

Conveners Group
Meeting with the First Minister
Wednesday 25 October 2017

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CONVENERS GROUP

CONVENER

*The Deputy Presiding Officer (Christine Grahame)

COMMITTEE MEMBERS

*Clare Adamson (Convener, Standards, Procedures and Public Appointments Committee)

*Jackie Baillie (Convener, Public Audit Committee)

*Bruce Crawford (Convener, Finance and Constitution Committee)

*Graeme Dey (Convener, Environment, Climate Change and Land Reform Committee)

*Bob Doris (Convener, Local Government and Communities Committee)

*James Dornan (Convener, Education and Skills Committee)

*Neil Findlay (Convener, Health and Sport Committee)

*Johann Lamont (Convener, Public Petitions Committee)

*Gordon Lindhurst (Convener, Economy, Jobs and Fair Work Committee)

*Joan McAlpine (Convener, Culture, Tourism, Europe and External Relations Committee)

*Christina McKelvie (Convener, Equalities and Human Rights Committee)

*Margaret Mitchell (Convener, Justice Committee)

*Edward Mountain (Convener, Rural Economy and Connectivity Committee)

*Graham Simpson (Convener, Delegated Powers and Law Reform Committee)

*Sandra White (Convener, Social Security Committee)

*attended

THE FOLLOWING ALSO PARTICIPATED:

The First Minister (Nicola Sturgeon)

CLERK TO THE COMMITTEE

Susan Duffy

LOCATION

The Mary Fairfax Somerville Room (CR2)

Scottish Parliament

Conveners Group

Wednesday 25 October 2017

[The Deputy Presiding Officer opened the meeting at 12:30]

The Deputy Presiding Officer (Christine Grahame): Good afternoon. I am pleased to convene the second meeting of this parliamentary session between the Conveners Group and the First Minister. I welcome the First Minister to the meeting. I also welcome everyone who is watching the meeting, whether online or here. The meeting will give conveners the opportunity to question the First Minister about the programme for government from the perspective of the Parliament's committees. Do you want to make a brief opening statement, First Minister?

The First Minister (Nicola Sturgeon): No. Thank you for giving me the opportunity, but I am happy to go straight to questions.

The Deputy Presiding Officer: I hope that you will be thanking us at the end of the meeting.

The First Minister: I will probably not be.

The Deputy Presiding Officer: Conveners, you have about five minutes for your exchanges, and I am hopeful that you will get to ask at least one supplementary question. We must conclude by approximately 1.50. If we have time and there are other supplementary questions that you wish to ask, I will try to get them in—even if you have had your one question.

You are frowning at me, Margaret.

Margaret Mitchell (Convener, Justice Committee): Do we have one question or five minutes?

The Deputy Presiding Officer: You have five minutes for one, two or three questions, depending on how long the exchange takes. I am afraid that I will have to be quite fierce about time control, as we must finish at 1.50 because of the sitting of Parliament.

Joan McAlpine will ask questions for the Culture, Tourism, Europe and External Relations Committee.

Joan McAlpine (Convener, Culture, Tourism, Europe and External Relations Committee): Last weekend, two surveys that were released to the *Financial Times* painted a very bleak picture of the future for asset management in the United Kingdom following the decision to leave the European Union. Scotland accounts for about 10 per cent of the jobs in asset management and, as

you will know, First Minister, many of those are concentrated in our major cities, Edinburgh, Glasgow and Aberdeen. What can the Scottish Government do to protect those really important jobs in the event of a hard Brexit?

The First Minister: Thank you for the question. It probably goes without saying that I am deeply concerned about the impact of Brexit generally. Those concerns will undoubtedly be exacerbated if we are in the realms of a hard Brexit.

I am aware that the surveys to which you refer look specifically at the financial services sector and, within that, at asset management. As you suggest, that has particular relevance for Scotland because asset management is a key part of our financial services sector. It is estimated that around £800 billion of funds are under management in Scotland, so this really matters.

What are we doing? At the top level, we continue to argue strongly that we should not have a hard Brexit and that, if the UK is leaving the EU, it should seek to remain within the single market and the customs union. That would be the easiest way of ensuring a continuation of the arrangements that the financial services sector and many other sectors depend on.

More specifically, we are working closely with the financial services sector to ensure that we understand its concerns and, as far as possible, convey those concerns to the UK Government. I co-chair the Financial Services Advisory Board, which looks at issues broader than Brexit, although it is not surprising that Brexit has been a particular focus over recent months. We are working through FiSAB, with the assistance of Scottish Financial Enterprise, on particular pieces of work to play to the strength of our financial services sector, for example in financial technology, or fintech. SFE is leading work on a new financial services strategy.

That is specific to the financial services sector, but there is a wider point to be made about the impact of Brexit. Yesterday, we saw reports estimating that the loss in economic output in Scotland over the next few years could be £30 billion. I would like to see more transparency around that from the UK Government. There are suggestions that the UK Government has sector-specific analyses of the impact of Brexit, and there is a suggestion that it has an analysis that looks at Scotland as a whole. However, thus far, there has been a refusal—as recently as this morning, I think—to publish those analyses. That is unconscionable, as the public have a right to know. I hope that we see the publication of those different impact studies as soon as possible.

Joan McAlpine: You will be aware that there are frameworks for the governance of financial

services at an EU level, particularly under something called the markets in financial instruments directive—MiFID II. Those frameworks will come back to the UK if Brexit goes ahead. What can you do to support the devolution of such rules, which would allow the Government to support financial services in Scotland?

The First Minister: A range of different policies, frameworks, directives and regulations at EU level impact directly on financial services—in effect, they govern the operation of financial services. Passporting is the arrangement that is most commonly talked about. Although that is more important for some aspects of the sector than it is for others, it is still hugely important.

Joan McAlpine's point, which we may or may not come on to in later discussions, was about where powers coming back from Brussels—to use that shorthand—will rest. The regulation of financial services is not a devolved matter. However, as we go further down the Brexit path, we will continue to argue strongly that even areas that are not devolved right now should be considered for devolution in order to give this Parliament and the Government the greatest possible impact when putting in place the right arrangements.

At a more fundamental level, we do not even have agreement on powers coming to this Parliament in areas that are devolved, which is why, right now, we are not able to recommend legislative consent to the European Union (Withdrawal) Bill. That is an issue of on-going discussion between the Scottish and UK Governments.

The Deputy Presiding Officer: I call Graham Simpson, convener of the Delegated Powers and Law Reform Committee.

Graham Simpson (Convener, Delegated Powers and Law Reform Committee): My point follows on from that line of questioning. My committee is not a policy committee—it deals with process and scrutiny. The European Union (Withdrawal) Bill creates the potential for huge numbers—possibly hundreds—of legal instruments to be placed before the Parliament. What is the Government doing to prepare for that unprecedented programme of secondary legislation? How is it working with the UK Government in making the preparations? How will it work with the Parliament to ensure that it has the proper opportunity to scrutinise the instruments?

The First Minister: Those are very good and pertinent questions. First—I think that everybody understands this, but it is worth saying—the process of withdrawal from the EU will impact on, without exception, every area of the responsibilities of the Scottish Parliament and the

Scottish Government, so there will be a massive impact on the work that the Parliament will have to do. You are undoubtedly right that the need for legislation, and subordinate legislation in particular, means that there will be hundreds of instruments. There may even be thousands of them—we do not know yet.

