



**OFFICIAL REPORT**  
AITHISG OIFIGEIL

# Meeting of the Parliament

**Thursday 18 April 2024**

**Session 6**



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# Scottish Parliament

Thursday 18 April 2024

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

## Points of Order

**The Presiding Officer (Alison Johnstone):** Good morning. The first item of business is general question time and, in order to get—

**Meghan Gallacher (Central Scotland) (Con):** On a point of order, Presiding Officer. I wish to convey my utmost dismay at the utter shambles that has unfolded this week over the Scottish Government's handling of the Cass review findings. *[Interruption.]*

**The Presiding Officer:** Let us hear the member.

**Meghan Gallacher:** I think that the groans say everything, Presiding Officer.

On Tuesday, I asked what more MSPs must do in the chamber to raise important issues on behalf of their constituents. The Scottish Government has had every opportunity to make a statement on the Cass review and on whether it will pause the prescription of puberty blockers to children, but it has refused to do so. Arrogance has gotten in the way of protecting some of the most vulnerable children right across Scotland.

The question that I have for the Government is: was it worth it? This morning, MSPs read on social media that the prescription of puberty-suppressing hormones is to be paused in Scotland. However, I find that rather odd, because we have been told repeatedly this week that the minister and the Government needed sufficient time to carefully consider the findings. I wonder whether the Scottish Government developed the skill of speed reading overnight.

If the Government was going to make this announcement anyway, why did the Scottish National Party and the Greens not vote for the statement that I proposed yesterday? That would have allowed the Government to announce in the Parliament that puberty blockers were to be paused, and it would have allowed MSPs to ask questions that the SNP has been hiding from all week.

The Government has tried to silence MSPs in this Parliament, and that is a disgrace. It seems content to leak to the press the news that puberty blockers will be paused before having the decency to update the Parliament, treating the Presiding Officer and the Parliament with utter contempt.

I am beyond fed up with this Government and its lackadaisical approach to gender care. *[Interruption.]*

**The Presiding Officer:** Let us hear the member.

**Meghan Gallacher:** We are failing children and young people. There should be an urgent— *[Interruption.]*

**The Presiding Officer:** I ask that we hear the member and that we refrain from shouting from our seats.

**Meghan Gallacher:** Kevin Stewart has been chuntering away on this issue from a sedentary position.

There should be an urgent ministerial statement so that the SNP can outline what the announcement means and so that MSPs can ask appropriate questions. However, with the SNP and the Scottish Greens' approach to scrutiny this week, I doubt that that statement will ever take place.

Therefore, given that the timing of the official announcement this morning did not allow for an urgent question to be submitted before the deadline, I seek to move a motion without notice to suspend rule 13.8.1 of standing orders, so that the 10 am deadline can be removed for today to allow for an urgent question on this topic. Presiding Officer, will you accept my moving a motion that, under rule 17.2.1(a), this Parliament agrees to suspend part of rule 13.8.1 to remove the words "by 10 am" for the purposes of the meeting?

**The Presiding Officer:** I thank Ms Gallacher for her point of order. I am not minded to accept a motion without notice at this time, because we are now in two time-limited question time periods, where members have opportunities to put questions directly to Scottish Government ministers and then to the First Minister. I am keen to protect that time and not disadvantage members. We will move on with our general question time session, and I call Neil Bibby.

**Martin Whitfield (South Scotland) (Lab):** On a point of order, Presiding Officer. Would it be possible to reschedule general question time to another slot to allow for the motion without notice that has been proposed?

**The Presiding Officer:** I am not minded to do that at this moment, Mr Whitfield. I am very keen that we proceed with business as has been previously agreed by the business bureau and by this Parliament.

## General Question Time

11:44

### Ferguson Marine Workforce

**1. Neil Bibby (West Scotland) (Lab):** To ask the Scottish Government what the Cabinet Secretary for Wellbeing Economy, Net Zero and Energy meant by her reported comments to the Ferguson Marine workforce on 9 April 2024, that the Scottish Government will

“stand with you long into the future”. (S6O-03316)

**The Cabinet Secretary for Wellbeing Economy, Net Zero and Energy (Màiri McAllan):** I meant just that. As I said at the launch of the Glen Rosa, the young apprentices with whom I was delighted to share a platform, and who trained at the yard, represent the future of shipbuilding in Scotland, and the Scottish National Party stands behind them. When we made our decision to take Ferguson Marine into public ownership, we were clear that we had done so to protect jobs and vital skills, and my comments on 9 April reaffirmed our continuing commitment to shipbuilding in Scotland.

**Neil Bibby:** Those apprentices and the wider Ferguson Marine workforce need to see the actual investment and award of future work that, for months now, there has been cross-party support for the Scottish Government to provide. That is urgent and critical.

I welcome the cabinet secretary’s planned attendance at the summit on 16 May that is being organised by the GMB union, but I respectfully say to her that the time for indecision is over. Will the workers at Ferguson Marine know by 16 May whether the Scottish Government will invest in facilities at the yard and grant them the future work that they need?

**Màiri McAllan:** I have consistently said that the best way for Ferguson Marine to secure future public and private work is for it to increase its competitiveness. That is why, as Neil Bibby is right to narrate, we have been working with Ferguson Marine on an updated business and investment plan. That plan has been received by the Scottish Government, and we are now considering it fully, albeit speedily. As Neil Bibby rightly said, I have agreed to attend a round table with the GMB on 16 May, and I look forward to discussing the detail of it then.

