleased to hear about in a webinar earlier today,

"Listen to us, to our communities. Listen to our voices, it's our lived experiences. But don't just listen, act on what we say, not just ticking boxes to say you've listened."

In my closing speech, I will outline some of the other action that we need to take to rebuild trust. As Angela O'Hagan reminded the Equalities, Human Rights and Civil Justice Committee, members of this Parliament are all to be guarantors of human rights. That is at the heart of our role in relation to the rights of people in Scotland and beyond, who are profoundly affected by what we do and, equally, by what we fail to do.

15:56

**Alex Cole-Hamilton (Edinburgh Western)**

**(LD):** It gives me great pleasure to speak for the Liberal Democrats in this important debate, as I have done in each of the eight years that I have been a parliamentarian. I am glad that, once a year, we take the time to reflect on the importance of human rights and human rights defenders the world over.

Over the weekend, with the collapse of the Assad regime in Syria, we were offered an example, if ever we needed one, of why such reflections and reminders are so critical. For so long, under that brutal dictatorship, the Syrian people have been persecuted, tortured and denied the most basic and fundamental human rights that we are debating today. Sednaya prison, which was pictured on our television screens last year and was known as the slaughterhouse, was one of many places where people suffered—it was just one of the dungeons where thousands of people disappeared.

I am heartily glad that Assad is gone, and he must now face justice for the crimes that he has committed. There is no knowing what will fill the vacuum now that he has left, but we must hope, for the sake of the Syrian people, that this is a genuine turning point and that there will be free and fair elections in line with international law.

In Syria, in Gaza and across the Atlantic in Haiti, we see the measure of the challenge that falls to our generation of human rights defenders. Around the world, human rights, democracy and the rule of law are under threat. We see evidence of that in the oppression of the Uyghur people in China and in Putin's murderous actions in Ukraine, including his slaughter of civilians in Bucha and his kidnapping and removal of thousands of Ukrainian children.

The UN Universal Declaration of Human Rights was forged amid the rubble and atrocity of war some 80 years ago, but it finds symmetry and relevance in the rubble and atrocity of today. Those of us who were born after that time are duty bound to defend the rights for which so many gave their lives, and we must never take those rights and democratic freedoms for granted.

However, we must also look closer to home and identify where we, too, are falling short—and we are. At First Minister's question time last Thursday, I raised the cases of women in Caithness who are forced to travel 100 miles through snow and ice, in the dark of winter and past deer, for their babies to be delivered in Inverness. A fortnight ago, the Scottish Human Rights Commission published a report that called the situation that those pregnant women faced "barbaric". The report even revealed incidents in which women have lost their fertility

due to complications that have been caused by inequalities in healthcare and delays in accessing Raigmore hospital. It is utterly unacceptable that that has been going on for years under this Government, as a result of the maternity unit at Caithness general hospital in Wick having been downgraded from consultant led to midwife led in 2016.

The SHRC report also investigated the challenges that people in rural parts of Scotland face in accessing their human rights to health, housing and food. I thank my Liberal Democrat colleague Liam McArthur for the work that he did in helping the commission to gather evidence for the report. It found that the housing situation in his constituency of Orkney is so poor that people are being forced to turn down job offers because they cannot find somewhere to live, while even victims of abuse are unable to find accommodation living away from those who have abused them.

Meanwhile, in the Western Isles, parents and carers of children and adults with learning disabilities are having to travel up to 500 miles every week to access education. Too often, they are travelling on unsuitable roads, with little or no access to public transport. In Skye, the road infrastructure has not been upgraded for 20 years, despite a huge increase in the number of visitors to the island. It should go without saying that, no matter where in Scotland you live, you should have parity of access to human rights. At the moment, our rural communities are being left out and left behind, and they are tired of being an afterthought.

As a former youth worker, I was so pleased when we finally passed the United Nations Convention on the Rights of the Child, which seeks to uphold the rights of children, into Scots law. However, I again feel duty bound—as I did in my intervention on the cabinet secretary—to mention the fact that the age of criminal responsibility in this country is below the international floor that is set by the UN committee. I have mentioned that many times. At the moment, young people as young as 12 can get a criminal record, which we know affects the life chances of those young people. To put that in context, as I said earlier, in Russia and in China that age is set at 16.

I welcome this renewed focus on human rights, and I am glad that we can speak with one voice in recognising their vital importance. However, for the sake of people right across this country, our words need to be backed by Government action.

**The Deputy Presiding Officer (Liam McArthur):** We move to the open debate.

16:02

**Keith Brown (Clackmannanshire and Dunblane) (SNP):** This is probably a more serious occasion than usual to discuss human rights, given the state of human rights around the world. We are facing an increasingly stark reality, whereby, across Europe and beyond, far-right populism, xenophobia and anti-immigrant rhetoric are on the rise. In a number of EU and non-EU countries in Europe, democracy is under threat and human rights are increasingly being disregarded. In addition, we are seeing a turning point in the US, which perhaps has the strongest constitution of any country in the world in relation to the protection of individual rights, with toxic populism and the undermining of human rights. Here, in the UK, we are witnessing the same troubling trends. I say to Paul O’Kane that it is not only in the corners of the world that we see such a threat; it is in open view in so-called democracies as well.

The UK Government’s hostile stance towards refugees and migrants, exemplified by the “Stop the boats” slogan, dehumanises vulnerable people and undermines the core values of compassion and respect for human rights. To give one example, the erasing of children’s cartoons in a refugee centre gives some idea of what the attitude of the recent Tory Government was to human rights. Its attempts to weaken the European convention on human rights present a dangerous threat. We have to remember that one of the initial signatories to, and inspirations for, that declaration was Winston Churchill, who saw what had happened in the first and second world wars and believed it absolutely vital that we had institutions that would protect human rights. I say that, of course, as this Parliament’s member of the Council of Europe.

Scotland is taking a different path. While the UK drags Scotland out of the EU despite our overwhelming vote to remain, we hold fast to the principles of human rights. Our opposition to Brexit, which has exacerbated anti-immigrant sentiment and weakened human rights protections, is a clear reflection of our commitment to upholding dignity and democracy. The recent commencement of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024—which was initially struck down by a Conservative Government, even though the Conservatives in this place had voted for it—demonstrates our firm commitment to a rights-based approach.

We are also committed to global human rights, as can be seen in our leadership on the international stage, for example through our call for a ceasefire in Gaza and our unflinching support

for Ukraine in its fight against Russia's illegal invasion.

It is also crucial that we stand firm and never roll back on human rights protections in areas such as hard-won women's rights. Although there may be political pressure to backtrack in areas such as LGBT rights, the Scottish Government must, in my view, remain resolute in its commitment to ensuring that our progress continues. I have a great deal of sympathy for some of the human rights organisations that are expressing concern about the lack of progress, but I am also convinced of the Scottish Government's intentions, and its track record, on human rights protection. We cannot allow populist rhetoric or external pressures to diminish the rights of our people or undermine our achievements. Our role should be to protect, advance and strengthen human rights for future generations.

On this human rights day, it is essential that we also recognise the vital role of the Council of Europe as it marks its 75th anniversary. As the Parliament's nominee and representative on the Council of Europe's Congress of Local and Regional Authorities, I wonder how my alternate, Alexander Stewart, feels about the excising of any mention of the Council of Europe from the Tory amendment. I can tell him that many Tories from elsewhere in the UK—Andrew Boff springs to mind—are absolutely staunch in their defence of the Council of Europe. I certainly give my whole-hearted support to its mission to uphold human rights, democracy and the rule of law, which are more important than ever, especially as we face growing challenges to those values across Europe.

Scotland's commitment to human rights sets us apart. We continue to show leadership in defending rights and standing up for justice, but we cannot ignore the fact that our human rights agenda is at risk while decisions that affect us are still being made at Westminster. In my opinion, independence would ensure that the values that we uphold, such as compassion and respect for human rights and democracy, are protected in every policy decision that is made here in Scotland.

As we commemorate human rights day, we should reaffirm our commitment to a future in which human rights are protected not only in Scotland but across Europe and the world. We stand with the Council of Europe in its essential mission, and we commit to continuing our efforts to safeguard the dignity and rights of all individuals. We should do that regardless of the proximity of elections, in which we all have an interest—the commitments that we make on such matters should be permanent.

Above all, we should stand firm, protect the progress that we have made and never allow the forces of division to roll back our hard-won rights.

**The Deputy Presiding Officer:** I advise members that we have a bit of time in hand and that members who take interventions will certainly get the time back.

16:07

**Rhoda Grant (Highlands and Islands) (Lab):** The theme for this year's human rights day is "our rights, our future, right now". That is timely, given the Scottish Human Rights Commission report "Economic, Social and Cultural Rights in the Highlands and Islands" which paints a very poor picture of people's access to human rights in my region.

Across all nine areas researched, people in the Highlands and Islands did not have any single human right delivered to them in a way that meets all the conditions for adequacy under international law, which is not something to be taken lightly.

On housing, the report says:

"The Commission's evidence indicates that a significant number of people across the Highlands and Islands are living in conditions of rooflessness (with no temporary accommodation or shelter). This includes individuals in temporary caravans, camping pods, and those 'sofa-surfing'."

The report highlights that the cost of renting and buying

"is a significant barrier, particularly for young people."

If people cannot find a place to live, they leave, which adds to depopulation. The report also states that social housing is inadequate to meet local needs, yet the Scottish Government used funds that were earmarked for rural housing to build around cities.

On the right to health, the commission expresses critical concerns about

"the lack of local health services".