I will try to deal with your questions in turn. What are we doing to prepare? We are doing everything that we can to assess across Government what the impact will be and—this particularly relates to your question—what the requirement for legislative action is likely to be.

I must be frank with you, conveners. There is a limit to the conclusions that we are able to reach at this stage for two closely connected reasons. First, we do not have anywhere near sufficient information from the UK Government about what the impact will be, and that comment applies across every aspect of the Brexit process. Secondly, it is common sense to say that some of our conclusions on the extent and the nature of the legislative action that will be required will depend on the future deal that is agreed between the UK and the EU.

We can do a certain amount of planning right now, but it is impossible at this stage to be definitive. The length of time that we have to put in place the arrangements will undoubtedly also be influenced by the length and nature of any transition deal that is agreed. We will continue to work as closely as we can with the UK Government to try to flesh out the picture and give as much clarity as quickly as is possible.

On our work with the Parliament, Mike Russell, the Brexit minister, and Joe FitzPatrick, Minister for Parliamentary Business, have been clear that we want Parliament to be fully involved in the scrutiny and the development of the legislation.

There are implications for the workload of all committees. It stands to reason that we will not need the same level of scrutiny for every single instrument that is likely to be introduced, because they will cover a range of disparate areas. I know that there has been an agreement—it is an important one—to work with committees, particularly the Delegated Powers and Law Reform Committee, to agree the principles that will govern the appropriate level of scrutiny depending on the significance of the particular instrument.

We will continue to be in close discussion with committees and Parliament generally as the picture becomes clearer. I hope—this is possibly more hope than expectation—that that will be sooner rather than later.

Graham Simpson: It is important that we agree between committees and the Government where the power lies and who should deal with those

instruments. Should it be Government? Should it be committees? What should that level of scrutiny be?

One idea that has been put forward by the House of Lords is that we have a sifting committee to decide whether instruments should be negative or affirmative. When Mr Russell appeared before our committee yesterday, he was quite up for looking at that idea. Is that your view?

The First Minister: I hesitate to make any comment on whether Mr Russell is more sympathetic to ideas that emanate from the House of Lords than I am—I will leave it there.

Generally speaking, to be serious, that is a reasonable suggestion that is worthy of consideration for the process that we will agree in this Parliament for dealing with that work, and your question alludes to that. Clearly, the Government has responsibility for producing the drafts of legislation, but Parliament's role is extensive, not just in scrutinising the content but in deciding whether a particular instrument is to be agreed by the negative or affirmative procedure, for example. Those are fundamental decisions.

In possibly a lot of areas, decisions will be uncontroversial. Every piece of legislation is significant, but some of what we are talking about will be very technical and tidying up in nature. Some might be more fundamental and substantive, and you are right to point to the need to agree a process that allows us to guide that work in the future. There is certainly a willingness on the part of the Government to do that, so we will continue to take forward those discussions.

The Deputy Presiding Officer: I call Jackie Baillie, convener of the Public Audit and Post-legislative Scrutiny Committee.

Jackie Baillie (Convener, Public Audit Committee): Over the past few years, the Public Audit and Post-legislative Scrutiny Committee has seen repeated problems with governance and financial management in some of our public bodies. That has resulted in successive Audit Scotland reports that are often accompanied by the staff involved leaving, so that there is a lack of accountability.

Recent examples that you will be aware of include colleges and the Scottish Police Authority, where I understand that the chair and the chief executive are standing down. I know that the Scottish Government is considering its severance policy, but would the First Minister agree that paying people substantial sums of money to leave an organisation can be seen by many as rewarding failure? What assurances can she give that that will be minimised?

The First Minister: First, I will deal with the latter part of your question and I will be quite frank about it. I am talking generically here, not in relation to any particular example. I agree that, in circumstances in which somebody leaves an organisation when there has been controversy and there is a severance payment, in particular when that is seen to be large, that can be perceived to be, as you put it, rewarding failure—that may not always be the case. We do not want that perception and we certainly do not want that reality in our public sector. There are rules in place that govern severance payments and, as you say, we are reviewing that area just now.

Some very importance tests have to be applied. Public confidence is one, and value for money and reasonableness are others. It is vital that they run through decision making. I will not go into some of the issues that your committee has looked at, but you are aware that there have been some instances where the Government has expressed its disquiet at some of the arrangements.

More generally, governance is an important area and, right since my days as health secretary, I have been very interested in how we improve governance and build the capacity in our public sector organisations. As I think you would concede and your committee has noted, the proportion of organisations that have been subject to critical audit reports is relatively small but, nevertheless, when it happens, that is significant. The Government supports board members and chairs through its "On Board" guidance and there are induction events and a range of work that we take forward or support to try to improve the capacity and governance capability of boards. It stands to reason—it is true of a Government and of public boards—that it is the abilities and the strength of decision making there that affect issues right through the wider organisations. Those are important areas; it is important that the Public Audit and Post-legislative Scrutiny Committee has a close oversight and that, where there are Audit Scotland reports or the committee comments, we learn from those reports and apply that learning more widely across the public sector.

12:45

Jackie Baillie: Thank you for those comments. Let me take you back to the severance policy, because I think that that is critical, particularly at a time of austerity, when the general public might not understand why a small number of people get paid quite substantial amounts of money—the overall figure for last year may have been in the millions. I think that we need some clarity on that. In that context, you—or somebody in the Government—gave an undertaking to end the use of gagging clauses as part of severance agreements, yet they are still being used in the

overwhelming number of cases. When do you see that practice ending?

The First Minister: I am happy to make sure that your committee has sight of the changes that we made in terms of—if I can use the technical term—confidentiality agreements. There will sometimes be occasions where it is appropriate that confidentiality agreements are put in place. However, one of the concerns that were raised, which I absolutely share, particularly in the context of the health service, involves any potential for confidentiality agreements to stand in the way of whistleblowing. Legally, that is not possible, because of people's statutory whistleblowing rights. We made some changes to put that absolutely beyond doubt.

I do not think that any Government or any other organisation anywhere would say that there is never any circumstance in which a confidentiality agreement is appropriate, but that must not impinge on the ability of people in the public sector or people leaving the public sector to raise concerns or speak out about things that they think are important, and it should never stand in the way of the good governance of public sector organisations.

As I say, I fully believe that your committee should have full sight of the information in that regard, and I will ensure that you have that.

The Deputy Presiding Officer: James Dornan, convener of the Education and Skills Committee, will ask the next question.

James Dornan (Convener, Education and Skills Committee): The Education and Skills Committee has indicated that it wishes to undertake pre-legislative scrutiny on the education reform bill that is expected to be presented to Parliament during this parliamentary year. How soon before the bill is introduced will the broad content and policy objectives of the bill be known, and when will the Scottish Government be able to share those with the committee?

The First Minister: I hope that we will be able to do that very soon. First, I welcome the committee's commitment to pre-legislative scrutiny. That is a helpful part of the process. As you will know, the "Education Governance: Next Steps" document set out the areas of reform that we are going to take forward.