**Stuart McMillan (Greenock and Inverclyde) (SNP):** Securing a sustainable future for the Ferguson Marine workforce and ensuring the workers’ continued welfare is of the utmost importance. With that in mind, can the cabinet

secretary provide an update on the continued engagement that is taking place with the trade unions and the workforce?

**Màiri McAllan:** I most recently met the GMB union formally to discuss the matter on 27 February, but I also took the opportunity to meet workers and representatives of the union at the launch of the Glen Rosa on 9 April.

As I have said, we will leave no stone unturned when it comes to securing a sustainable future for Ferguson Marine. With that in mind, I look forward to the round table that I will attend in May.

### School Estate (Community Access)

**2. Liz Smith:** To ask the Scottish Government whether it will provide an update on its recent consultations with local authorities about community access to the school estate, including sports facilities. (S6O-03317)

**The Cabinet Secretary for NHS Recovery, Health and Social Care (Neil Gray):** The Scottish Government recently convened a working group that includes representatives from the Convention of Scottish Local Authorities, sports organisations and community organisations to explore how community access to community facilities such as the school estate can be enhanced.

The group has met twice and has held positive conversations on how partners can more effectively share best practice and address challenges. It will continue to meet over the coming year, and it will produce key findings and any recommendations by spring next year.

**Liz Smith:** That is good to hear, but I am sure that the cabinet secretary is aware that there is considerable strength of feeling among local authorities about the significant cutbacks to budgets that are forcing many local authorities not to provide such facilities, whether they be swimming pools, gym facilities or meeting rooms in schools. Those are significant concerns. What is the Scottish Government doing to engage with local authorities to open up the school estate, especially at times when much-needed facilities are underused?

**Neil Gray:** I know that Liz Smith is, as I am, a passionate advocate of physical activity and its importance to health and wellbeing. Access to the school estate and other leisure and community facilities is incredibly important in that regard.

Local authorities are responsible for those buildings where they have that responsibility. We have given record increased funding to local government, although I understand that there are financial pressures on all elements of the public sector. I am due to meet sportscotland this afternoon and, as part of that discussion, I will

seek to discuss how we can best manage the facilities that are available to communities and ensure that community access is available. After that, I will report back to Liz Smith.

### Childcare (Support)

**3. Marie McNair (Clydebank and Milngavie) (SNP):** To ask the Scottish Government what it is doing to support childcare groups that provide after-school care and care outwith school term times. (S6O-03318)

**The Minister for Children, Young People and Keeping the Promise (Natalie Don):** The Scottish Government recognises the vital role that school-age childcare plays in supporting families to meet their childcare needs.

In October 2023, we published the school-age childcare delivery framework, which sets out our approach to building a system of school-age childcare. We are working closely with providers, children and families to co-design a future system, including considering what support those providing school-age childcare might need.

Last year, we invested more than £12 million in supporting families to access school-age childcare services through a range of partners, including local authorities, childcare services and activities providers.

**Marie McNair:** I have been made aware that funding provisions for some out-of-school care groups in my constituency have not been replicated this year. We know how important parental employment is in tackling child poverty, but lack of childcare can be a barrier to full employment. Will the minister advise what funding options may be available to out-of-school care groups to allow them to continue offering those services to support parents staying within the workplace?

**Natalie Don:** We absolutely understand the vital services that school-age childcare provides for working parents and know that the cost of childcare provision is a challenge for many families on low incomes. That is why we remain committed to expanding access to childcare that is targeted towards the families that need it most.

The Scottish Government does not directly fund school-age childcare because it is the responsibility of local authorities to allocate financial resources, based on local needs. However, as I said in my previous answer, we are working with providers, children and families to co-design a future system that includes consideration of the support that those providing school-age childcare might need. We will soon host a series of sessions with providers to discuss the topics that they have told us are important and to think about how we can make positive changes to support

providers and make the system more sustainable. I will be happy to update the member on that.

**The Presiding Officer:** Question 4 is from Monica Lennon. [*Interruption.*]

We move on to question 5, which has been withdrawn.

My apologies: we will backtrack a little. I ask Monica Lennon to put her question.

### Skills Development Scotland (Budget)

**4. Monica Lennon (Central Scotland) (Lab):** To ask the Scottish Government for what reason it reportedly delayed the approval of the budget for Skills Development Scotland, which, according to the National Union of Students Scotland and the National Society of Apprentices, led to unnecessary distress and disruption for thousands of apprentices. (S6O-03319)

**The Minister for Higher and Further Education; and Minister for Veterans (Graeme Dey):** Since the publication of the Scottish Government's budget in December, and in the face of the most challenging budget circumstances since devolution, we have worked closely with SDS on how to maximise apprenticeships from within its overall budget allocation. Following that work, SDS commenced contracting for up to 25,500 new modern apprenticeship opportunities at the start of April.

I do not accept the assertion that that caused disruption for thousands of existing apprentices. There was no delay in the release of Scottish Government funding for the 38,000 apprentices in training; that funding is committed and apprenticeships continue to form a vital part of our skills system.

**Monica Lennon:** I am astonished to hear that denial from the minister, who must be saying that the Scottish Training Federation is wrong and has imagined the impact on 1,000 employers and thousands of apprentices. The delay happened and was not a one-off, because it happened last year, too. What will the minister do to guarantee to everyone in Scotland that there will be no delay next year?

**Graeme Dey:** The member may well be astonished, but it is a simple fact that there was no issue for existing apprentices.