As Alex Cole-Hamilton said, people have to travel long distances to access healthcare, as they must do to access maternity services in Caithness, but the concern is about basic health needs as well as complex ones. The commission tells us:

"For young people in Sutherland, face-to-face mental health services are virtually non-existent."

Those are our young people. The commission also found that people are not accessing health services because of distance and costs, which mean that people become very ill and need hospital care for conditions that could have been treated locally, had services been available.

The right to culture might appear less important in comparison with health, but the report's findings on that issue are also stark.

The lack of public transport stops people participating in cultural activities. The report highlights that children in Kinlochbervie

"faced a 120-mile round trip"

to access football training.

I have been pursuing making our right to food a reality. On that issue, the commission says:

"Measures implemented so far have not been sufficient to effectively reduce hunger or address the deterioration of the right to food."

**Keith Brown:** Rhoda Grant will, I am sure, be aware of the writings of L T Hobhouse, who said:

"liberty without equality is a name of noble sound and squalid result."

Rhoda Grant is making the case for economic and social rights. Does she think that the two-child cap or the cut to the winter fuel payment will help to advance economic rights in Scotland, including in the Highlands?

**Rhoda Grant:** The Scottish Labour Party has come forward with proposals to deal with heating. The Scottish Government gives a flat-rate cold weather payment of £50 to everybody, regardless of where they live and whether their bill is £1,000 or £100. I ask the member to look at his party's record before casting aspersions on ours.

The report goes on to say:

"testimonies demonstrate that a significant number of people in the Highlands and Islands are currently deprived of sufficient food due to high costs and general poverty conditions."

The report also draws attention to unstocked shops due to ferry cancellations. Every islander knows to keep a freezer stocked for an emergency, but the people who are living hand to mouth go hungry when shops are empty.

I will continue to pursue the right to food bill to realise every citizen's right to food. It is essential that we ensure that people have their right to food, because poor nutrition impacts directly on health and life expectancy. Although the work of food banks is a lifeline and those who deliver those services must be applauded, it is dehumanising to be forced to depend on them.

We have heard that the Scottish Government's promised human rights bill could have been a catalyst to put right those wrongs, but it has been shelved. I again ask the Cabinet Secretary for Health and Social Care to allow the introduction of a human rights bill by making available to the non-Government bill unit the Government's findings from when it was pursuing the bill.

The Scottish Government has levers to hand to realise human rights. It has power over housing, health and food. It could use procurement powers to ensure that people are paid the real living wage and do not have zero-hour contracts. It could also use agricultural subsidies to ensure that food is produced as locally as possible, making sure that there are no food deserts where the only food available is of low quality. The Scottish Government should also review the patient transport scheme to ensure that nobody finds it too expensive to access healthcare.

With the powers that the Scottish Government has, it could make a huge difference to people's lives and realise many of their human rights. The Scottish Human Rights Commission's report says:

"As Minimum Core Obligations must be met at all times and under all circumstances, efforts should be focused on addressing these shortcomings."

I look forward to the Scottish Government's response to the report.

16:13

**Karen Adam (Banffshire and Buchan Coast) (SNP):** I ask for members' patience as I talk with this raspy voice today.

It is a pleasure to have the opportunity to speak in the chamber on human rights day. Human rights are often spoken of in grand terms, but at their core, they are about the basics of how we treat one another. They are about ensuring that, no matter who someone is, they can live with dignity and have their voice heard and their needs met. For me, that is what makes human rights not just a policy issue but a matter of justice and fairness.

Scotland has made real strides in human rights. We have championed equal marriage, set up the Scottish Human Rights Commission and worked to incorporate the United Nations Convention on the Rights of the Child into our laws. Those achievements did not happen by accident; they happened because we chose to put people and their rights first. However, time and again, we have hit the same wall—our constitutional limitations.

Take the UNCRC bill: the Parliament unanimously backed legislation to protect the rights of every child in Scotland, but Westminster challenged it. Parts of the bill were ruled to be outwith our competence, forcing us to dilute its scope. That was not a failure of the Scottish Parliament or of our Government—it was a failure of a system that prevents us from fully delivering what Scotland needs.

That is just one example. The gap between Scotland's priorities and Westminster's actions is widening. Brexit stripped us of the EU charter of fundamental rights. Discussions in Westminster

about scrapping the Human Rights Act 1998 or withdrawing from the European convention on human rights send a chilling message about the direction of travel. While Scotland is trying to strengthen protections, we are left mitigating the damage caused by policies that we did not vote for.

That brings me to the proposed human rights bill. It is one of the most ambitious pieces of legislation that Scotland has ever considered. The bill is not about lofty ideals; it is about addressing the real, immediate challenges that people face every day. It aims to incorporate international treaties that recognise the rights to adequate food, housing, healthcare and a healthy environment. Those are fundamental rights that underpin a decent standard of living and a fair society.

The bill could be transformative for Scotland. It could provide a legal framework that protects people from discrimination and gives real meaning to the idea of equality. The Government has said that it will bring the bill forward in the next session. Although that is welcome, we cannot ignore the urgency of the issues that the bill is designed to address.

Let us be honest, Presiding Officer: even with that bill, we are still operating within limits. Until Scotland has full powers, we will continue to face barriers.

I acknowledge that the cabinet secretary is optimistic about the constructive working relationship that we hope to have with the new UK Government. I sincerely hope that we have some progress on that. However, for the ability to make decisions that work for Scotland and ensure that the rights of everyone in Scotland can be protected without interference or compromise, the ideal is Scottish independence.

This is not just about Scotland. On human rights day, we are reminded of our responsibility to contribute to the global effort to protect and uphold human rights. As part of the Council of Europe for 75 years, we have seen how international collaboration can strengthen democracy and the rule of law. Scotland has a role to play in that, but we need the powers to act as an equal partner on the world stage.

As we mark this occasion, we must recognise the progress that we have made but also the work that remains. Scotland has the ambition and the talent to be a leader in human rights, but we need the tools to deliver.

Legislation such as the human rights bill will be a vital step forward, and that must be met with the urgency that it deserves. However, if we are serious about protecting and advancing human rights, we must be serious about Scotland's future as an independent country.

16:18

**Bill Kidd (Glasgow Anniesland) (SNP):** I hope that the debate reminds us all of our collective responsibility to stand up for and defend human rights not only in Scotland but, as the motion states, globally. This is a moment for reflecting on the progress that we have made and renewing our resolve to confront the challenges that remain both in Scotland and across the globe.

Human rights are not abstract ideals; they are the foundation of just and sustainable societies. Although 2024 has presented significant challenges, it has also created opportunities for meaningful progress. Scotland must seize those opportunities to lead with compassion, vision and determination.

We have taken notable steps, including the commencement of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024. That landmark achievement is testament to what we can accomplish when we work together to enshrine human rights in law; yet there is much more to do.

I whole-heartedly believe that education must be at the heart of building a strong human rights culture. Our schools are where the values of fairness, equality and justice take root, and it is essential that our young people are not only aware of their own rights but equipped with a global perspective.

Embedding human rights education in our curriculum is essential, and that must include a focus on global peace and security. For instance, educating young people about the catastrophic humanitarian consequences of nuclear weapons is a vital part of Scotland's long-standing advocacy for disarmament. Scotland's leadership on nuclear disarmament is well known, and our young people deserve to understand why that matters. They should learn about the UN Treaty on the Prohibition of Nuclear Weapons, the indiscriminate devastation caused by those weapons, and the moral, legal and human rights arguments for their abolition. Empowering our young people with that knowledge will enable them to become informed and active citizens who contribute to a more peaceful and equitable future.

Environmental justice is another crucial area where education and action cross. The fight to protect our planet is inseparable from the fight to protect human rights. I am proud to have supported Monica Lennon's proposed ecocide (prevention) (Scotland) bill, which seeks to criminalise severe environmental harm. That groundbreaking legislation will reflect the understanding that environmental destruction directly threatens human lives and communities.



Incorporating the principles of ecocide prevention into our legal framework and educational system will ensure that young people understand the links between environmental protection and human rights and their futures. That is about more than law—it is about fostering a culture of care and responsibility for the natural world that sustains us all.

Scotland's commitment to human rights must extend beyond our borders. In an interconnected world, we cannot ignore the plight of people who are affected by human rights abuses elsewhere.

The situation in Gaza is a stark and urgent reminder of the crises that we face globally. Reports from Amnesty International and the International Criminal Court suggest that acts that have been committed in Gaza might constitute genocide.

The Convention on the Prevention and Punishment of the Crime of Genocide obliges all nations, including the UK and Scotland, to prevent and respond to such atrocities.

Although I appreciate that arms exports are, overall, a reserved matter, Scotland has an ethical responsibility to ensure that its actions and policies do not contribute to human rights violations. If there are any doubts over that, those concerns need to be properly addressed. As has already been said, if we want to talk the talk, we must walk the walk.

International human rights day is not just a time to reflect; it is a time to act. By advancing the human rights bill, embedding comprehensive human rights education into our schools, supporting initiatives such as the proposed ecocide prevention bill, and addressing ethical concerns in funding practices, we can lead the way in creating a fairer, safer and more sustainable world.

Scotland has a proud history of progress and innovation. From the principles of the Scottish enlightenment to our leadership in social justice, we have shown what is possible when values guide action.

Let us continue that legacy by ensuring that human rights are not just ideals but lived realities for all. Together, we can create a Scotland—and a world—that truly embodies the principles of equality, dignity, and justice.