It should be said that many aspects of our education reform agenda do not require legislation, and some of them are already under way, such as the standardised assessments and the pupil equity fund, which, from my conversations with headteachers, seems to be doing a great deal to change the dynamic of decision making in education. However, those aspects that require legislation will be included in

the education bill that is due to be published before the summer recess next year—from memory, I think that it is scheduled for introduction in June next year. We intend to consult on the elements of that bill shortly, and we will ensure that the committee has sight of the consultation document very soon—I hope that that will be before too much further time has elapsed.

We have been clear about some of the main elements of the bill. For example, it will provide for a headteachers charter, it will include the legislative underpinning of the new regional improvement collaboratives and it will have provisions to improve parental involvement in education. Those are some of the key areas that the legislation will cover, but the consultation will obviously go into more detail. That consultation document will be extremely helpful to the committee in guiding that process of pre-legislative scrutiny.

James Dornan: You mentioned collaboratives. A lot of the debate has been around the rules of councils and collaboratives and so on. Can you explain what practical help the reforms will give to teachers and kids in the classroom?

The First Minister: To simplify and summarise, the reforms—not only the reforms that we take forward legislatively but the reforms in general—are about empowering schools and those working on the front line of education: headteachers and teachers and, where appropriate, parents and young people themselves. They are about shifting not only powers but responsibilities as far as possible to the level of schools. That approach is backed up by lots of evidence that says that that is one of the most important things that you can do to drive an improvement agenda. The pupil equity fund is an important part of that, because it gives headteachers more control over their own budget, which is one of the most important drivers behind the decisions that are made in the school.

Much of the evidence that comes from our international council of advisers is that having that sort of empowerment of schools is not just a free-for-all but needs to be informed by the best-quality improvement evidence and advice. That is where the regional improvement collaboratives come in, ensuring that the best advice on educational practice is provided in a coherent and consistent way, but the shift in the presumption that decisions are taken at school level is the key driver of all the reforms that we are taking forward.

The Deputy Presiding Officer: I call Bruce Crawford, the convener of the Finance and Constitution Committee.

Bruce Crawford (Convener, Finance and Constitution Committee): The process of intergovernmental discussions on the European

Union (Withdrawal) Bill will clearly be critical if we are to have any prospect of the Scottish Government recommending legislative consent for the bill. It would be helpful if you could provide an update on the state of negotiations with the UK Government on the bill, and on where you believe any progress might have been made since the meeting of the joint ministerial committee (European Union negotiations) on 16 October. In particular, I was interested to note from the principles agreed at that meeting that any frameworks will be expected to respect the devolution settlement. It was quite useful that the UK Government signed up to that.

Principles are one thing, but do you believe that the principles can be adhered to if clause 11 of the European Union (Withdrawal) Bill remains as it is currently drafted?

The First Minister: Clause 11 is unacceptable to the Scottish Government in all circumstances. That is an area that is hugely and quite fundamentally important, although it can appear very dry and technical. We have never ever queried or taken issue with the notion that, post-Brexit, there will be a requirement for UK-wide framework agreements in certain areas. Even if Scotland was an independent country, given the nature of the geography and the trading relationships across the UK, those sorts of cross-border arrangements would be, in some instances, not just appropriate but desirable, so we have no issue with that at all. The issue is how they come into being. Our view is that, where they impinge on devolved responsibilities, they must come into being through agreement, not through imposition.

The JMC did make some progress earlier this month. As you say, it agreed a set of principles, which have been published and which will govern the discussions that we have about the development of potential frameworks. One of the principles was respect for the devolution settlement, so I welcome that progress, although it beggars belief that it has taken us so long to get to the point of respect for devolution actually being recognised as one of the key principles.

The problem is that, despite what might be quite helpful rhetoric, as long as clause 11 is there, it gives the UK Government the power of imposition, which turns the underpinning principle of this Parliament on its head. The genius principle of Donald Dewar, back in the pre-devolution days, that everything is devolved unless it is explicitly reserved, is actually flipped and becomes the reverse, so everything is reserved unless the UK Government decides that it wants to devolve it—and in areas that are already devolved.

That is unacceptable to us, so, notwithstanding what happens with the discussions, we will not recommend to the Parliament legislative consent

for a bill that includes clause 11 in its current form. That is the same position that the Welsh Government is taking. Even organisations that were more in favour of leaving the EU than of remaining within it, such as the Scottish Fishermen's Federation, are saying that the bill, without amendment, threatens the ability of this Parliament to take decisions in devolved areas.

I hope that the discussions that were continued at the JMC will continue positively. We will certainly do our best to ensure that they do. Notwithstanding that, we will not agree to a bill that has clause 11 in it.

Bruce Crawford: I agree that it was useful that the UK Government recognised the devolution settlement and the principles behind it, but principles are one thing and actions are another. Previously, there has been a series of papers produced by the UK Government that indicated that there would be no involvement for the devolved Governments, despite the fact that some of the papers were on devolved areas. It would be interesting to see whether the UK Government is following through on the principles that have just been agreed in the papers that it is now producing. Has there been any better dialogue between the Scottish and UK Governments in that regard?

The First Minister: The papers have not respected in any way, shape or form the good working arrangements that we would want to see—in any sense, not even just in a Brexit sense—between the Scottish Government and the UK Government. If memory serves me correctly, on one occasion we got three days' working notice of publication. Normally with those papers, we have had a day's notice of publication through the normal official channels.

The issue is not the length of notice; it is whether we have had any ability to contribute in areas that impinge heavily on Scotland. For example, justice is a devolved area, and we have had no opportunity to contribute to the development of the papers on that, to influence their content or even to offer views on their factual content. That is not just unacceptable from the point of view of respect for other Governments; it is not a good way of proceeding to get the best possible outcome.

In response to Joan McAlpine's question, I referred to the suggestion that, as well as those papers, the UK Government has a range of studies that look at the impact of Brexit. The suggestion is that those are sectoral studies and that perhaps there is a study that looks specifically at Brexit's impact on Scotland. I caught some of what David Davis said at a Westminster committee this morning. Apparently, he said that it would not be in the national interest to publish those studies. It might not be in the interests of the

UK Government to publish them, but it is certainly in the national interest to do so.

There is a lack of willingness to share information and to allow the Scottish Government or, indeed, the other devolved Administrations to properly influence this work, and that is not acceptable from the point of view of respect for devolution—as you put it—or in the interests of getting the best possible outcomes from the discussions.

Bruce Crawford: Thank you.

The Deputy Presiding Officer: I call Margaret Mitchell, who is the convener of the Justice Committee.

Margaret Mitchell: First Minister, do you consider it to be acceptable that the Justice Committee is currently looking at three bills, all of which are at different stages, with a fourth on the way? Over the years, there has been justifiable concern that the Justice Committee is becoming merely a legislative machine for Government bills. I am interested to know whether you share that concern.

The First Minister: You are right in the sense that, when the Deputy Presiding Officer was in your position, she frequently raised that concern. She probably raised it with me more directly, on occasion, than you have.

I hope that all the conveners, even if they do not always like the outcome of the discussions, accept that the Government works very hard with the committees to try to ensure that we phase our legislative programme in a way that takes account of their workloads. However, we have a big and ambitious legislative programme, and we want to make progress with it.