I accept that the small delay that occurred will have created some degree of upset for some apprentices and we will, as ever, work to avoid such a situation in future.

**Liam Kerr (North East Scotland) (Con):** The Scottish Government's failure to agree the £100 million employability budget, which means that contracts to deliver employability support

programmes cannot be issued, freezes another skills programme. When will the Scottish Government sort that delay?

**Graeme Dey:** I will write to the member about that, because it does not sit in my area of responsibility.

**The Presiding Officer:** Question 5 has been withdrawn.

### Fair Fares Review

6. **Bob Doris (Glasgow Maryhill and Springburn) (SNP):** To ask the Scottish Government how it plans to progress the recommendations contained in its fair fares review. (S6O-03321)

**The Cabinet Secretary for Transport (Fiona Hyslop):** First, I thank all the MSPs who contributed to the constructive debate before the recess on the fair fares review. The debate was challenging but reasonably consensual.

Transport Scotland is actively collaborating with operators and stakeholders to progress the fair fares review's recommendations and actions. That close working will continue as we progress the medium to long-term actions alongside more immediate ones such as monitoring and evaluating the pilot that has removed peak fares from ScotRail services, as set out by the review, supported by robust governance arrangements to ensure timely progress.

**Bob Doris:** I believe that Maryhill and Springburn and the wider Glasgow area are well placed to participate in and benefit from the proposed bus flat fares pilot. Any pilot would ideally also be integrated with our city's urban rail network. Can the cabinet secretary update me on how candidates for such a pilot, including Glasgow, will be considered and how plans will be developed?

**Fiona Hyslop:** The fair fares review recommended the development of

"a proposal for a bus flat fares pilot for an area-based scheme to provide flat fares on bus travel, or reduced fares on zonal integrated travel for consideration in future budgets."

The development work will ensure that any proposal for consideration is clearly aligned with the objectives of the fair fares review, and the determination of suitable criteria for selection will take place as part of that development process.

**Paul Sweeney (Glasgow) (Lab):** The fair fares review excluded the Glasgow subway from the national concessionary travel scheme. The justification for that was apparently that Glasgow has a strong bus system, but anyone who has used the buses in Glasgow will know that they are completely dysfunctional. Will the cabinet

secretary revise that absurd decision so that the Glasgow subway is part of the NCTS?

**Fiona Hyslop:** In relation to the fair fares review, a lot of that is operating, particularly in the nationally supported public sector area. I add that the Scottish Government has invested a considerable amount of funding in the modernisation of the Glasgow subway. However, with the financial constraints that we have—which I understand the Labour Party wants to continue at Westminster—we are not in a position to support areas such as the subway or indeed the Edinburgh trams.

### Rail Services (Dumfries and Galloway)

7. **Finlay Carson (Galloway and West Dumfries) (Con):** To ask the Scottish Government what plans it has to promote and improve rail services in Dumfries and Galloway. (S6O-03322)

**The Cabinet Secretary for Transport (Fiona Hyslop):** Our aim remains to continue to encourage greater rail use across Scotland. That is why we have the pilot that has removed peak rail fares until June 2024. Only last month, Network Rail completed the £1.9 million upgrade of the Stranraer line, which was funded by the Scottish Government. That involved replacing more than a kilometre of track and creating 650m of new track drainage, thus improving the resilience of the line. People travelling from Dumfries station will soon benefit from the £3.6 million improvements that are being delivered through the access for all scheme, which will provide full step-free access throughout the station.

We are supportive of new operators enhancing connectivity for Scotland and are pleased that the Office of Rail and Road has approved the new open-access service between Stirling and London Euston from Grand Union Trains, which will have calls at Lockerbie, offering some new direct cross-border services from June 2025.

**Finlay Carson:** It is ironic that the cabinet secretary talks about improving the rails when there are no trains to run on them. Stranraer has been denied any rail service to Ayr since last September, following an arson attack on the former railway hotel in Ayr. Now, rail travellers are being told that the situation is expected to drag on until the summer to allow South Ayrshire Council to carry out safety repairs. The situation is having a serious impact on the travelling public who want to visit Wigtownshire and those travelling via the ferry terminals at Cairnryan. It would not be happening in the central belt.

Does the cabinet secretary agree that the situation is totally unacceptable? Will she

investigate how the process can be speeded up to restore rail services sooner rather than later?

**Fiona Hyslop:** I remind the member that Conservative-led South Ayrshire Council is responsible for the building and that the building itself is causing problems, not least the extension to the north building. I understand that the council has used section 29 of the Building (Scotland) Act 2003, on dangerous buildings, to instruct the demolition.

The Conservatives may want passengers to travel in unsafe circumstances and rail workers to complete remediation in an unsafe environment, but this Government will not allow that. *[Interruption.]*

**The Presiding Officer:** Let us hear the cabinet secretary.

**Fiona Hyslop:** We are committed to supporting the resumption of the rail line, but it must be done in a safe way. We should emphasise that to all the passengers and the rail workers that the member wants to leave in a dangerous position.

**The Presiding Officer:** I call Bob Doris for a brief supplementary question.

**Bob Doris (Glasgow Maryhill and Springburn) (SNP):** Rail services for Dumfries and Galloway are important to residents but also to visitors to the area, including my constituents, so that they can benefit from the wonderful attractions on offer. How has the removal of peak rail fares supported both endeavours?