**The Deputy Presiding Officer:** We move to the closing speeches of the debate.

16:23

**Maggie Chapman (North East Scotland) (Green):** In her letter to the Equalities, Human

Rights and Civil Justice Committee, the Cabinet Secretary for Social Justice wrote of her

“determination to use the remainder of this Parliamentary session to further develop and strengthen the Human Rights Bill”.

Now is the time for that determination to be shown. We need to see progress towards that promised bill, but we also need to see rapid movement along other pathways, including the public sector equality duty. Too many human rights issues have been left on a back burner, waiting for the bill, but they cannot wait any longer.

The right to food demands tangible action, including fulfilment of the promises on free school meals.

The right to a healthy environment cannot be fulfilled while the Scottish Government remains in breach of its Aarhus obligations and fails to look properly at issues of environmental governance and specialist courts.

The human rights of disabled people should have been at the heart of the bill. The budget announcement about the disability equality plan has been described by Inclusion Scotland as

“a step in the right direction”,

but the fundamental and deeply justified demands of disabled people-led organisations have still not been met.

Remedies for broken rights are scarce and hard to find, because they are hidden in complex and opaque systems and blocked by a lack of time, expert help and resources. Legal aid reform, which is so long overdue, is a part of the picture, and I hope to see human rights at its heart when it happens. If our rights are unenforceable, our rights are not real.

Human rights are global in two senses. We have them in Scotland because they are universal, but we also bear some responsibility for the rights of others across the world. I will speak briefly about three of those situations.

The impacts of climate change can represent profound breaches of human rights. The International Court of Justice is hearing evidence in preparation for its advisory opinion on the responsibilities of states in relation to climate change. It may find that countries, and especially those of the minority world—the global north—have duties significantly beyond those of the Paris agreement: duties about the prevention of human rights violations as well as reactions once they have happened.

The UK bears a heavy burden given its historical responsibility for its carbon emissions but also its empire, its slavery profits, its suppression of other economies and its position in the web of

global finance, and Scotland cannot avoid its share of culpability. Its loss and damage work so far is important, but it falls far short of what is really needed.

In Sudan, conflict has led to over 100,000 deaths, millions of people being forced to move from their homes and tens of millions being in need of necessities including food, water and healthcare. People have been arbitrarily detained, tortured and killed, and women have been subjected to severe sexual violence. Those are human rights violations of the most basic and brutal forms, and the global north has barely noticed.

In Gaza, too, the most fundamental of human rights—the rights to health, to home and to life itself—are being systematically and deliberately denied, especially to children. The UK's responsibility is grave, broad and deep, but the Scottish Government does not have clean hands, either. There could be no better way to mark human rights day than by ending financial support for companies that profit from genocide.

On this human rights day, when we rightly reaffirm our commitment to human rights, we must also be clear about what it means for us as politicians who have the immense privilege to make decisions on behalf of all citizens. It means taking that responsibility seriously, listening to our citizens and acting in their interests, not in the narrow interests of the corporate elite or military powers.

One of the young women outside Parliament at lunch time today spoke very powerfully. I apologise for my less-than-perfect recall, but she said, "My generation was born fighting, but I'm tired—tired of fighting for better housing, for a clean environment, for trans people, for refugees and asylum seekers. I'm tired of fighting for an end to genocide and for justice." That is what human rights are for. They are for justice, not only for those of us in the chamber today, who live in warm, safe homes with family and community around us, but for everyone, everywhere in the world. We all share responsibility for that.

16:28

**Foysoyl Choudhury (Lothian) (Lab):** I am pleased to close in this debate on behalf of Scottish Labour and join members in marking human rights day 2024.

As my colleague Paul O'Kane mentioned, the Labour Party has a history of protecting human rights. It was the transformative post-war Labour Government that helped to establish our system of human rights and build the Council of Europe. As Alex Cole-Hamilton said, the events of recent days remind us that we should not take those rights for

granted. I also echo the cabinet secretary's remark that human rights are a force for good and the key to global peace.

However, members have shared their disappointment that the Scottish Government has broken its promise to introduce a human rights bill in the current parliamentary session. The theme of this year's human rights day is "Our rights, our future, right now", but the Scottish Government seems to be using the theme "Our rights, our future, not now".

Members have praised human rights defenders, but organisations are protesting outside Parliament today after another broken SNP promise. Maggie Chapman mentioned the protest and the disappointment felt by the organisations and individuals who are pushing for the law. She also mentioned their loss of trust in the Scottish Government.

Tess White mentioned the open letter that was signed by more than 100 organisations, which called the Scottish Government's decision to kick the human rights bill into the long grass a "dismissal" of the human rights issues that Scottish people face. An open letter from Just Citizens states that it is tired of being used as only a "box-ticking exercise". Another organisation has stopped engaging with the Scottish Government altogether due to broken promises. We must note that incorporation into law is not a cure for all the issues that we face.

SNP First Ministers have declared human rights to be a priority and a "great success" of devolution, but evidence that was presented by the Scottish Human Rights Commission says otherwise. Members such as Tess White, Alex Cole-Hamilton and Rhoda Grant have mentioned the report on human rights in the Highlands and Islands, which found that Scotland is failing to meet its core minimum obligation on food and housing.

The SHRC's review of conditions in prison and forensic mental health settings also found that 83 per cent of recommendations by human rights bodies made during the past 10 years had yet to be implemented. With our prison death numbers being some of the highest in Europe, that is not good enough. Regardless of the human rights bill being delayed, the Scottish Government needs to deliver on existing rights.

I am pleased to join members in reaffirming our commitment to human rights. I understand that the process of incorporating human rights into Scots law has been complicated by the judgment of the Supreme Court—as Karen Adam and Keith Brown mentioned—but the Scottish Government is still able to meet its current obligations. The Supreme Court judgment does not prevent the Scottish Government from tackling the housing emergency,

delivering a humane prison system or ensuring that no child goes hungry.

I hope that the Scottish Government will recognise the issues that have been raised in the debate and mark human rights day through action to protect the existing rights of Scots.

16:33

**Jeremy Balfour (Lothian) (Con):** On days such as this, it is important to look back at the progress that we have made. Scotland and the west more broadly have made major leaps forward on human rights. It is right that we take a step back and reflect on that progress and on the price paid by those who guaranteed it.

**Kevin Stewart:** Will Mr Balfour give way?

**Jeremy Balfour:** I will make a wee bit of progress.

The danger of a debate like this is that we pat ourselves on the back and say how well we are doing—and, with respect to some members, some of us have fallen into that—and that we look at other jurisdictions and maybe critique them. However, much more progress needs to be made for homeless people and women in Scotland.

**Kevin Stewart:** Will Mr Balfour give way now?

**Jeremy Balfour:** Just let me finish this paragraph.

We must also look forward and acknowledge that there is much work still to do in Scotland, and there are still many people who do not enjoy the full suite of rights.

**Kevin Stewart:** I agree with Mr Balfour that there is always progress to be made in all of this. I wonder, however, if Mr Balfour would agree with me that it would be the stupidest of moves to withdraw from the European Court of Human Rights or not to regard the work of the Council of Europe, which is what many members of his party would like to see us do? I would hope that, on this occasion, Mr Balfour would choose to disagree with those in his party who feel that way.

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

**Jeremy Balfour:** I will perhaps return to that point in a moment.

“Our rights, our future, right now”: that is the theme of this year’s human rights day, which is the reason why we are having this debate today. The theme recognises that rights should not be waited for. They are not an optional extra that the Government can choose whether to honour. They cannot be ignored. It is the most fundamental role of government at all levels to protect those rights

and to ensure that all citizens are free to live their lives and achieve their potential.

For too long, vulnerable and marginalised people in Scotland have been denied that freedom. Disabled people in Scotland feel like they have been left behind and, if we are honest with ourselves, this Parliament has done very little in recent years to address that sorry fact.

I want to focus my remarks today around the final two words of our theme: “right now”. There is an urgency to that. It sums up the feelings of disabled people across Scotland. For too long, we have been told to wait and, frankly, we are fed up. There are always a million different reasons that disabled people are given for waiting: “It is not a priority right now,” “We don’t have the money right now,” or “There are broader issues to be addressed right now.” With respect, none of those wash.

**Keith Brown:** Will Jeremy Balfour give way?

**Jeremy Balfour:** Disabled people continue to experience hardship and disadvantage that others do not. We are tired of being told to wait. We are tired of campaigning when we see so little achieved in this so-called modern Scotland.

**Keith Brown:** Is Jeremy Balfour able to shed any light on the thinking behind the Conservatives taking out the reference to the Council of Europe in the Scottish Government’s motion? As I have said, it was supported and partly devised by Winston Churchill. What is their objection to marking the 75th anniversary of the Council of Europe?

**Jeremy Balfour:** I am disappointed that the member is not listening to what I am saying. Is he so blinkered that he will not listen to the disabled community, instead wishing to make a political point?

**Shirley-Anne Somerville:** On the subject of “right now”, right now we are in the middle of a budget process, and right now we are in a minority Government and need to seek support elsewhere. If there are concrete, costed proposals that the Scottish Conservatives wish to come up with, there is an opportunity right now to do that: to take the matter out of this debate in the chamber and put into concrete reality. However, the member has to explain how he can do that while his party is looking for tens of millions of pounds of tax cuts. The offer is there, right now, to have a constructive discussion about it, in detail.

**The Deputy Presiding Officer:** I can give you the time back for both of those interventions, Mr Balfour.

**Jeremy Balfour:** Thank you.

The cabinet secretary has perhaps been reading my notes: I am coming on to that this very second.