I know that we are not in a party-political forum here, but members of Margaret Mitchell's party have criticised the Government for not legislating enough. At other times, we are criticised for legislating too much. We have to get the balance right. We announced a legislative programme in September but, as I said to James Dornan, it will be next June before the education bill is introduced, as we have to phase it to allow Parliament and the committees to properly scrutinise it.

There is a particularly heavy workload for the Justice Committee because of the priorities that we set out in the programme for government. I do not have the magic answer to that, but we will continue to try to work closely with committees to phase and manage the workload as well as we possibly can.

Margaret Mitchell: I will put it in another way, First Minister: when you look at your work programme, what consideration do you give not

just to the scrutiny of bills but to the other functions that committees are supposed to carry out, such as their own inquiries and post-legislative scrutiny? If we continue to pass more and more legislation without doing practically any post-legislative scrutiny, that will not be effective government, and there will not be effective legislation. There is also very little opportunity for committees to instigate legislation that they feel should be introduced because they represent people and are the people's voice in that respect.

13:00

The First Minister: Our first consideration when we decide the legislative programme is what is the need for legislation. The bills before your committee are a bill on domestic abuse, a forthcoming bill on the management of offenders, vulnerable witnesses and prerecorded evidence, a bill on damages and one on civil litigation. I am not sure that anybody is telling me that any of those are not required.

The first question that we ask is what is the purpose of a piece of legislation, and we take it from there. I would argue very strongly that every bill that we have proposed to the Parliament has a purpose; there may be disagreements on the content of the bills but, unless you tell me that any of those particular bills are not necessary, the question cannot be about whether we should just not do them; it has to be about how to properly manage that workload. We will continue to engage in discussions on that.

I was as unfair on Governments when I was in opposition—I am convinced that I was—but often, as a Government, we cannot win. Over recent months, the accusation has been that we have not legislated enough. Now, by summer recess next year, in the first two years of this parliamentary session, we will have passed 20 pieces of legislation. All of them are necessary. You are right that legislation is not the sum total of what Governments or Parliaments do, so I agree with you that it is important that committees have the space and time to do inquiries into other things as well. To be fair to the Justice Committee, not just in recent times but over the lifetime of this Parliament, it has often been exemplary in doing that.

As I said earlier, I do not have the magic answer to this question, but we will continue to engage positively with committees to try to manage the workload as best we can.

The Deputy Presiding Officer: I call Sandra White, convener of the Social Security Committee.

Sandra White (Convener, Social Security Committee): My committee is scrutinising the Social Security (Scotland) Bill—the largest piece

of legislation to go through the Scottish Parliament—and the Child Poverty (Scotland) Bill. Those are two very important bills that are foremost in most people's minds.

One area that has been raised with us on numerous occasions by witnesses and committee members is the citizen's income. I know that the Scottish Government is considering a feasibility study and that others have been looking at the proposal, including the press. Will the First Minister give us details of the timescale for and the scope of the feasibility study and comment on whether the evidence that the Social Security Committee has already gathered will be included in that study?

The First Minister: The feasibility work is at a fairly early stage—you will not be surprised to hear that, given that we announced it in the programme for government. Four local authorities have indicated an interest in piloting the citizen's basic income, and I believe that all four of them have the approval of their councils to develop feasibility plans to do so. The four councils are Fife, North Ayrshire, Edinburgh and Glasgow.

The funding that I announced in the programme for government will be available for the next two financial years and will support those councils to scope out their research to clarify what aspects of the citizen's income they want to test and what the costs of doing that would be. At that stage, we will have further discussions and take further decisions about what funding we might make available for the pilots. All the experts who are looking at this and the pilot authorities consider that the two-year period is appropriate to ensure that they get the scoping and the design of the pilots right.

With anything that is taken forward, we want to have the collaboration of the Department for Work and Pensions—I said that openly when we published the programme for government. A citizen's basic income would replace some, if not all, of the benefits that people currently get, so we would need to make sure that we had that cooperation that would see, over time, the Parliament take on more responsibility.

That is important and interesting work to do, but I will be quite frank about it—I cannot sit here and tell Parliament right now that, at the end of the process, anybody will decide that a citizen's income is a feasible, practical or desirable thing to do. However, as Mr Tomkins said at your committee, given the challenges that we face over the next few years—a rapidly changing economy and its digitalisation—it is right to look at the fundamentals of how a social safety net and basic welfare system works in a way that empowers people. I am absolutely of the view that that work

is good and right to do, and it will be interesting to see where it leads us over the next few years.

Lastly, you asked about the social security evidence. The evidence has been helpful and will no doubt help to inform the work that is done.

Sandra White: It is two years into the process and it could take another three to four years, depending on what happens. You mentioned that Mr Tomkins has changed his mind. A number of so-called experts have changed their minds, too. Do you have any comment on that?

When you mentioned the feasibility study, you said that you are open-minded about what happens. Mr Tomkins was for it and now he is against it; so, too, are others.

The First Minister: That is a bit like the point on legislation. Governments—not just the Government in Scotland, but Governments worldwide—get criticised for not being prepared to do the bold, original thinking about long-term issues, which may or may not ever come to fruition. However, when I do that, the outcome is a newspaper headline—I cannot remember what paper it was in—along the lines of the one that I saw the other day: “Sturgeon's citizen's income to cost X”. We have committed to look at the citizen's basic income because there is a lot of legitimate interest in it. Governments should be prepared to look at issues in an open-minded way.

Lots of people, including myself, will come to the discussions with preconceived ideas about whether something is workable or desirable, but sometimes, particularly given the time that we live in, the biggest challenge in politics is also the biggest imperative—that we open our minds to new thinking and new ideas. The citizen's basic income is one example of that.

I encourage everyone, no matter their preconceived ideas on whatever side of the debate to keep an open mind. Let us see the work that the local authorities, supported by the Scottish Government, are taking forward. That might throw up some interesting findings for us around which we might—perish the thought, but who knows?—manage to build a consensus in the years to come.

The Deputy Presiding Officer: I call Neil Findlay, convener of the Health and Sport Committee.

Neil Findlay (Convener, Health and Sport Committee): According to the Scottish Government's website, the review of national health service targets by Sir Harry Burns was due to be published in 2016-17. That moved to spring 2017. We are rapidly approaching Christmas and will soon be into 2018. Where is the report?

The First Minister: If memory serves me correctly, the health secretary has recently written to your committee on the issue of timescale and indicated that the review will be published shortly. I worked with Sir Harry very closely when I was the health secretary and I cannot think of anybody better to take forward the work. It is sensitive work, because we all know the importance of targets in the health service, and we also know the challenges that the health service faces in the future.

The review is looking at key principles and questions about how we use targets, indicators and wider analysis to drive improvement in the health service. We have not yet set a publication date, but the review will be published soon, and the health secretary will keep your committee fully advised.

Neil Findlay: Has the report been across your desk?

The First Minister: I have not seen the report.

Neil Findlay: Is it on the cabinet secretary's desk?

The First Minister: Not as far as I am aware, no.

Neil Findlay: Is it likely to see the light of day this year?

The First Minister: I would hope so. I am not going to sit here and give you an absolute guarantee on that, because we do not have a publication date yet.

This work is important to the Government. Again, I am probably being a bit optimistic here in what I am about to say, but notwithstanding the political differences that exist, I hope that it is the kind of work—given the author of the report—that we can try to build a bit of consensus around, because it will be really important to the development of the reform work that we are taking forward in the national health service.