**Fiona Hyslop:** There has been extensive support for rail services in the south of Scotland in particular, including Dumfries and Galloway. On the lines that are in operation, a 20 per cent reduction, on average, has been achieved across the commuting public through the peak rail fares trial. That is very supportive. The resumption of that would benefit not just Dumfries and Galloway but those who want to travel up to Ayrshire and the central belt.

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

## First Minister's Question Time

12:00

### Hate Crime and Public Order (Scotland) Act 2021

**1. Douglas Ross (Highlands and Islands) (Con):** I remind members that my wife is a serving officer with Police Scotland.

When we opposed the Hate Crime and Public Order (Scotland) Act 2021, the Scottish Conservatives warned that the legislation would overburden our already overstretched police. Now, that is exactly what has happened. Forty officers a day have been brought in, on overtime, to deal with 9,000 reports of hate crimes in the first two weeks.

Calum Steele, who is the general secretary of the International Council of Police Representative Associations, has said:

"Police officers have been left embarrassed by this week's hate crime farce, with some left so angry they have told me they have never been more ashamed of being in the police service than they are at this moment."

He added that officers have been pulled from other parts of the service to deal with those complaints.

Why does Humza Yousaf think that he is right and the police are wrong?

**The First Minister (Humza Yousaf):** I remind Douglas Ross that, in almost a quarter of the hate crime reports, the victims are police officers. Not only that, but we can say from the statistics that we have to hand that many of them suffer the most outrageous abuse, some of which is directed at them because of prejudice in relation to their sexual orientation and some in relation to their race.

Over the past few weeks, we have witnessed what I think is the most worrying and concerning debasing of our political discourse by the Conservative Party, in relation to the hate crime act. Just imagine, Presiding Officer, that the Conservatives had been successful in repealing the hate crime act. If the act did not exist, the stroke of a pen would have removed protection from stirring up of hatred against those who suffer racist abuse, antisemitism, Islamophobia, homophobia, transphobia, or abuse because of their disability. What a reckless and, frankly, unforgivable approach is being taken by a party that seems to be more interested in gaining shoddy tabloid headlines than in protecting people from hatred.

**Douglas Ross:** "Shoddy tabloid headlines", for quoting police officers—*[Interruption.]*

**The Presiding Officer (Alison Johnstone):** Let us hear Mr Ross.

**Douglas Ross:** A voice was given to police officers in this chamber, and that is the response that they get from their First Minister. It is a disgrace that the First Minister is unwilling to accept the failures of his act and listen to the voice of police officers up and down the country.

If he will not listen to police officers, he should listen to others, including the Conservatives, who said that the bill was too vague, was poorly defined, and would not work. Now, some of Scotland's top legal experts have said the same. Alistair Bonnington, who is a professor of law at the University of Glasgow, has said that the law is "extremely dangerous"

and

"could see entirely respectable and reasonable citizens prosecuted for expressing viewpoints which the law would allow in almost every country in the world."

Lord Hope, who is a former Supreme Court justice and Scotland's most senior judge, has said that the act has "misfired" and has described it as "unworkable". As the Scottish Conservatives have done, he has called for the hate crime act to be repealed.

Why does Humza Yousaf think that he is right and legal experts are wrong?

**The First Minister:** In all that, the one group of people whom Douglas Ross is refusing to listen to are the victims of hate crime. That has been consistent over the past few weeks, when Douglas Ross has come to the chamber to speak about the hate crime act.

Let us look at some of the details. Of the 8,984 hate crime complaints that were made to Police Scotland in the first couple of weeks of April, the vast majority—at least 95 per cent—have been deemed not to be crimes. The idea that there would somehow be mass criminalisation of people simply for expressing their opinions, or for being insulting or offensive, did not materialise. Why did it not materialise? If we look at the detail of the 2021 act, it makes it abundantly clear that, for the new stirring-up offences, behaviour has to be both threatening or abusive and intended to stir up hatred.

We have a piece of legislation that does what any civilised society would want a piece of legislation of that nature to do: it protects people from hatred. Of course, there is an appropriate balance to be struck in relation to protecting people's freedom of speech and freedom of expression.

If only the Conservatives spent more time opposing hatred than they do opposing the hate crime act, they would be in a much better place.

**Douglas Ross:** We are opposing Humza Yousaf's bad SNP law because of the impact that it is having.

Victims of hate crimes are not getting support from the police because the police are being inundated with thousands of complaints. We are hearing that from the police and from legal experts.

We said at the very beginning that the act would put free speech at risk. Members will all have heard the report of a 74-year-old pensioner who was taken by the police to a station over a dispute with her neighbour. That grandmother was not charged and had not committed an offence, but she has been punished by the process—exactly as we warned would happen, just a few weeks ago.

Public opinion is already against Humza Yousaf's law. A recent poll found that two thirds of Scots thought that the hate crime act should be repealed.

Why does Humza Yousaf think that he is right and the public are wrong?

**The First Minister:** Once again, in that question, Douglas Ross did not mention the victims of hate crime. [*Interruption.*]

**Douglas Ross:** I did. I literally said it.

**The Presiding Officer:** Let us hear the First Minister.

**The First Minister:** Time and again, Douglas Ross forgets to mention the very people who suffer hatred.

In the figures for 2021-22, almost 7,000 hate crimes were recorded by Police Scotland. Those are almost 7,000 people who have been the victims of racist abuse, antisemitism, Islamophobia and transphobia, and people who have been the victims of hatred because of their sexual orientation or disability. Those people deserve protection.