Ask any disability organisation about the current state of disability in Scotland and it will paint a dreary picture. That is supposing that they are still able to operate after their budgets have been slashed to nothing.

As our amendment notes, the disability equality plan has been widely condemned as not being worth the paper it is written on. A process that began with good intentions has ended, in the words of Inclusion Scotland, the Glasgow Disability Alliance and Disability Equality Scotland, with a

“collapse of all promises and ambition”.

Disabled people and disability organisations are simply not being listened to. They are either ignored or bear the brunt of the Government’s cuts. They need a champion and a voice that can represent them at all levels of government. The cabinet secretary asked what I am asking for, so here it comes: I am asking the Scottish Government to confirm that it will support the establishment of a commissioner for disability when my bill comes before the Parliament early next year.

**George Adam (Paisley) (SNP):** I agree with Mr Balfour that disabled people need a champion, but I find it hard to listen to him and to take him seriously after 14 years of a Conservative Government that has created many of the problems that some of the disabled people are dealing with. With all due respect to Mr Balfour, surely the Conservative Party at Westminster needs to take some responsibility.

**Jeremy Balfour:** First, I do not accept anything that Mr Adam has said. Secondly, I said that we are trying to look forward. Right now, the disabled community in Scotland needs someone who can fight on their behalf when they do not have the time or the energy to secure their rights. In short, they need a disability commissioner, and they need one right now.

In short order, the Parliament will be asked to vote on my proposal for such a commissioner, and each one of us will be forced to take a side. Will we choose to look to the past? Will we choose to make political points? Will we choose the side of giving disabled people the rights and the future that they deserve, want and need right now or the side of continuing to ignore disabled people’s rights and risk not passing any meaningful legislation this parliamentary term that advances them? That is the choice that each of us will face in the next few weeks. I hope that we will choose the right side, right now.

**The Presiding Officer (Alison Johnstone):** I call Kaukab Stewart to wind up, for up to eight minutes.

16:42

**The Minister for Equalities (Kaukab Stewart):** I refer members to my entry in the register of members’ interests: I am a member of Amnesty International.

I thank members for their contributions to the debate, which are a reflection of a Parliament that takes advancement of human rights very seriously—and rightly so.

The challenges that the world faces, some of which have been outlined today, are stark. They are a reminder of why we must continue to support the vital work of human rights defenders globally, which Alex Cole-Hamilton raised in his remarks. Human rights defenders come in many forms, including activists, journalists and lawyers, and many risk their lives daily to defend and protect human rights. That is why I am proud that the Government continues to provide support for the Scottish human rights defender fellowship, which is delivered by the University of Dundee in collaboration with Amnesty International, Peace Brigades International and Front Line Defenders. Since 2018, we have welcomed 19 individuals from 16 countries and have provided them with a place of safety in which to carry out their vital work. It was a privilege to meet some of the defenders last month during their visit to Scotland to hear at first hand about their work.

I will turn to my responses to the contributions that have been made in the chamber. As expected, the theme of human rights has covered an extensive range of issues, so please forgive me if I am not able, in a short time, to touch on all those areas.

With regard to the Conservatives’ amendment, I do not need to say it, but I will not miss this opportunity to reiterate the absence of a reference to the work of the Council of Europe and to its 75th anniversary, which many colleagues have already put on the record. It is difficult for me to take lessons from a Conservative Opposition party that cannot actually decide whether or not it is for human rights. This Government is certainly for advancing human rights.

With regard to the specific comments about female genital mutilation—which is, of course, illegal in Scotland—and implementation of the 2020 act, the Scottish Government has, through its equally safe funding, invested in a range of projects that have a specific FGM focus. An example is Community InfoSource’s challenging violence against women project, which seeks to

combat FGM through awareness raising, particularly among males in affected communities.

On Paul O’Kane’s contribution, I understand his asking for more action: that is a priority. The rights incorporation agenda is continuing at pace, and we are committed to that. I share his optimism regarding the collaborative work that can now take place with the incoming UK Government—that is hoped for, and the early signs are very good—to ensure that the most effective change can take place through joint co-ordination.

Maggie Chapman was right to highlight the fact that the Scottish Government does, indeed, have a bit of work to do to rebuild trust. The cabinet secretary and I have put it on the record that we understand, and feel keenly, the disappointment that is felt by human rights campaigners. However, we must ensure that we get the bill right, especially for the rights holders, and we need to take the time to work everything through in order to present the bill in the next session of Parliament. Nevertheless, we are absolutely listening.

Keith Brown was eloquent in outlining that we cannot allow the forces of division to roll back our rights and that we must stand firm in our commitment. He was right to highlight the words that politicians, among other folk, might choose to use. Scotland is a welcoming country and we support human rights defenders—indeed, each one of us is a human rights defender—so we must guard against the negative rhetoric that some people can buy into.

Rhoda Grant mentioned the right to food, which is an important topic to highlight. I reassure her that we intend to introduce a human rights bill in the next session of Parliament, and that it will include proposals to incorporate the right to food. With regard to her proposed member’s bill, I know that communications are on-going: the Scottish Government has shared materials and we are open to engagement, as the First Minister confirmed recently at First Minister’s question time.

Karen Adam was quite right to highlight the international collaboration that is needed to uphold human rights, especially at times of great challenge. She was also right to highlight that only with independence would we be able to further protect our rights with more powers.

Bill Kidd asked us all—I take the challenge—to seize the opportunities that are given to us and to lead with conviction and compassion to raise the importance of embedding human rights in everything that we do. He highlighted the importance of putting that in education for the next generation.

I will move on to the contribution from Jeremy Balfour. He will know that I recognise that there is more work to be done. I have never denied that, nor has the Government. We are willing to roll up our sleeves and get on with the hard work, and that means making difficult decisions to pace ourselves so that we get things right and plans are fully costed. I have heard the concerns of disabled people very clearly. In the 2025-26 budget, we have invested an additional £2 million to support the disability equality plan, to deliver essential support and to grow the independent living fund.

Although the Opposition has raised important points regarding funding, no specific requests have been made during the budget negotiations. Perhaps the debate can be taken as a reminder to do so and to make proposals that can be considered.

There is absolutely no room for complacency. In closing, I will echo the words of Michael O’Flaherty, the Council of Europe’s Commissioner for Human Rights, who said:

“there is no room for complacency: renewal must be an ongoing process. It must be informed by the need to deliver respect for the human rights of everyone in our societies in all their extraordinary diversity.”

That renewal is the responsibility of each and every one of us in this Parliament. We owe that to the people of Scotland day in, day out, as we seek to represent them. The Government will drive forward that endeavour with vigour and urgency.

The cabinet secretary outlined in her opening remarks some of the actions that we are taking to respect, protect and fulfil human rights. As part of that, she reaffirmed our commitment to introducing a human rights bill. I know that civil society is seeking a commitment from all parties in the chamber to pass such a bill. As we move forward, we continue to welcome the necessary scrutiny, constructive challenge and collaboration on the proposed bill and on how we might collectively advance the wider human rights agenda across everything that we do as a Government and as a Parliament. That accountability forms the bedrock of human rights realisation and reflects the imperatives of the international human rights treaty system.

Human rights day is a reminder that, whatever our differences, we must unite behind the transformative power of human rights to create a pathway for a better future for Scotland, and beyond.

**The Presiding Officer:** That concludes the debate on pathways to global human rights: towards a stronger human rights culture in Scotland.

## Motion without Notice

16:52

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

*Motion moved,*

That, under Rule 11.2.4, Decision Time be brought forward to 4:52 pm.—[*Jamie Hepburn*]

*Motion agreed to.*

## Decision Time

16:52

**The Presiding Officer (Alison Johnstone):** There are three questions to be put as a result of today's business. The first question is, that motion S6M-15783, in the name of Siobhian Brown, on the Judicial Factors (Scotland) Bill at stage 3, be agreed to.

As this is a motion to pass the bill, the question must be decided by division. There will be a short suspension to allow members to access the digital voting system.

16:53

*Meeting suspended.*

16:56

*On resuming—*

**The Presiding Officer:** We move to the division on motion S6M-15783, in the name of Siobhian Brown, on the Judicial Factors (Scotland) Bill at stage 3. Members should cast their votes now.

The vote is closed.

**Stuart McMillan (Greenock and Inverclyde) (SNP):** On a point of order, Presiding Officer. As you will have seen, I have had some technical issues. I would have voted yes.

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

**Jackie Dunbar (Aberdeen Donside) (SNP):** On a point of order, Presiding Officer. I could not get on to the app. I would have voted yes.

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

**For**

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Balfour, Jeremy (Lothian) (Con)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Briggs, Miles (Lothian) (Con)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)

Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Dey, Graeme (Angus South) (SNP)  
 Don-Innes, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowey, Sharon (South Scotland) (Con)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greene, Jamie (West Scotland) (Con)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hoy, Craig (South Scotland) (Con)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 Lumsden, Douglas (North East Scotland) (Con)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP) [Proxy vote cast by Rona Mackay]  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (Ind)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP) [Proxy vote cast by Jamie Hepburn]  
 McArthur, Liam (Orkney Islands) (LD)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP) [Proxy vote cast by Jamie Hepburn]  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 McNeill, Pauline (Glasgow) (Lab)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab)  
 Regan, Ash (Edinburgh Eastern) (Alba)

Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Simpson, Graham (Central Scotland) (Con)  
 Slater, Lorna (Lothian) (Green)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the division on motion S6M-15783, in the name of Siobhian Brown, is: For 119, Against 0, Abstentions 0.