Tomorrow will see the publication of Audit Scotland's annual report on the NHS. I am sure that, as always, there will be challenging messages in it for all of us about the need to reform how we deliver health care. Our report is an important contribution to that, and it is right to allow Sir Harry to complete the report.

When we publish the report, your committee, and Parliament as a whole, will want to scrutinise it. It is an area in which we should be striving to see whether we can find some agreement on the best way forward.

Neil Findlay: I understand that the report will be important to the Government, but it will be more important to patients and NHS staff. We look

forward to it being published very soon indeed, given the length of time that it is taking.

Mental health is a big concern for the Health and Sport Committee. Last year, 7,000 young people failed to get the mental health support that they needed. One in five 16 to 24-year-olds are reporting self harm, and suicide is the second most common cause of death for 16 to 19-year-olds. Why are we failing so many young people who desperately need help and support with their mental health?

The First Minister: Of many really important issues in the whole health area, that is probably the most important one. I may quibble with some of your characterisations, but I do not quibble with the fundamental premise of your question. For a variety of reasons, we are seeing a massively increasing demand for mental health services, and that is not unique to Scotland. It is a phenomenon across the western world. Some of that is down to pressures that exist in the lives of young people, which perhaps did not exist when we were growing up, but some of it is down to the reduction of the stigma around mental health, which is a positive thing. People feel more able to come forward for help.

That puts a massive responsibility on the shoulders of Governments and health services to meet that demand, and we are in the process of a reform of mental health services. We are significantly increasing investment in mental health services, reforming how they are delivered and taking forward proposals—some of which have come from Neil Findlay's party—about how we get support for mental health into schools and other settings to try to have more of a focus on prevention.

Work is going on across a range of areas. We are seeing progress on the reduction in waiting times, for example. It is not happening as fast as we want it to but we are seeing increased investment and increased numbers of people working in the area. Some health boards in particular have had great success in transforming the performance of their services.

Neil Findlay mentioned suicide. The trend for suicides, thankfully, is downward, but as long as there is one young person taking their own life there is much more work to do. Speaking not only personally but as First Minister, I think that there is probably no more important area of health policy over the next few years than mental health generally and that of younger people in particular.

The Deputy Presiding Officer: I call Bob Doris, the convener of the Local Government and Communities Committee.

Bob Doris (Convener, Local Government and Communities Committee): First Minister, a

housing first approach for rough sleepers offers a permanent tenancy along with significant additional support. Our committee recently witnessed first-hand the success of the housing first model in Finland. Otherwise, vulnerable individuals navigate a journey from rough sleeping to emergency accommodation to hostels and on to temporary furnished accommodation before finally perhaps securing a permanent tenancy, but it is a journey that many never complete. Do you agree with the underpinning principles of the housing first model, and how actively is the Scottish Government considering upscaling the housing first model here in Scotland?

The First Minister: I agree with the underpinning principles of the housing first model, because the approach is about responding very quickly to initial need but also looking at how a package of support can be put around somebody who is homeless and in need of accommodation. Something that I think that we all recognise is that tackling homelessness and rough sleeping is first and foremost about providing accommodation for people. However, just providing accommodation is often not sufficient; it is the mental health, addiction and wider social support that is put around people that is fundamental to whether somebody can sustain a tenancy.

The housing first model is already being used in certain parts of Scotland with quite significant success, and it is an approach that I am very interested to see extended by us and local authorities. As you know, in the programme for government we announced the establishment of the homelessness and rough sleeping task force. That is already up and running. Jon Sparkes, the chair of Crisis, is chairing it for us and it has already met. It is looking at a range of ways in which we can tackle homelessness and rough sleeping.

The task force has an immediate focus on how we reduce the risk that people are facing this winter. We will be driven largely by the recommendations that come from that task force and we have also set up the new fund to back it. I have a significant expectation that the housing first model and other such innovative models will be central to the recommendations that are made.

Bob Doris: Our committee is currently conducting an inquiry into homelessness. Turning Point, one of the organisations that is using a housing first model at the moment, gave evidence to our committee this morning. However, that project is still relatively small scale. Any significant upscaling of the housing first approach would need significant additional support and it would certainly need an increased workforce.

The Scottish Government has identified £10 million a year for the ending homelessness

together fund and £20 million a year for supporting those with drug and alcohol addictions and key groups at risk of homelessness. Might the housing first model be a good use of some of those funds? Indeed, should we look a bit more at integrated budgets? I know that we have health and social care integration, but housing is not quite at the same point, and perhaps we have to be a bit more innovative in using different pots of cash and take a co-ordinated approach to tackling homelessness and rough sleeping.

13:15

The First Minister: First of all, the two additional sources of revenue that you have mentioned and which I announced in the programme for government might well be sources of funding to support housing first approaches, and I would certainly be open to that money being used for that.

However, on your more fundamental point about integration, tackling homelessness will often involve interventions by social work and, more broadly, by the health service, and those interventions will determine not only whether someone can be removed from homelessness but whether they can sustain tenancies in the longer term. Our direction of travel is the integration of budgets; you have mentioned health and social care, and I am a great enthusiast for there being, over time, much more integration of the public funding that is available. Without being glib about it, I would say that, at the end of the day, although the quantum of resources is important, you tend to get more value for your money the more integrated and joined up your approach is. As the work of the homelessness task force continues, we will certainly be looking not only at the additional resources that are required to support its recommendations but at where that resource comes from and how we get best use of what we are already investing.

The Deputy Presiding Officer: I call Graeme Dey, convener of the Environment, Climate Change and Land Reform Committee.

Graeme Dey (Convener, Environment, Climate Change and Land Reform Committee): Whatever the eventual ambition of the forthcoming climate bill and whether it aims for a 90 per cent reduction in emissions or the 100 per cent that some are calling for, meeting the target will require some significant changes in policy and behaviour. What do you believe will be needed in that respect, and how will the Scottish Government seek to deliver it? Given the cross-portfolio nature of what will be entailed, what work is going on to ensure that all cabinet secretaries and ministers become—and at all times are—climate change cabinet secretaries and ministers?

The First Minister: You are right about one of the key decisions at the heart of our finalising the climate change bill. The proposal that is out for consultation is for a 90 per cent reduction in emissions by 2050, but a number of organisations want us to immediately set a net-zero target. In summary, it all comes down to whether we do what there is an evidence path for and leave flexibility to go further or whether, right now, we commit to something for which we have no clear evidence path. Obviously the Government will think very carefully about that. I should say, though, that even the 90 per cent target is massively ambitious, and the spending that will be needed to deliver it over that long time period will be significant. The target is definitely ambitious, and we will continue to consider the issue.

Your point about the all-Government approach to this issue is important. As you know, we have a cabinet secretary who is responsible for climate change, but she cannot deliver this on her own, and the efforts of every part of Government will be essential. I suppose that the most important forum in this respect is the Cabinet sub-committee on climate change, which is the place in Government where we ensure that the action that is needed to tackle climate change is hard-wired into every area of Government policy. Over the past year, the sub-committee has focused on overseeing the development and production of the climate change plan, which is the plan for delivering our current targets, and a very tangible outcome of that is that ministers have had to work together to ensure not only that activity in their own portfolios contributes to meeting those targets but that what every individual minister is doing adds up to more than the sum of its parts. I know that that is an important discipline on Government, and our discussions around the Cabinet table on climate change reflect a real recognition that this is a cross-Government challenge.