What we have seen in the past few weeks is deliberate disinformation from the Conservatives and many other bad-faith actors who have refused to look at what the law actually does. The law is abundantly clear that, for the new stirring up offences, behaviour has to be threatening or abusive and intended to stir up hatred.

In relation to police officers, let us go back to what Police Scotland has actually said. Let me commend and thank Police Scotland for the incredible job that it has done, despite the fact that there have been many bad-faith actors in relation

to the hate crime act. In Police Scotland's own words, there has been a "minimal" impact on front-line policing in the first couple of weeks.

Let me thank police officers not only for the work that they do, day in and day out, in tackling hate crime, but for the fact that almost a quarter of hate crime reports are against police officers themselves.

**Douglas Ross:** Humza Yousaf is describing opponents of his bill as "bad-faith actors". They are the two thirds of Scots, who, at the moment, want to see his legislation being repealed.

Humza Yousaf is sitting there saying that everything is fine with his legislation, just as he did with the ferries that he could not get to sail, the trains that he could not get to run on time and the NHS waiting lists that grew under his stewardship of the health service. [*Interruption.*]

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

**Douglas Ross:** We warned him that all these problems with the hate crime act would happen. We warned that the police would be overwhelmed, and that the law was poorly written and would put free speech at risk. He dismissed every single valid criticism. Humza Yousaf said that he knew best.

Now, the police, legal experts and the public are telling him that he has got this badly wrong. The only person in Scotland who seems to think that the act is working well is Humza Yousaf. How on earth can the First Minister say that the hate crime act has been a success?

**The First Minister:** Once again, Douglas Ross misrepresents the facts. The Parliament did not back the Conservatives. In fact, with the exception of the Conservative Party, the Parliament backed the act. When Douglas Ross's party lodged a motion to repeal it, the majority of members in the Parliament rejected that motion.

When I talk about bad-faith actors, I am talking about the Conservative Party. I also mean, for example, neo-Nazis—those on the far right—whom *The Observer* reported were organising and orchestrating complaints to Police Scotland. They are, by any stretch of the imagination, bad-faith actors. Far too many such actors have been spreading disinformation and misinformation. Despite that, despite what they had been warning—which was proved to be untrue—and even despite what I suspect some of them wished, the police dealt well with those thousands of complaints. Only a minority of such complaints have ended up being recorded as hate crimes.

Time and again, every one of us stands up in the chamber to say that we have a zero-tolerance approach to hatred. I have to say that that has been sorely tested by some comments that the

Conservative Party has made in recent weeks. If they have that zero-tolerance approach, they should be getting behind the act and supporting the victims of hatred.

### Climate Targets

2. **Anas Sarwar (Glasgow) (Lab):** When Humza Yousaf was standing to be leader of his party, he promised to "meet and better" Scotland's climate targets. When Rishi Sunak rowed back on the United Kingdom Government's climate commitments, the First Minister said that he had "no intention to change" Scotland's target dates. This is what he had to say about Rishi Sunak's approach:

"the UK government's actions, in the face of that climate catastrophe are simply unforgivable".

He continued that what the UK Government was saying

"is that ... we can row back on our commitments and ... it is the planet, it is people that will suffer the effects."

Today, the Scottish National Party-Green Government will row back on its climate commitments. Why is Humza Yousaf following the Tories' lead?

**The First Minister (Humza Yousaf):** Untrue. This is probably why it is wise to listen to the detail of a parliamentary statement before coming forward with a misleading mischaracterisation of our position. [*Interruption.*]

**The Presiding Officer:** Let us hear the First Minister.

**The First Minister:** As the Parliament will hear later this afternoon, there is no intention to row back from the 2045 date in order for us to reach net zero five years ahead of the UK Government and to continue to have more ambitious climate change targets than, for example, Labour-run Wales.

We have made progress. Between 1990 and 2021, we reduced our carbon emissions faster than any other nation in the UK. Let me also be clear that this Government will not move back by a single month, a week or even a day from the 2045 target for achieving net zero.

The Climate Change Committee was always clear that the 2030 date was a stretch target. That was clear to all of us when we committed to that target and backed it in the first place. What does not and will not change is the end destination of 2045. The cabinet secretary will come to the chamber with details of an accelerated package of climate action.

Time and time again, all that we have heard from Anas Sarwar and his party is opposition to every single measure that we have proposed. If he

and other Opposition members are serious about tackling the climate crisis—*[Interruption.]*

**The Presiding Officer:** Let us hear the First Minister.

**The First Minister:** —it is time for them not to shy away or run away but to back the ambitious climate action that we will propose.

**Anas Sarwar:** We voted for the Government's targets. That was such an embarrassing response from the First Minister. Such an embarrassing argument might have worked with Patrick Harvie or Lorna Slater, but it is not working with the Scottish people.

Let us be clear. Last month, Chris Stark of the Climate Change Committee said that the Scottish Government's carbon reduction targets were "no longer credible". He has been clear that, in many areas, the Government has all the powers that it needs to make a difference, but it has not taken action.

The response across Scotland to the Scottish National Party and the Greens rowing back on their climate commitments has been—rightly—scathing. Oxfam Scotland this morning called it "an acute global embarrassment." Friends of the Earth Scotland said that it is

"the worst environmental decision in the history of the Scottish Parliament".

Even one of the First Minister's own ministers described it last night as very disappointing. We must have the only Green Party in the world that supports scrapping a climate change target. Is that why more and more people across Scotland are asking what the point is of this SNP-Green Government?