*Motion agreed to,*

That the Parliament agrees that the Judicial Factors (Scotland) Bill be passed.

**The Presiding Officer:** The Judicial Factors (Scotland) Bill is therefore passed. [Applause.]

The next question is, that amendment S6M-15782.2, in the name of Tess White, which seeks to amend motion S6M-15782, in the name of Shirley-Anne Somerville, on pathways to global human rights: towards a stronger human rights culture in Scotland, be agreed to. Are we agreed?

**Members:** No.

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

**For**

Balfour, Jeremy (Lothian) (Con)  
 Briggs, Miles (Lothian) (Con)  
 Burnett, Alexander (Aberdeenshire West) (Con)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Dowey, Sharon (South Scotland) (Con)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Greene, Jamie (West Scotland) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)

Hoy, Craig (South Scotland) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Kerr, Liam (North East Scotland) (Con)  
 Kerr, Stephen (Central Scotland) (Con)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Ross, Douglas (Highlands and Islands) (Con)  
 Simpson, Graham (Central Scotland) (Con)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whittle, Brian (South Scotland) (Con)

### Against

Adam, George (Paisley) (SNP)  
 Adam, Karen (Banffshire and Buchan Coast) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)  
 Brown, Siobhian (Ayr) (SNP)  
 Burgess, Ariane (Highlands and Islands) (Green)  
 Chapman, Maggie (North East Scotland) (Green)  
 Choudhury, Foysol (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Cole-Hamilton, Alex (Edinburgh Western) (LD)  
 Dey, Graeme (Angus South) (SNP)  
 Don-Innes, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Gougeon, Mairi (Angus North and Mearns) (SNP)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Griffin, Mark (Central Scotland) (Lab)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Lochhead, Richard (Moray) (SNP)  
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)  
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)  
 Mackay, Gillian (Central Scotland) (Green)  
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)  
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)  
 Maguire, Ruth (Cunninghame South) (SNP)  
 Marra, Michael (North East Scotland) (Lab)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (Ind)  
 Matheson, Michael (Falkirk West) (SNP)

McAllan, Mairi (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mochan, Carol (South Scotland) (Lab)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 O'Kane, Paul (West Scotland) (Lab)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Roddick, Emma (Highlands and Islands) (SNP)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)  
 Slater, Lorna (Lothian) (Green)  
 Smyth, Colin (South Scotland) (Lab)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Sweeney, Paul (Glasgow) (Lab)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Villalba, Mercedes (North East Scotland) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Wishart, Beatrice (Shetland Islands) (LD)  
 Yousaf, Humza (Glasgow Pollok) (SNP)

**The Presiding Officer:** The result of the division on amendment S6M-15782.2, in the name of Tess White, is: For 28, Against 89, Abstentions 0.

*Amendment disagreed to.*

**The Presiding Officer:** The question is, that motion S6M-15782, in the name of Shirley-Anne Somerville, on pathways to global human rights: towards a stronger human rights culture in Scotland, be agreed to.

*Motion agreed to.*

That the Parliament recognises 10 December 2024 as Human Rights Day; supports this year's theme of "Our Rights, Our Future, Right Now"; agrees that human rights present a route to a more peaceful, equitable and sustainable world; recognises that this year marks the 75th anniversary of the formation of the Council of Europe, and supports its vital mission to uphold human rights, democracy and the rule of law in Europe; celebrates important steps to advance rights in Scotland, including the commencement of the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024; commends the role of human rights organisations, human rights defenders and wider civil society in driving change and challenging everyone to do better, and reaffirms its own commitment to strengthen, respect, protect and fulfil human rights through both practical action and future legislation.

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



## Post Office Closures

**The Deputy Presiding Officer (Annabelle Ewing):** The final item of business is a members' business debate on motion S6M-15654, in the name of Kenneth Gibson, on opposition to the Post Office closure plan. The debate will be concluded without any question being put.

### *Motion debated,*

That the Parliament notes the opposition to the proposal set out in the Post Office's Transformation Plan on 13 November 2024 to consult on closing its 115 remaining crown branches; understands that these proposals would involve the closure of 10 branches in Scotland, including the branch in Saltcoats town centre; notes the opposition of the Communication Workers Union, which has characterised the proposal as being "as tone deaf as it is immoral"; believes that crown branches provide a range of vital services that are not available in all Post Offices; notes the view that, at a time when more and more shops and services are leaving the high street, there is a case for more crown branches, not fewer, and conveys its sympathy to the estimated 1,000 Post Office employees whose jobs are now at risk.

17:03

**Kenneth Gibson (Cunninghame North) (SNP):** I thank all the members who signed my motion. In particular, I thank Tim Eagle, Ross Greer and Liam McArthur, who have post offices that are threatened in their regions and constituency, and who signed the motion so that it could be debated today. Unfortunately, my colleague Christine Grahame, who had hoped to speak in the debate, has been called away suddenly through illness—I hope that she makes a swift recovery. I am also grateful to Adam Stachura at Age Scotland for the briefing on the importance of post offices to older people.

The issue affects all parts of the country, and our support for our local post offices should transcend party lines. This year's United Kingdom Labour manifesto said:

"The Post Office is an essential service in communities across the country. Labour will look for ways to strengthen the Post Office network, in consultation with sub-postmasters, trade unions and customers, and support the development of new products, services and business models".

I could not agree more. It is therefore disappointing that, within a few short months of gaining office, Labour reneged on that commitment.

For our communities, rural or urban, post offices are a focal point. According to 2022 research by Citizens Advice, 18 per cent of people visit a post office every week, while 45 per cent do so at least once a month. In rural areas, the figures are even higher. In addition to providing essential services, post offices help to address financial and social

exclusion. For older and disabled people, carers and those without the internet, post offices are an essential face-to-face service without parallel. The benefits that the Post Office network provides are immeasurable and are not just economic but social. The human and financial costs of a community losing its post office will surely be more than whatever subsidy was on offer.

Between 1999 and 2015, more than 900 postmasters were falsely accused of theft and fraud because of errors in the Horizon information technology system, which was supplied by Fujitsu. After all the ruined careers, financial devastation and even wrongful imprisonment, we now see that clearly as one of the gravest miscarriages of justice in modern British history.

On 13 November 2024, Post Office chair Nigel Railton set out the organisation's transformation plan in the wake of the Horizon scandal. In an effort to rebuild trust and financial stability, the plan sets out goals to increase postmaster remuneration, boost their share of revenues and enhance the role of postmasters in decision making. That would be uncontroversial, were it not for the fact that the proposals require the closure of all the remaining Crown offices to balance the books, with 115 Post Office branches, including 10 in Scotland, and 1,000 post office employees now under threat.

Of course, closure proposals cannot be viewed in isolation. The number of Crown branches has steadily declined since the 1980s, as the Post Office shifted towards franchise and agency-managed branches as a way of reducing costs. That process has accelerated in recent years—between 2013 and 2023, the number of Crown branches fell by 69 per cent. That matters, because Crown branches offer a far more extensive range of services than do sub-post offices, such as Driver and Vehicle Licensing Agency photocard renewal, foreign currency, travel insurance, identity services and passport applications, to name but a few.

Saltcoats post office, in my constituency, has been at its location on Chapelwell Street since 1971. The previous post office building was further up the same street and opened in 1909. It was later taken over by the Royal Bank of Scotland until that branch closed, in 2018. The potential closure of the post office has sparked widespread alarm among Saltcoats residents and business owners alike. For 11 and a half decades, Chapelwell Street post office has provided essential services that underpin both daily life and the local economy. Its loss would not only sever a vital link to banking and postal facilities but deepen the challenges that are already faced by the town.

Stephen McAllister, owner of the award-winning Kandy Bar bakery, described the post office as

“the lifeblood of the area”

and added that, without it, many local businesses would struggle to survive. He highlighted that, with banks and building societies closing in town centres, the post office in Saltcoats has become a vital resource. Banking for the Kandy Bar bakeries in Kilwinning and West Kilbride is undertaken in Saltcoats. Mr McAllister warned that, if the post office were to close, that would be a devastating blow to the local community and a tragedy for the area.

**Fergus Ewing (Inverness and Nairn) (SNP):** Is Mr Gibson aware that one of the post offices that are under threat and whose future is in question is in Queensgate, in the centre of Inverness, which forms part of the heart of Inverness and is essential for many senior citizens? The post office brings them into the town and brings life into the town. Does the member think that it might be better for the people in the Post Office to address the salaries that they pay themselves? The chief executive got £816,000 in 2021-22, which was down to a paltry £573,000 in 2022-23. Should they not start at the top if they want to save money?

**Kenneth Gibson:** The member makes an excellent point.

The team behind the Metro nightclub in Saltcoats also expressed concern about the potential closure of the town's post office and said that it would be a

“Massive loss to the community.”

The team highlighted the challenges that businesses already face due to the departure of banks from the town and noted that the post office is crucial for tasks such as depositing money and obtaining change. The team warned that the closure would make it significantly harder for businesses to operate efficiently locally and called it a fundamental part of the community that must be preserved. The team also pointed to the important role that the post office plays for older residents, as Fergus Ewing just remarked, many of whom use it to pay bills, withdraw cash and save money for family occasions. The team noted that, for some,

“It's more than just a post office,”

and that visiting it is a vital part of their routine.

Nationally, the reaction from the Communication Workers Union, which represents Post Office staff, has been scathing. It described the closure plan and the threat to 1,000 jobs as being as

“tone deaf as it is immoral.”