Graeme Dey: With regard to monitoring the delivery of climate targets and holding all the relevant areas of Government to account, I note that Friends of the Earth Scotland has proposed that, instead of the environment secretary reporting to Parliament twice a year on climate change as currently happens, we use the new bill to give the June statement a statutory underpinning and move all the functions covered by the October statement to June. We would then have the existing October ministerial statement replaced by a series of statements and reports that focus on the progress on policy implementation in individual sectors, including the electricity sector, low-carbon buildings, land use and agriculture, and transport, which would be delivered by the relevant ministers. How do you view that proposal?

The First Minister: I am open-minded to proposals of that nature. That is not to say that I think that we will definitely take that proposal forward, but I will give a commitment that we will consider whether it has merit.

The environment secretary is due to make a statement at some point in the next couple of weeks on our performance. It is important to have a person in Cabinet who is accountable to Parliament and, more widely, to the country for our performance on climate change. We absolutely recognise that, in order for us to perform against our targets, we need everybody across Government to play their part. There may well be merit in individual cabinet secretaries reporting on their actions within their own portfolio.

If I was to express any scepticism, I would say that the proposal might—counterintuitively—lead to more of a silo approach than would result from everybody feeding in through the Cabinet sub-committee to the report that the relevant cabinet secretary is required to give. However, in response to another question, I have made a plea for open-mindedness, so I will be open-minded and commit to considering the proposal from Friends of the Earth.

The Deputy Presiding Officer: I call Edward Mountain, convener of the Rural Economy and Connectivity Committee.

Edward Mountain (Convener, Rural Economy and Connectivity Committee): When taking evidence on the Islands (Scotland) Bill, the committee has been out to Mull, Orkney and the Western Isles and has had various other evidence sessions. It is clear that islands with councils and councils with islands have different views. Will you give both groups a reassurance that every island will be treated differently and considered in the plan, and that there will be a plan for each island within the overall plan that is proposed in the bill?

The First Minister: The Islands (Scotland) Bill has generally been warmly welcomed. I absolutely take the point that there will be differing views from different islands given their differing circumstances, which is important.

The short answer to your question is yes. We will make sure that we take account of the needs of different islands because no two islands are the same. I will stop myself before I get into a discussion about the definition of an island, but it stands to reason and is a statement of the obvious that different islands have different needs and requirements and different priorities, and that has to be reflected in the plan and in the bill generally.

As you say, your committee has been taking evidence and the bill is still in process. We will seek to listen to and incorporate those different views as best we can.

Edward Mountain: Bridging the gap on to the next question, as you are not prepared to talk about the bridge, it is clear that people believe that future island proofing of legislation might require to be financed. Will that form part of your thought process when drawing up legislation?

The First Minister: I know from my now fairly extensive period of government that everything that a Government does requires to be financed in some way or other, so it is a reasonable statement that, if we are going to island proof every piece of legislation, there will at times be financial consequences from doing that.

When we publish a bill, we produce a financial memorandum on the financial impact. This discussion is similar to that on climate change. In taking forward an approach that is about island proofing, financial consequences will occur from time to time, and they will be considered in the normal budgetary processes that the Government takes forward from year to year.

Edward Mountain: The bill does not mention or deal in any form with uninhabited islands. There is a question about whether that shows a lack of ambition for those islands and whether they should be included. What are your views on that?

The First Minister: I will certainly take that point away and consider it. If it has come up in the evidence so far, we will consider it in the normal course of events when considering amendments at a later stage of the bill process.

A core part of our thinking on support for and development of islands should be about how we reinhabit or increase the population of islands that are not necessarily currently inhabited. Recently, I announced the Government's approval for the community buyout of Ulva, which is not an uninhabited island but one where people recognise that—as was the case in Eigg—taking it into public ownership will allow them to do things that will encourage more people to go and live there. The repopulation of our island communities should be a core part of the policy. As far as the position on uninhabited islands is concerned, I will certainly take that away and see whether there is more that we can do in the bill to give greater recognition to that as a policy priority.

The Deputy Presiding Officer: I am now fretting about the definition of an island. I will have to find out how big it has to be.

I call Johann Lamont, convener of the Public Petitions Committee.

Johann Lamont (Convener, Public Petitions Committee): I am not going to be drawn into a discussion on what forms an island, but I can tell you, if you want, which one I think is the best of the lot.

The Deputy Presiding Officer: Do tell.

Johann Lamont: Everybody knows that it is difficult to think of an appropriate question about the Public Petitions Committee given that the committee reflects the priorities of the people of Scotland, whether through trade unions, community groups, national organisations or other sorts of groups that bring petitions to the committee. Often, the most powerful petitions are the ones that represent the direct experiences of individuals, where people lodge a petition as a result of something that has happened to them, because they want policy to change as a consequence.

In reflecting on what the committee has been doing, one thing that is striking is the extent to which health issues have emerged at the Public Petitions Committee. Twenty-five per cent of all petitions that have been lodged in the current session of Parliament have been about health, and 39 per cent of the petitions that were carried over from the previous session are broadly about health. There are a number of features of those petitions that I think tell us something, and I will be interested to hear your views on it.

The petitions about health issues are often about a lack of awareness of particular conditions or a lack of access to treatments that are not seen as mainstream, or which are accessible in one place but not in another. Underpinning a lot of petitions—the most obvious example being the petition on the mesh scandal—is the fact that people feel that they have not been believed or listened to when they have presented themselves in the health system.

In the programme for government, you talk about action to improve health. What are your plans in relation to those general experiences and those truths about the health service—that people are not believed and feel that they are not heard when they raise concerns about treatment?

The First Minister: I had to smile when you said that it is difficult to know what to ask given the range of issues that you look at in the Public Petitions Committee. It is equally difficult to know what to prepare for in advance, but that is a positive reflection of the nature of the work that the Public Petitions Committee does. A preponderance of health issues are raised, which is not surprising to me, because health so often impinges on the most personal and sensitive experiences that people have.

When I was the health secretary, I often found the public petitions process invaluable as it shone a light on some issues that, because they affected only a small number of people, I would not necessarily be aware of in the routine business of the portfolio. There is an important duty on

Government to look closely not just at the individual petitions that come forward but at the pattern of cases and issues, and we try to do that.

I am trying not to go off at a tangent, but one of the most difficult things to deal with in health is cases involving very rare conditions. The issue often surfaces in relation to access to drugs, but it goes wider than that. Often, it is because the conditions are rare and only a few people suffer from them, so awareness of them among not only the general public but the clinical community is low. The Public Petitions Committee has a really important role to play in raising awareness of such conditions. I know that there have been public petitions that have led to a change of policy on the Government's part, leading to renewed guidance or to campaigns to raise awareness of conditions on which we had previously not done as much as we should have.

Sometimes it is a perception rather than reality, but there is a sense that people, in the bureaucracy of the health service, are not heard or listened to or believed as much as they should be. I wish that it did not have to be the case that people needed to lodge petitions on those things, but that does not mean that the committee does not play an important role.