**The First Minister:** Anas Sarwar started his second question by saying that the Labour Party backed the targets. That is not in dispute. The point is that, time and again, every time we have brought action to the chamber, Anas Sarwar has opposed it.

Anas Sarwar sits there and shakes his head. When we introduced a transport bill that included a workplace parking levy, Labour tried to remove that levy. Not only that, but Labour's transport spokesperson called it "highway robbery" and a "car park tax". That was despite the fact that a Labour-run council in England had already introduced a workplace parking levy—*[Interruption.]*

**The Presiding Officer:** Let us hear the First Minister.

**The First Minister:** Under this Government, we have made progress, whether that is in the fact that 87.9 per cent of our electricity generation comes from zero-carbon or low-carbon sources or

the fact that 75 per cent of all new woodland creation throughout the UK is here in Scotland. We have made progress with the success of the offshore wind leasing round by ScotWind. We have one of the most generous concessionary travel schemes in the UK and we have put £65 million towards 2,700 electric vehicle charging points.

When Màiri McAllan comes to the chamber this afternoon, we will build on that progress by introducing an accelerated climate change proposal and plan. It is important for those who demand action to unequivocally support that bold and radical action. Failure to do so will be nothing other than hypocrisy.

**Anas Sarwar:** Only Humza Yousaf could believe that slamming on the brakes—because that is exactly what the SNP is doing this afternoon—is an acceleration. We already know that Humza Yousaf supports a tax on workers but not on the oil and gas giants, which are making record profits. The fact is that he is rowing back on his climate targets, and the Green Party is backing him up.

The SNP-Green Government's failures mean higher bills, fewer green jobs and other countries winning the global race for clean energy. While the SNP and Greens fail to meet their promises on jobs, Labour will deliver more than 50,000 clean power jobs in Scotland. While the SNP and Greens cut the money to retrofit homes, Labour will upgrade thousands of homes to make them more energy efficient. While the SNP and Greens sell off Scotland's sea bed on the cheap, Labour will deliver a publicly owned energy-generation company, headquartered here in Scotland—*[Interruption.]*

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

**Anas Sarwar:** We all know that Scotland has huge potential. The people of Scotland gave the SNP a huge opportunity, which it has wasted. Is it any wonder that people across the country believe that the SNP has lost its way, that it has the wrong priorities and that it is letting people down every single day?

**The First Minister:** In the very short list of actions that Labour will be taking, one policy was absent—the £28 billion that it pledged for the green prosperity fund. Instead of £28 billion, we get a brass plaque that will undoubtedly match Labour's brass neck.

Let us cut through the soundbites and lack of substance from Anas Sarwar, and stick to the facts. Scotland has reduced carbon emissions faster than any other part of the UK—that is a fact. We are absolutely committed to no rolling back on the net zero by 2045 target—that is a fact. The equivalent of 113 per cent of Scotland's overall

electricity consumption in 2022 was generated by renewables—that is a fact. Seventy-five per cent of all woodland creation throughout the UK is in Scotland—that is a fact.

The only green policy that Labour had was the £28 billion a year green prosperity fund, which it has dumped. It takes pride in the fact that its reckless plans are risking up to tens of thousands of jobs in the north-east, all to fund new nuclear power stations in England.

This afternoon will be a key test. When the Cabinet Secretary for Wellbeing Economy, Net Zero and Energy brings forward an accelerated package of climate proposals, it will be time for the Opposition to either put up or shut up.

### Climate Change Committee Scotland Report

**3. Ariane Burgess (Highlands and Islands) (Green):** To ask the First Minister, in light of the recent report by the Climate Change Committee, how the Scottish Government plans to accelerate action to ensure that Scotland achieves net zero by 2045. (S6F-03007) [*Interruption.*]

**The Presiding Officer:** I am sure that no member can possibly think that that is courteous or respectful behaviour when another member is putting a question.

**The First Minister (Humza Yousaf):** Màiri McAllan will give details of exactly that accelerated policy package when she stands up this afternoon. I will not pre-empt the details of that here.

The Scottish Government is very appreciative of and grateful to the independent Climate Change Committee for its latest advice. We welcome the recognition of where we have made progress, but we also take extremely seriously the fact that we have not made the progress that we needed to make in order to get to the 2030 target. The Climate Change Committee has made it clear that that target is beyond what we are able to achieve, and that is why Màiri McAllan will come to the chamber this afternoon to give details of the accelerated policy package that we will bring forward.

We remain absolutely committed to ending Scotland's contribution to climate change in a just and fair way by 2045. As a reminder, that is five years ahead of the rest of the United Kingdom. The Cabinet Secretary for Wellbeing Economy, Net Zero and Energy will make a statement in Parliament this afternoon on the response to the Climate Change Committee's report, and the fundamental premise of that statement will be around the accelerated response to the climate emergency.

**Ariane Burgess:** One positive from the Climate Change Committee's report was its praise for our

programme to deliver greener, warmer homes through an upcoming heat in buildings bill as a template for the rest of the UK to follow. We have already seen Opposition parties in the chamber call for climate action and then corral the full forces of climate denialism as soon as we propose any change to business as usual. How will the First Minister's Government build support for our heat in buildings proposals and ensure that everyone in Scotland can benefit from greener, warmer homes?

**The First Minister:** Ariane Burgess is, of course, entirely right. That approach is symptomatic of an Opposition that continues to demand action and, every time we bring forward action, it opposes it for opposition's sake. People will absolutely see through that time and again.

This afternoon, when we come forward with further, detailed proposals on how we intend to accelerate our response to tackling the climate emergency, people will be watching to hear whether the Opposition backs those radical proposals or is just full of more hot air.