The CWU called on the UK Government to intervene and said:

“Labour has to ensure it does not become the Government that targeted elderly people with the removal

of the winter fuel allowance and then saw crucial services they rely on removed.”

I fear that the CWU will be disappointed. Despite its donations to the Labour Party and Labour MPs, which were worth more than £500,000 this year, barely a whimper has come from Labour. Indeed, the CWU donated £6,000 to Labour's recent Westminster campaign in the North Ayrshire and Arran constituency. So far, it seems that it has had little or no return.

Disappointingly, not a single Labour MSP signed today's motion, and only one is present in the chamber. MSPs Bibby, Clark, Mochan, Rowley, Smyth, Sweeney and Villalba, along with the current Secretary of State for Scotland, Ian Murray MP, all denounced the closure of local post offices during the era of the wicked Tory Government but seem a little more coy now. I am tempted to quote them, but we will save their blushes and move on.

The UK Labour Government minister who is responsible for post offices, Gareth Thomas MP, has refused to give any assurances about the future of Crown branches. I will leave it to CWU members to look at that tepid response and decide whether their weekly political levy is money well spent.

The closure of the last 115 Crown post offices would not simply represent a loss of essential services; it would symbolise the neglect of our town centres. At a time when towns are crying out for regeneration, Crown branches should be serving as vital components that draw both people and businesses back to our high streets. We should be talking about their extension, not their abolition. Our communities deserve far better than the proposed managed decline of a valuable public asset.

Ultimately, it is the UK Labour Government that is required to sign off on the proposals. I have written to it, and I trust that the Scottish Government is lobbying it hard to think again. The UK Government must now listen to the voices of communities, business owners and workers and lift the threat of closure from the post offices in Saltcoats and other affected towns. Our communities and their post offices deserve much better than to be the last victims of the Horizon scandal.

**The Deputy Presiding Officer:** I call Bob Doris.

17:10

**Bob Doris (Glasgow Maryhill and Springburn) (SNP):** My apologies for taking a moment, Deputy Presiding Officer—I am working from my iPad, which is unlike me, so let us see how we get on.

I commend Kenny Gibson for bringing to the chamber this debate on the leaked plans to review and reduce Crown post offices in Scotland and across the UK. It gives me the opportunity to highlight that the Crown post office in Springburn shopping centre, in my constituency, is one of the branches that could be facing the axe. I find that deeply worrying for several reasons.

I will set out the most fundamental reason. My constituency of Glasgow Maryhill and Springburn now has no high street bank and has not had one for some time. Each time a bank closes—three have closed in Springburn in recent years—the banks indicate that they will work hard to innovate and provide alternative banking opportunities for those who are most vulnerable or who are at risk of financial exclusion. Each time, however, the banks pack up and head out of town, and the promises melt away incredibly quickly.

In that context, I know that the prospect of the Crown post office in Springburn closing fills many of my constituents with great dread, concern and alarm. The people of Springburn do not expect the UK Government's Post Office to treat them as shoddily as the UK banks have done. That post office is one of the very few vital anchor services that bring local residents into the town centre to access core financial services and a wide range of other services. It also brings them to the town centre to spend their disposable incomes—which are often under strain—in the area.

The closure of the Crown post office would be not only a major blow for those who rely on its services but a body blow to the town centre and the shopping centre that sits in it. It would also be a body blow to the local economy and local businesses, and to many of our elderly and our vulnerable.

As a local MSP and a trustee of the local charity Spirit of Springburn, I want the services and amenities in Springburn to be enhanced, not further diminished. Having looked at the criteria under which potential decisions on Crown post offices may be made, I can see absolutely nothing that acknowledges the vital role that the post office plays in the precarious town centre environment and the local economy. The criteria are completely silent on the matter and do not take it into account at all.

I have written to and met Post Office representatives, and I thank them for their engagement. It is clear that the current plans are a direct consequence of the five-year strategy that the Post Office has set out. The strategy process commenced under the previous Conservative Government but was actually signed off, actioned and approved under the current UK Labour Government. I understand that the cost savings to be delivered by potentially closing post offices are

proposed, in part, to help to source funds to better reward postmasters. I appreciate that there may very well be a need for that, but it should not be done on the backs of the communities and towns that rely on their Crown post offices to access core financial and other services, nor on the backs of the vulnerable in my constituency. Those who live in such communities are less likely to have a bank account in the first place, let alone access to online banking or the ability to apply online for a variety of services that are only otherwise available at a Crown post office.

Mr Gibson has written to Gareth Thomas MP, the UK Government parliamentary under-secretary of state for the matter, and I intend to do the same. I hope that we can do so on a cross-party basis—I include Labour MSPs in that—to call on the UK Government to halt the process and ask it to think again.

I asked the Post Office about the number of customers who use the post office in Springburn and about the amount of transactions and the type of services that are used. The Post Office genuinely tried to be as helpful as possible in responding to me, but it was unable to give me official data for public consumption because of commercial confidentiality. I, and my constituents, need that data to plan a way ahead to retain the post office.

We know that the post office is very busy; I suspect that it serves many hundreds of customers every single week and processes many more vital transactions. The banks have closed right across Maryhill and Springburn. This time, the UK Government can do something to stop core financial services in my constituency being terminated and dragged out of Springburn. It must act now, and I commend Kenny Gibson for bringing the debate to the chamber.

17:15

**Craig Hoy (South Scotland) (Con):** I thank Kenny Gibson for bringing this important debate to the chamber. Post office employees are right to be concerned and very worried about the forthcoming consultation, and it is right that they be fully consulted on the next move.

As Kenny Gibson and others have said, we would not know about the potential closures, had it not been for the fact that the information was leaked: it was not the Labour Government, nor was it the Post Office that brought the potential closures to the public's attention. We must also remember that a key part of any consultation should be the customers who rely on the post office network throughout Scotland—in particular, in the South Scotland region, which I represent.

Following the announcement, I was contacted by several residents of Haddington, including from the Haddington central tenants and residents association, who expressed their alarm that a very popular and well-used local post office—as Kenny Gibson described, it is much more than simply a post office—is under threat. It is a vital resource for people in the community, who rely on it not just for postal services but for banking, and as a community hub.

It is also vitally important to remember that, in areas such as East Lothian, many banks have closed in recent years and there is now an increased emphasis on post offices as a source of cash and banking services. That is particularly the case in areas with an older demographic, such as Haddington and East Lothian.

**Rachael Hamilton (Ettrick, Roxburgh and Berwickshire) (Con):** On Friday, I visited the new banking hub at Jedburgh, which is operated by a postmaster but is run by Cash Access UK. It offers services including cash withdrawal, payment of bills and so on, but it does not offer a post office service specifically.

I do not know whether Craig Hoy agrees with me, but I think that it would be a great idea, and we should be campaigning, to ensure that we have proper banking hubs with combined post office services.

**Craig Hoy:** Rachael Hamilton is absolutely correct, and where post offices and banks are at risk, it would surely be logical to bring postal and banking services under one roof.

Ahead of the debate, Age Scotland sent me an informative briefing on how people aged over 50 view services in their local communities. Facilities that are viewed as being essential within 20 minutes of home include a bank, according to 32 per cent of those surveyed; a post office, at 23 per cent; and community spaces, at 23 per cent. The post office in Haddington fulfils all those functions, because it is a post office, for some customers it is a bank, and for many customers it is a source of community engagement.

As banks continue to retreat, it will be increasingly important that post offices take up the slack. It is also important that we remember that Crown post offices provide services in addition to those that are provided by banking hubs or by sub-postmasters. We must, therefore, do everything that we can to try to defend them, because otherwise people have to go online or engage in longer journeys. That counts against the climate change targets that we are setting and is simply impossible for some older people or people in rural areas who still lack access to high-speed broadband.

When I spoke to the Post Office about the closure of the branch in Haddington, it said that that is being done to make savings and so that it can look at how it could fund sub-postmasters in the future. However, it would be an absolute tragedy if, because of the mistakes that the Post Office has made in the past, customers were to be impacted into the future.

With regard to the post office in Haddington, I was informed that there are three potential outcomes. One would be outright closure, the second would be to try to find somebody else to take over the franchise of that post office and the third would be a potential move to another location. I would be totally opposed to the closure, and I question whether moving or closing such a popular and well-used facility would be in the interests of the town.

It is clear that the services are vitally important for everyone in our communities, and especially for people who are elderly or disabled and those who live in rural or deprived areas. I say to the residents of Haddington and the neighbouring villages that I will continue to work with the Post Office and with stakeholders and the community to ensure that they continue to have access to local postal banking services. Those services are vital now, and they will be vital into the future. I look forward to working with the community to make sure that the Post Office does not close that important local resource.

17:20

**Liam McArthur (Orkney Islands) (LD):** I start by wishing Christine Grahame well. Despite her attempt to mow me down as she came out of the canteen earlier today, I wish her a speedy recovery.

I also congratulate Kenny Gibson on bringing the debate to the chamber, and I thank him for his kind comments earlier. I am not sure that I would go as far as to suggest that we need more Crown post offices, but, at the very least, retaining what we have seems to be highly desirable. The Kirkwall Crown post office in my constituency is under threat. It is integral to the local community, for many of the reasons that Kenny Gibson set out in his opening remarks. I will come to that later.

Bob Doris made a valid point about the issue being not just the process itself but the way in which information about the closures leaked out. That has not helped a difficult situation—indeed, it has made it considerably worse. We had the announcement, then quickly thereafter we had clarification that has only sown seeds of confusion. It has certainly created uncertainty for staff and customers, as well as in the wider communities

that are served by the Crown post offices that appear on the list.