On mesh, although it has been an incredibly painful experience for the women concerned, the whole process has led to change. Since the suspension of mesh was put forward by the chief medical officer, the number of mesh procedures has reduced radically—by, I think, more than 90 per cent. There is now a lot of understanding of that, which will lead to changes in practice, in the information that is given to patients and in their involvement.

It has been a very painful experience for the women concerned. The pain that they went through was compounded by their having to do what they have done to draw attention to the issue. I wish that we never had a situation where people felt that they had to do that, but the public petitions process is an invaluable part of making sure that we learn lessons, particularly in areas that do not get as much attention as they should, and that we apply them.

13:30

Johann Lamont: On the mesh question, I say very gently to you that anybody who has sat through the sessions will have felt the power, anger and distress that comes from the public gallery from the women who have suffered. The impact on committee members has been immense. I hear what you say, but I am not sure that people feel that there has been the kind of change that you mention. It would be absolutely

wonderful if you brought your authority to looking further at that.

I agree with you on the question of prevalence. People say that nobody pays attention to them because there are only a few of them. You will know that the chief medical officer has talked about realistic medicine and said that there should be a partnership so that the patient has a right to be heard and to have their treatment delivered together with them, yet the issue that comes out at the Public Petitions Committee is not just about training or awareness of conditions but about a presumption, which still remains, that there is not an equal relationship.

I am sure that there is very good practice, but what can the Government do to move that on? What can be done not just to give GPs and doctors better knowledge and awareness but to shift the relationship when people say that they have a grave concern about something but they do not think that their doctor is aware of the way that the issue is playing out for them and others like them?

The First Minister: There are a whole range of things that the Government needs to do, from awareness campaigns and the issuing of guidance on specific conditions through to the sort of changes that we have made over the years to the complaints process and the advocacy that is available for patients who want to take a complaint or issue to the health service. I know from my constituency case load that that is still not perfect, and we need to continue to improve as much as we can, learning where we need to from real patient experience.

In my opinion, the area of realistic medicine is one of the most important things that we are doing right now in reforming the way in which the health service works. However, that is challenging for all of us. I would put it back to you—also gently—that it is not just about Government. Government has a prime responsibility here, but the issue is challenging for all of us as politicians. I am not talking about any particular condition, but there will be times when a drug or a treatment that a patient absolutely understandably thinks that they should get for a condition is perhaps not the best thing in terms of the overall treatment of the condition or the overall approach to medicine. Those are difficult decisions for all of us—or, rather, they are difficult debates, because the decisions should always be clinical. Given the current trends in health that we know about not just in Scotland but globally, those debates are increasingly important for all of us to have in a constructive way. The Public Petitions Committee will often be helpful in allowing individual experiences to be aired and in taking the individual experience and applying it to a change in policy.

I do not want to go into the mesh issue in detail—unless you want me to and we have time—but I say with absolute sincerity that I have paid close attention to the sessions that your committee has had and to the wider debate on the issue, and I am in no doubt about the legitimate and justifiable anger that the women feel. However, the review that was undertaken has led to changes. On a sheer numbers basis, the reduction in the number of mesh procedures demonstrates that change. However, the issue is an unfortunate example of some of the wider issues that you talked about to do with the need for patient experience to be listened to and believed in a way that, unfortunately, does not always happen in the health service.

The Deputy Presiding Officer: I let that exchange run on for a bit longer as it was very important. I am not saying that all the topics are not important, but that one was particularly important.

I call Gordon Lindhurst, convener of the Economy, Jobs and Fair Work Committee.

Gordon Lindhurst (Convener, Economy, Jobs and Fair Work Committee): First Minister, you will be aware that the Economy, Jobs and Fair Work Committee has been carrying out an inquiry into the economic data that is available to us in Scotland. The Scottish Government statisticians produce a wide range of useful statistics that are used by your Government to inform policy. A number of questions have been raised by witnesses in our evidence sessions.

Do you consider that the Scottish Government's combined role as a producer and user of economic data is effective? Would it be better to have a producer of economic statistics who was independent of Government?

The First Minister: If you had statisticians sitting here, they would tell you that they were independent in terms of how they produce statistics. A lot of improvement has been made over the years to the quality of the data that the Scottish Government produces. It is more comprehensive than the data for other parts of the UK, including other devolved Administrations.

Our statisticians use quite a varied array of sources for the data. Some is collected from businesses directly and some is derived from UK-wide surveys. Sometimes we fund top-up samples of UK surveys. In some areas, it is acknowledged that there are deficiencies in the data that is produced in Scotland. In relation to capital investment, for example, it is quite difficult to disaggregate data for different parts of the UK. There are some issues with the data regarding imports of goods and services between the rest of the UK and the rest of the world.

I am certainly very open to working with your committee as the inquiry takes its course on how we can further improve the position and I will listen to any suggestions that are made. However, the rules and regulations around both the production and the handling of statistics by Governments are very rigorously adhered to. Recently, the rules on things such as pre-release access to statistics have been quite significantly tightened. It used to be that Governments had some access to the unemployment data before it was released, but that does not happen any more, so we see the statistics at the same time as everybody else.

The system that we have is pretty robust but, of course, if there are ways that we can improve it in terms of either the quality of the data or the confidence around how it is produced, I am certainly open to listening to any ideas.

Gordon Lindhurst: I take it that you agree that, for the public to have confidence not just in the Scottish Government but in this Parliament, they have to have confidence that the statistics and data that are available are objective? On the point about the pre-release of data, do you agree that Government ministers should not see the data before it is made public?

The First Minister: We do not make those decisions ourselves. That is governed by the rules about the use of statistics. It was not the Scottish Government's decision not to have pre-release access to the employment stats. Sometimes there are good reasons for some pre-release access to enable people to prepare for wider debate, but those are not decisions that we take.

I absolutely agree with your first point—of course confidence in statistics is a vital part of people's overall confidence in Government and in the debates about the various issues that statistics inform us about.

Gordon Lindhurst: What sort of statistics should Government ministers have sight of before they are made publicly available?

The First Minister: Different rules apply to different statistics. Somebody will correct me if I get this wrong, but I think that there is still some pre-release access for gross domestic product stats, which I think is about 24 hours. It used to be the same for employment stats, but that is now not the case. However, we do not decide that. The UK Statistics Authority or the Office for National Statistics decides what the rules are.

I mentioned that as an illustrative example. I am not saying that I feel particularly strongly about it. If you ask any minister or politician, they will say that they want to be able to be as prepared as possible for debates. At the end of the day, however, we live with whatever the rules are, and

at the moment we do not have pre-release access to employment statistics. That is just how it is.

The Deputy Presiding Officer: Let us move on. Next is Christina McKelvie, the convener of the Equality and Human Rights Committee.

Christina McKelvie (Convener, Equalities and Human Rights Committee): First Minister, you will know that an inquiry by the United Nations Committee on the Rights of Persons with Disabilities into the process of implementing the United Nations Convention on the Rights of Persons with Disabilities found the United Kingdom guilty of “grave and systematic violations” of rights and of creating a “human catastrophe”. In that report, the Scottish Government was rightly praised for its actions to mitigate the effects of welfare reform and other social change. What does your programme for government plan to do to ensure that people with disabilities are treated with care, dignity and respect?