We will continue to develop our proposals for a heat in buildings bill to tackle climate change and ensure that everybody in Scotland has a warm and affordable house to live in. The recent consultation on those proposals drew nearly 1,700 responses. We are now analysing those responses, and feedback will be published shortly, later this year. The proposals are a critical part of our response to the climate crisis, and it is welcome that they have been recognised as a template for the rest of the UK.

**Maurice Golden (North East Scotland) (Con):** World-leading climate change targets being delivered by bad-faith actors in the form of the Scottish Government was always going to be a challenge—and so it has proved, with the Scottish Government failing to meet eight of its last 12 emissions targets. That is an embarrassing record. It now appears that the Scottish National Party and the Greens are considering scrapping annual targets in order to hide their shambolic record. Will the First Minister rule that out, or is his Government now retreating in the fight against climate change?

**The First Minister:** What a cheek. What a brass neck from a party that has decided that it will approve hundreds of new oil and gas licences without any question whatsoever. What a cheek from a party whose own net zero targets are behind ours. [*Interruption.*]

**The Presiding Officer:** Let us hear the First Minister.

**The First Minister:** We are five years ahead of where the rest of the UK is in relation to our net zero ambitions.

I go back to my central point. People will be watching. When we bring forward the accelerated package of climate action, will it have the backing of the Opposition? Time and again, the Opposition parties—the Conservatives in particular—demand that we take action, but they opposed the workplace parking levy, the deposit return scheme, the heat in buildings strategy and every single measure that we bring to the chamber. That demonstrates how unserious and complacent they are when it comes to the climate emergency.

**Stuart McMillan (Greenock and Inverclyde) (SNP):** This week's memorandum of understanding between HD Hyundai Heavy Industries, Scottish Enterprise and Highlands and Islands Enterprise is a vote of confidence in Scotland as a strategic hub for offshore wind, which is a crucial element of our journey to net zero. Can the First Minister outline what support the Scottish Government is offering to the offshore wind industry to secure jobs and investment that will support Scotland's economy?

**The First Minister:** I was very pleased to see the signing of the MOU between HD Hyundai and our enterprise agencies, which is a real demonstration that, through efforts in Scotland in particular, Scotland's offshore wind sector is attracting global attention.

The Offshore Wind Industry Council has predicted that the number of jobs in the sector in the United Kingdom could grow to more than 100,000 by 2030. That is why we are investing up to £500 million to anchor our offshore wind supply chain in Scotland, to act as a catalyst for further private sector investment in order to ensure that the Scottish workforce and Scottish businesses and communities all benefit from the offshore renewables revolution. Such collaborations are undoubtedly vital—key, in fact—to delivering wider economic supply-chain benefits to help power Scotland's growing green economy.

We will continue to work closely with our enterprise agencies and with the Scottish National Investment Bank to foster relationships with global industry partners.

#### **UK Migration Rules (Seasonal Workforce)**

**4. Keith Brown (Clackmannanshire and Dunblane) (SNP):** To ask the First Minister what impact the Scottish Government considers this month's changes to United Kingdom migration rules will have on the seasonal workforce in Scotland, as the soft fruit sector begins to prepare for the summer season. (S6F-03030)

**The First Minister (Humza Yousaf):** The United Kingdom Government's policies to reduce net migration are an example of decisions that are taken at Westminster that work directly against

Scotland's vital national interest. Increasing the skilled worker visa threshold from £26,200 to £38,700 makes no sense whatsoever for Scotland nor, I suspect, for many parts of the UK. It will limit labour migration in areas of Scotland that already face significant challenges around depopulation.

Although the increase in the salary threshold does not currently affect seasonal horticultural and poultry workers, migrant workers play a vital role across the breadth of our entire economy. These changes could cause irreparable damage to the food supply chain and to the sustainability of our rural economy. It is only with independence that we would have the ability to devise a humane, principled approach to migration that is needs based and delivers positive outcomes for Scotland's communities and public services and for our society more generally.

**Keith Brown:** Every day, we hear about the harm that Brexit is causing the Scottish economy, and indeed the UK economy, with the cost now estimated at £140 billion. I say that, but there is a conspiracy of silence among the unionist parties, which will not raise a word of concern or criticism about the effect that Brexit is having.

Today, I, along with other members of the Parliament's Constitution, Europe, External Affairs and Culture Committee, visited an exporter, who said that it is "utterly exhausting" trying to deal with the new burdens that Brexit imposes. He talked about businesses that have gone bust overnight, and some that no longer export.

Scotland's rural industries in constituencies such as mine are bearing the brunt of Brexit. The new migration rules are just the latest in a long list of toxic Tory Westminster policies. A Labour Westminster Government would do nothing to change that; it would keep Scotland out of the European Union, out of the single market—

**The Presiding Officer:** Can I have a question, Mr Brown?

**Keith Brown:** —and without freedom of movement.

Does the First Minister agree that Scotland needs not a change of Government at Westminster, but the change that only independence can bring?

**The First Minister:** There is simply no doubt that Brexit is relentless. The damage from Brexit has been relentless, as are the impacts that are being faced across the labour market as a result of Brexit.

New import controls that have come into effect have threatened to cause hikes in food prices once again. Of course, that is on top of the Conservatives' mishandling of the economy, which

has seen food prices rise to levels that have caused such suffering and misery.