It has also, perhaps, resulted in a loss of faith. Whatever consultation now takes place, I think that there will be an understandable sense that the results and the outcome of that consultation will have been prejudged. That is a reflection, or a result, of the way in which the Post Office has managed the information flow on the issue. Alistair Carmichael and I met very recently with the Post Office on the back of the announcement, and we were given many of the assurances that I suspect other colleagues will have received, either directly or in correspondence.

Another fair point that Bob Doris made related to the lack of detailed data about how each of the Crown post offices is performing. From my perspective, the Crown post office in Kirkwall has always appeared to be very busy, particularly—but certainly not exclusively—at this time of year. It is therefore difficult for me, and for many of my constituents, to understand why that post office has found itself on a Post Office hit list.

On the consultation itself, we were provided with assurances that it would be meaningful. It certainly has not happened early, so the Post Office has its work cut out to try to make up for lost ground.

As I said, the post office to which I refer is itself enormously busy. It is—as Kenneth Gibson highlighted—the lifeblood of the community. It is important not just for Kirkwall, but for the wider Orkney community, given that it is the last remaining Crown post office in Orkney. It is crucial to local businesses. On the back of the news emerging, I have been contacted by many constituents, including many business owners. One got in touch with me the other week to say:

“the company I manage has mountains of regulatory post that is sent to clients from our local office each day”.

The prospect of that service not being available in the same way or to the same extent as it is currently has implications for the wider business community in Orkney.

The post office is also a crucial facility for personal customers, given the services that it provides in relation to passports, driving licences and so on. That concern, too, has been raised by many constituents. Yes, those services are increasingly available online but—as Age Scotland and many constituents have pointed out—that is, in many instances, not without its challenges.

The other service that is provided by the Crown post office in Kirkwall, almost uniquely, is the foreign currency exchange. For an economy that is so reliant on tourism, in particular through online routes, the availability of that service is fundamental, and there is a real concern about the

potential loss of spending in Kirkwall and the wider Orkney community. As it happens, the Crown post office is positioned almost directly opposite the tourist information centre, which has also been earmarked for closure. The situation is creating uncertainty in a community that relies so heavily on those post office services.

The Post Office needs to heed the voices of customers, its staff and the wider community. There needs to be a meaningful consultation and, I hope, a rethink of the position so that the vital services that the Crown post office in Kirkwall provides can continue long into the future.

**The Deputy Presiding Officer:** I call Carol Mochan, who joins us remotely, to be followed by Audrey Nicoll.

17:25

**Carol Mochan (South Scotland) (Lab):** I thank Kenny Gibson for bringing this topic to the chamber.

I applaud the fine work of the Communication Workers Union—the CWU—on the matter, as it continues to boldly stand up for its members against the Post Office’s decisions, which are causing, as we have heard tonight, serious stress and concern for many families just before Christmas, while they are working hard to keep postal services moving. To add to Liam McArthur’s point, I note that they are busy throughout the year.

As we have heard, the decision to close the remaining 115 Crown post office branches across the UK was taken without prior consultation of trade unions, and the CWU informs us that it has not even been given sight of the strategic review document that led to the decision. That is unacceptable.

Furthermore, the decision was deliberately leaked, as we have heard, in order to get ahead of any press or official scrutiny. Post office workers were waking up and reading about the potential end of their jobs in a newspaper or watching it on television. I reiterate that that is simply unacceptable.

Ten of the Crown post offices are in Scotland, where the sector is already heavily depleted, which has left many communities without direct access to a post office. The branches, which are often the larger ones, are a lifeline for many people. However, more local post offices have been closed than most can put up with, and most sometimes struggle to find a place to do business or sort out personal affairs.

Crown post offices provide many services that are not easily accessible and available elsewhere. That is a valuable thing during a time when the

high street is being cut to the bone. The decision to close branches is needless and exacerbates existing problems.

Why is it that we have spent the past decade or more stripping out post offices, thereby losing their utility and incredible community links? Has that made the country better off? Have we heard that the decisions to do that have led to greater modernisation and more stable employment? No, that is not what we have heard. It has led to an enormous amount of legal fees and to consultants raking it in, while ordinary working people suffer—as is often the case.

The current decision would decimate the post office network across the UK and will lead to 1,000 jobs being lost, including many in Scotland.

Every week, I, too, speak to constituents who are desperate for a service like the one that the post office used to provide. Not only was the post office an important utility for business and families, but it provided a community hub with staff who would take the time to offer genuine help.

I fear that we are approaching the days when post offices will be quite rare. I have no doubt that workers and the trade unions will be standing against the decision, and I will, of course, be supporting them and their rights. This is no way to treat the people who have shouldered the burden of pressure that has been placed on post office workers for many years. The review must be reconsidered, and I will support the CWU in its work alongside the workforce.

I again thank Kenny Gibson for bringing the matter to the chamber.

17:29

**Audrey Nicoll (Aberdeen South and North Kincardine) (SNP):** I, too, congratulate my colleague Kenneth Gibson on bringing the debate to the chamber.

As has been referenced, the UK Government owns the Post Office and it has announced that more than 100 branches could close, with the possible loss of hundreds of jobs. That comes as a bitter blow for postmasters and the communities that they serve tirelessly, at a time when local services have already been fading from high streets, town centres and villages. As the motion says,

“at a time when more and more shops and services are leaving the high street, there is a case for more crown branches, not fewer”.

The post office network provides critical services that go beyond just post, such as access to cash, banking and Government services such as driving licence renewal, albeit that some of those services have declined in recent years and have moved

online. Many of my small-business constituents, including creators and artists, depend on local post offices to send products to customers who are further afield.

There is something comforting about the red and yellow Post Office sign above a shop door. You know that, when you go in, there will be a welcome human interaction; the postmaster will know exactly what you need; and you can also pick up nice birthday card, some brown wrapping paper, string or a Jiffy bag while you are at it.

In my constituency, the number of post offices has reduced to only three, which serve a population of around 79,000. Although my constituency will not be impacted by the future closure plans, I agree with other members that consultation and a rationale for closures have been lacking.

I read with interest, therefore, some of the rationale for the review of Post Office services that was set out in the Westminster debate last month. The Post Office was described as

“simply not fit for purpose”,

with

“a toxic culture in head office and years of under-investment.”—[*Official Report*, House of Commons, 13 November 2024; Vol 756, c 806.]

It was stated that “significant cultural change” and rebuilding of trust are required to ensure that the needs of postmasters and customers are met.

It is no secret, of course, that the business is facing commercial challenges, and it is therefore not unreasonable to suggest that change is needed. However, the idea that the possible loss of 115 branches and around 1,000 jobs is the solution is devastating. It raises many questions, including on the process of consultation, as members have highlighted tonight.

I understand that postmasters, trade unions and other stakeholders will be consulted—and rightly so—but it is disappointing that the communities that rely on these services have not been specifically mentioned. One significant group that will undoubtedly be impacted is older people, and I am grateful to Age Scotland for its helpful briefing, in which it makes a range of important points.

I will touch on a couple of those points. The first is on facilities in post offices. Age Scotland says that it is

“concerned that the closure of these branches which are in easy to access locations, especially in the more remote and rural areas, may mean older people face challenges travelling further to access the services they need.”

It states that,

“without improving the ‘alternative branches’ that people are to use when the crown branches close, it risks further

exclusion and increases inequality for a considerable proportion of the population”.

On digital skills and access to the internet, Age Scotland points out:

“There are a significant number of older people in Scotland who are either not online or lack the basic digital skills to use the internet safely ... Face to face services such as those at Post Offices are essential for older people.”

Finally, it notes:

“There is a digital access gap between the most and least deprived parts of Scotland.”

There are a lot of points of concern there.

In conclusion, I hope that the UK Government, rather than seeking to reduce post office provision in Scotland, takes the opportunity to strengthen the role of post offices in our communities so that they can offer more local services, meeting the needs of postmasters and customers, including businesses, and bring a modernised and fit-for-purpose Post Office back to our high streets and communities.

17:33

**Tim Eagle (Highlands and Islands) (Con):** I thank Kenny Gibson for bringing the debate to the chamber. I almost agreed with him until he had a wee dig at the Tory Government, but I will let that slip this time, because, for most of us, the issue transcends party lines. I, too, was shocked to see the full list of planned closures that was put forward by the Post Office recently.

In the Highlands and Islands, there are three post offices that are under threat, in Inverness, Kirkwall and Stornoway, two of which Fergus Ewing and Liam McArthur have mentioned. Two of those—in Kirkwall and Stornoway—are in vulnerable island communities that are already suffering from previous losses of services and are struggling with rural depopulation. I know, from the contacts that I have had with local people in Stornoway, that the proposals are very unpopular.

The Stornoway post office is centrally located within the town, making it convenient for all service users. If it closes, the community will be left with post office facilities housed in filling stations, community shops and so on, making them less accessible. Although it is good that something will remain, residents have described the proposal as a retrograde step for an island population that sees the post office as an essential link to the mainland for goods and services. Islanders are upset, and so they should be. A founding principle of the Post Office is that it is a national institution that provides a range of services to all our communities regardless of their geographical location.

Politicians across the Parliament have repeatedly highlighted the unfairness around parcel delivery costs. Well-connected mainland locations are considered to be remote in the eyes of far too many companies, which means huge postal charges for the delivery of goods that are ordered online, and they are a curse to local businesses who want to be competitive in online sales. It remains a source of significant frustration to me that my constituents are disadvantaged in that way. Fair parcel delivery pricing should be the norm in the UK. It is unacceptable to me that it is not. Anything that further challenges the sending and receiving of parcels can only be a bad thing for my island communities and my constituents in Stornoway and Kirkwall.