The First Minister: The UN report is obviously a source of deep embarrassment and shame to the UK Government. To have the United Nations describe policies for disabled people as leading to a “human catastrophe” is something that you would never want to hear in relation to a country such as the UK. I hope that that has made a lot of people in the UK Government sit up and take notice.

You are right to say that we were commended positively in that report for certain things, such as our disability action plan, the involvement of people with disabilities in the development of our social security system and so on. Our responsibility is to ensure that, on a number of levels, as we develop policy, we take account of the views of people with disabilities across a range of policy areas. I am not saying that we will always get that absolutely right, but we will always seek to ensure that those voices are heard loudly.

At a much more tangible level—taking social security policies as a prime example—we need to ensure that, as we design policies on how people access benefits and what the benefits are of such policies, they have dignity, respect, care and compassion at their heart. There will be different practical illustrations of that across the UK welfare system just now; however, if you are looking to characterise what has gone wrong with the UK welfare system, it is that it seems to have lost any sense of care, compassion and dignity. In terms of the devolution of powers, that is what we are determined to put back into the system.

Some of what you are asking me about relates to Johann Lamont’s questions about the particular experiences of people with disabilities in the health service and other parts of the public sector. We

need to be alive to those experiences and try to learn from them in whatever area of public policy is being considered.

Christina McKelvie: In your recent programme for government, and over a number of years, you have expressed your view about the development of a rights-based society and have discussed how that would work. That is pertinent to our committee, given that we are doing a piece of work on this Parliament being a guarantor of human rights.

One of the other issues that we have dealt with over the past year, which we look forward to dealing with in the coming years, concerns children. With regard to the establishment of a rights-based society, which involves hearing the voices of the most vulnerable in our society, we must bear in mind that, often, the most vulnerable people in our society are our kids. Can you tell me a bit more about the proposal to further incorporate the UN Convention on the Rights of the Child and say whether you think that that will address some of the concluding observations of the UN Committee on the Rights of the Child?

The First Minister: When we make policy just now—members will have experience of this in relation to various areas of policy—we try to incorporate the principles of the UN Convention on the Rights of the Child and other relevant UN conventions. To that extent, we already try to embed that convention across all areas of policy. However, as we indicated in the programme for government, the time is now right to consider whether it would be appropriate to incorporate the convention more formally into domestic law. As people know, that would mean that the rights in the convention would be justiciable before our courts. Before making that decision, we need to undertake a complete audit of what the implications of that would be and where doing that might require changes in Scottish Government policy to make it feasible. That piece of work will be done over the coming period, and we will then come to a view about how we will further embed the convention, whether that is through particular actions on particular policy areas or through a wholesale incorporation.

13:45

You can probably tell, from what I said in the programme for government and what I am saying just now, that I am pretty sympathetic to the notion of incorporation. The incorporation of conventions is often talked about as if it were a symbolic way for us to show that we are serious about something, although it actually has practical implications. If we were going to take that step, we would have to make sure that the Government was doing everything necessary to live up to the

convention, and we would have to be confident that all our policies across the whole Government could withstand the challenges that would inevitably come. We will keep the Equalities and Human Rights Committee up to date with our work in that area as it develops.

Christina McKelvie: Thank you very much.

The Deputy Presiding Officer: Finally, we will hear from Clare Adamson, the convener of the Standards, Procedures and Public Appointments Committee.

Clare Adamson (Convener, Standards, Procedures and Public Appointments Committee): First Minister, we have in front of us what is, in your own words, an “ambitious” legislative programme. We have heard concerns from many of the conveners today about capacity and opportunities for post-legislative scrutiny. In general terms, do you have a response to the report of the commission on parliamentary reform and its impact going forward?

The First Minister: In general terms, it is a good piece of work. I am, of course, more supportive of some aspects than I am of others. I will not get into the specifics of it, mainly because of my view—which is pretty fundamental—that it is not for the Government to decide whether, and in what ways, the Parliament should reform itself. That is a matter for the Parliament and for all of us as parliamentarians.

The Government is open to the recommendations, and we have been open to some of the changes that have already been made. For example, after the election last year, it was I who suggested lengthening First Minister’s question time, although I am not saying that I have always enjoyed the experience in practice.

We have been keen and happy to go along with the other changes to First Minister’s question time, such as the dropping of the party leaders’ standard questions and the introduction of urgent questions—indeed, an urgent question will be taken this afternoon. Those are all sensible steps to make the Parliament relevant and a bit more flexible in how it deals with issues than it perhaps has been in the past.

I am also open to the reform agenda, as is the Government, and we will contribute to the process by offering our views and evidence of how certain changes might impact positively, negatively or indifferently on the work of the Government. Ultimately, however, it must be for the Parliament, not the Government, to make decisions on the reform of the Parliament. As a Government, we must operate within the rules of the Parliament, whatever those are.

Clare Adamson: Thank you for that, First Minister.

Some of the most significant changes that the report recommends are in the area of legislative scrutiny, including the establishment of a legislative standards body. From my reading of the report, it seems that the recommendations would expand on what the committees currently do. The report looks at pre-legislative scrutiny—which is happening already, as we heard from the convener of the Education and Skills Committee—and suggests the possibility of a pause and a reversal that would take a bill back to stage 2 of the committee process. All of that would give the Government many more challenges in terms of the timescale for ambitious programmes.

How can we ensure that the balance is right, so that committee conveners are confident that legislative scrutiny is happening and the process meets the Government’s requirements?

The First Minister: At the risk of sounding as though I am trying to cop out of answering your question, I am not sure that it is possible to get a perfect balance in these things. As my earlier exchange with Margaret Mitchell indicated, there will always be tensions between the Government, which wants to get a lot of legislation passed as quickly as possible, and a committee system that rightly wants to undertake detailed, substantive scrutiny of legislation as well as doing other things. We will just have to work as hard as we can to get that balance right.

One fact of which the commission was mindful is that the Parliament is in the process of taking on additional responsibility—I hope that, in the years to come, we will take on even more responsibility. Even with no other reforms, that in itself has implications for the workload of committees and MSPs. There are already some big questions, therefore, about how Parliament conducts its business even before we talk about some of the frustrations that people have expressed around the depth of scrutiny of legislation and at what stage scrutiny happens. The Government and the Parliament need to continue to work to strike that balance as far as is possible.

We would be setting ourselves up to fail if we came at this with the idea that there is a perfect formula that will take away the tension that always exists between a Government and a Parliament as a programme goes through. We just need to get things right as far as is possible. We must remember that, at the end of the day, it is not about serving the needs of the Government or of the Parliament but about better policy making and providing better legislation for the country as a whole.

Clare Adamson: Thank you, First Minister.

The Deputy Presiding Officer: I cannot believe that we have finished at 1.50 exactly.

The First Minister: It is down to the expert chairing.

The Deputy Presiding Officer: I do not think so—I think that the conveners have been really good. Do you wish to make any concluding remarks, First Minister?

The First Minister: No. You said earlier that you would wait and see whether I still said thank you at the end of the meeting, and I am still saying thank you. I think that it was useful session.

The Deputy Presiding Officer: We have obviously not done our job, then. [*Laughter.*]

I thank the conveners and the First Minister.

Meeting closed at 13:50.