I want to mention the stepping stones mentality of closures. A local councillor in Stornoway pointed out to me that, when TSB closed its Stornoway branch, the suggested alternative for people who wanted to carry out their banking transactions there was the post office. “What now for customers?” I wonder. Will there be another option, perhaps, whereby we hop to the next stepping stone and find out whether that will stay open?

I agree with Rachael Hamilton’s point about banking hubs. Link Scheme has done some good work there, but we all need to come together to make sure that all of our communities have the access to banking and post offices that they need. I urge the Post Office to think carefully about any closures in Scotland, to engage fully with the communities that it serves and, most importantly, to look after our islands.

17:36

**Fergus Ewing (Inverness and Nairn) (SNP):** I am now in the fifth decade of knowing Kenneth Gibson as a friend and, subsequently, as a colleague. Without wanting to butter him up, I can safely say that, having known hundreds, if not thousands, of public servants in elected positions, I have not come across any who work with such assiduousness and diligence as my friend Kenny. Younger members have an awful lot to learn from Mr Gibson—most of it useful.

The debate that we are having today is another example of that. Across a relatively sparsely attended chamber—there is no Green member to defend the post offices, which is a shame—a wide range of arguments has been expressed. I do not think that I should repeat them; rather, I will make a few additional points.

In my constituency, Queensgate is the beating heart of Inverness. Anyone who is familiar with Inverness will know that it is just opposite the Victorian market, whose clientele are largely

senior citizens. For them, coming to the centre of Inverness, which is now a city, is a social experience as well as a visit to the post office. The bus services are right outside the post office, so those who do not have access to a car can easily attend the post office and then go and have a coffee or a drink with their friends or pick up something from the market. The post office brings a huge number of people into the town and is part of its social life.

That is where the post office differs from the banks. One can understand that banks have a commercial purpose and that they are commercial companies that are run for profit, but we thought that the post office was different. We thought that it was primarily a public service—but not now.

I want to make a different point. Carol Mochan made the point that the strategic review that was leaked on 13 November has not even been supplied to the CWU. I bet that the UK Government has it—that is the way that it works. The Government will have been given it, so why has it kept it a secret? It is a fair question to ask. It is a shame that there are no Labour front benchers here to enlighten us. If the UK Government has it, why has it kept it a secret? Is the UK Government now on the side of the Post Office bosses?

I will turn to the bosses. I have already said—but it is worth repeating—that Mr Read was paid £816,000 in 2021-2022. What I did not say was that £415,000 of that was a salary and the other £400,000 was bonuses. He paid back £54,000, which he said was the proportion attributable to the Post Office inquiry. Many, particularly those of us who are familiar with the Post Office's serial injustice—the most serious, widespread, disgraceful and despicable injustice in modern times—would ask how he could take that amount of money home and save face. That is a complete mystery to me. In fact, the salary was apparently not enough for that gentleman, and another boss argued on his behalf that he should get even more. That is despicable. It is not only in this situation that such things happen. I believe that, in Scotland, there are more than 1,000 people in public service who are paid more than £100,000. That is one Scottish regiment that is unlikely to be disbanded any time soon.

Many members have made useful points about the additional services that post offices could provide. Rachael Hamilton, Audrey Nicoll and Bob Doris spoke about ways in which the Post Office could expand. Is it not time that it used a bit of imagination? Why not share offices with other services that the public need to access, such as law centres or citizens advice bureaux, which could and do have positions in other public service locations, such as hospitals? Why not seek out

others to share the overheads and costs of a centralised building? Why not think out of the box? Why not offer a wider range of services, as others have said, particularly when the range of, and access to, banks and alternatives in city centre retail areas is shrinking in front of our eyes and city centres are dying on their feet?

I was pleased to make the decision to take part in the debate at somewhat short notice. Like Mr Gibson, I do my best to stand up for my constituents, although perhaps not with quite the same unremitting vigour that my friend Mr Gibson has displayed over several decades.

**The Deputy Presiding Officer:** Thank you, Mr Ewing. I ask the Minister for Public Finance, Ivan McKee, to respond to the debate.

17:42

**The Minister for Public Finance (Ivan McKee):** Thank you, Presiding Officer. I thank Kenneth Gibson for bringing this important issue to the chamber. Speaking as one of the younger members whom Fergus Ewing referred to, I recognise that there is much that I can continue to learn from Kenny Gibson.

First, I recognise Fergus Ewing's comments about the public sector more generally. Members can rest assured that that issue and many others are within the scope of the work that I am taking forward on public service reform.

Access to a post office is a vital lifeline for communities across Scotland, particularly rural communities, and for vulnerable or digitally excluded consumers. Any reduction in branch numbers will impact on access to essential services, which is why the Scottish Government will argue whole-heartedly against post office closures.

Post offices and postal services are reserved to the United Kingdom Government. However, when the news of potential closures first came to our attention, the Scottish Government immediately sought reassurance from the Post Office about the potential impact on the people of Scotland. My officials have long-standing good relations with the Post Office, which has advised that no final decisions have been taken yet on the outcome of its strategic review.

There is therefore a good opportunity to set out the Scottish Government's position on the role of the Post Office in a dynamic and modern economy as a cornerstone of the postal and delivery sector, including a role in providing other crucial services to our communities.

It is perfectly legitimate to review business operations and to ensure that those are on a sustainable and successful footing. Not too long



ago, in 2017, the Post Office and UK banks reached an industry-wide agreement to increase the range of banking services that are available in post office branches. Post offices now operate a wide range of critical services such as savings accounts, pensions, benefits and tax credits, bill payments, foreign money and travel insurance. That change took place as part of efforts to reduce the impact of banks shutting their branches due to more people opting to use online or mobile banking. However, operating such an important service comes with a level of responsibility to the people whom it serves. Just this month, the British Retail Consortium published data that shows that cash transactions have

“increased for the second consecutive year”,

showing that access to cash is increasingly important for many.

Members across the chamber represent constituents who will suffer as the closures go ahead. Scotland has a significant number of rural post offices that are perceived as less viable than those in urban areas and thus as requiring a higher level of subsidy. Any closure of a local post office could, in many cases, mean the shutting of the only reliable route for receiving parcels and mail, along with other essential services, such as those that I described.

Driving economic growth is a central mission of the Government, and we need sustainable and successful businesses, large and small, to remain commercially viable. I am aware that directly managed branches are loss making and that a long-standing commitment exists to move to a fully franchise-based delivery model. However, the first step should be to explore how post offices, which are a vital lifeline to rural and island communities in particular, can be turned into profit-making enterprises and, in time, transition to a franchise model. The fact that they are critical infrastructure for so many makes those post offices even more important, not less. It is therefore incumbent on the Post Office, which is funded primarily by the UK Government, to make decisions that support their viability, not to close them down, losing jobs and services.

I recognise that both the Post Office and Royal Mail have faced stark choices due to the rise of online delivery firms. Thankfully, both organisations have committed to working together to face that challenge head on. In 2020, they signed a new commercial agreement, known as the second mails distribution agreement, which came into force in March 2021 and will operate until at least March 2032. The purpose of the agreement is to offer consumers access to a wider number of operators than was previously the case, improving competition in the parcels market. Improving facilities for secure pick-up can also

reduce the number of unsuccessful deliveries—an obvious source of consumer frustration—and allow people to make arrangements for parcel collection that suit their own schedules. That is an example of both organisations making decisions that will benefit the consumer.

The fact remains, however, that closing the 10 remaining directly managed branches in Scotland will not benefit the consumer or, in my view, the Post Office. I am pleased that the Post Office remains open and committed to dialogue on the matter, given the tangible impact that closures will have on the lives of many people, particularly older people, who might be less likely to use online services.

**Liam McArthur:** I agree with everything that the minister has said so far. The point that I made in my speech and that Bob Doris made in his contribution was about the way in which the information got into the public domain. Notwithstanding the commitment that has been made to consult, does the minister feel that the process has been made immeasurably more difficult by the fact that many people will just assume that the conclusion of that consultation is a fait accompli?

**Ivan McKee:** I absolutely recognise the point that Liam McArthur has made. I will write to Gareth Thomas, who is the relevant UK Government minister, following this debate to raise the points that have been made, including Liam McArthur's point. I take the opportunity to recognise the many valuable contributions that members across the chamber have made in the debate. As I have said, I am pleased that the Post Office has indicated that it will remain open and committed to dialogue on the matter—notwithstanding the point that Liam McArthur effectively made.

What I have described is an organisation that can and should evolve to meet the needs of communities. Finding ways to make a business relevant to the people whom it is intended to serve is the foundation of commercial viability. There are more than 1,300 post offices in Scotland and only 10 are centrally owned. That number might seem small and insignificant to those sitting in Post Office headquarters, but the impact of their closure on the everyday lives of people across the country would be hugely detrimental. The fact that the post office is so crucial to those communities is a mark of the organisation's success and that of the women and men who work in post offices and who deserve to have clarity over the future of their jobs. Post offices offer a lifeline that must be maintained, regardless of whether they are centrally or franchisee owned.

The Scottish Government stands ready to work constructively with the UK Government, the Post Office and other stakeholders to ensure that

consumers, local communities and businesses have access to the facilities that they need. We cannot let those communities and those workers down. I call on the UK Government and the Post Office to ensure that that does not happen.

*Meeting closed at 17:49.*

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