Changes to migration policy, combined with the loss of people coming from the EU to live and work in Scotland, make it harder for key sectors such as social care, agriculture and hospitality to recruit—and, crucially, to retain—vital staff.

Keith Brown is absolutely right: Tory policy on migration is absolutely toxic, and the sooner Scotland is free of a Tory Government, the better. However, Labour offers little change; on the big issues such as rejoining the European Union, a Labour Westminster Government will change absolutely nothing. It is only with independence that we will once again join the European Union and have free movement of people.

### **NHS Lothian and NHS Borders (Finance)**

**5. Craig Hoy (South Scotland) (Con):** To ask the First Minister what the Scottish Government's response is to reports of significant financial pressures within NHS Lothian and NHS Borders. (S6F-03010)

**The First Minister (Humza Yousaf):** This year's budget provides an increase of more than £0.5 billion to our NHS boards, taking our total investment in boards to £14.2 billion and the NHS and social care budget as a whole to more than £19.5 billion. The £14.2 billion represents a real-terms uplift for the NHS in Scotland, in stark contrast to England, where the Tories have shamefully cut funding to the NHS in real terms.

Despite our significant investment, we know that the system is under extreme pressure as a result of the on-going impact of Covid and many other things. The Scottish Government has on-going contact with all health boards, including NHS Lothian and NHS Borders, to address the financial challenges that they face. That includes scrutiny and challenge of financial plans and agreeing to support recurring savings where we can to ensure that there is financial sustainability.

**Craig Hoy:** On 16 December 2021, Humza Yousaf told the Parliament:

"Every member recognises the importance of Edington hospital being at the heart of the local community. I reiterate that and I understand that, and I know that NHS Lothian understands it, too."—[*Official Report*, 16 December 2021; c 47.]

However, last month, as a result of a Scottish National Party cash crisis, NHS Lothian announced the permanent closure of beds at the Edington hospital, the Abbey care home in North Berwick and the Belhaven hospital in Dunbar. Meanwhile, local primary care providers have announced that they are facing massive increases in NHS Lothian's facilities management fees, with Tranent facing the loss of 3,500 general

practitioner appointments as a result. Before the First Minister blames someone or something else, will he finally take responsibility for the crisis that he and his Government have created in Scotland's NHS?

**The First Minister:** Craig Hoy has the audacity to stand up and shed crocodile tears for our NHS while his party is cutting our capital budget by £1.3 billion. That capital funding could have, and should have, been used for health infrastructure projects. What a sight it is to behold to have Craig Hoy of the Conservatives demand that we spend more money while his party has cut our capital budget as well as cutting our resource budget in real terms by £500 million.

Of course, there are pressures on our NHS, which is why we have taken a different course of action to the Conservative United Kingdom Government, which has prioritised tax cuts for the wealthy at the expense of the NHS. Meanwhile, we are asking those who earn the most, such as people on an MP's salary or a First Minister's salary, to pay more so that we can provide more funding—record funding—to our public services such as the NHS. That is the difference between the Conservatives and the SNP, and I make no apologies for it.

### **Post Office Horizon Convictions**

**6. Pauline McNeill (Glasgow) (Lab):** To ask the First Minister whether he will provide an update on what discussions the Scottish Government has had with the Lord Advocate regarding the exoneration of Scottish sub-postmasters and mistresses whose convictions were based on evidence from the Post Office's Horizon computer system. (S6F-03033)

**The First Minister (Humza Yousaf):** As the member knows, the role of the Lord Advocate as head of systems of prosecution is an independent function. I hope that she is assured by the fact that the Cabinet Secretary for Justice and Home Affairs and I have had discussions with the Lord Advocate and the Solicitor General on a number of occasions. We continue to press the United Kingdom Government to extend its Post Office (Horizon System) Offences Bill to cover sub-postmasters and mistresses in Scotland. Today, the justice secretary has written to the UK Government with suggested amendments in order to achieve that. I am happy for that letter to be made public.

If the UK bill is not extended, we will introduce Scottish legislation. Although Scottish legislation can be introduced, it would need to be passed after the UK bill. That is essential so that we can take into account any amendments that are made during the passage of the bill at Westminster, to ensure that there is compatibility with UK

legislation, because the Scottish Parliament and the Scottish Government have no responsibility for or power over the UK compensation scheme.

**Pauline McNeill:** We now know from recent coverage in the press that people at the top of the Post Office lied all the way about Horizon—and that goes down to our Crown Office. However, the Crown Office accepted an interim report by the accountancy firm Second Sight as corroboration that the Horizon system was okay, despite the fact that the director of the firm said that the report revealed “system flaws” with Horizon. As the First Minister knows, the onus has so far been on postmasters themselves to appeal their convictions, and I am sure that we agree that that is wholly unacceptable.

I wonder whether the First Minister agreed with Kevin Drummond KC that the Lord Advocate could present a petition to the court of criminal appeal to inform the court that the convictions had been found on flawed evidence and could invite the court to overturn the convictions. We all want the quickest route to justice, and that might be a quicker route. Does the First Minister agree that the miscarriages of justice could be dealt with quicker in Scotland, where those miscarriages of justice took place, and that our Crown Office should be responsible for the actions that it took?

**The First Minister:** I entirely agree with Pauline McNeill that the onus cannot and should not be on sub-postmasters and sub-postmistresses, who have waited far too long for justice.

I also reiterate what the Lord Advocate said a number of months ago—or certainly a number of weeks ago—that she would be willing to update members directly on the questions that they have. Any petition going to the courts would not be a matter for me as First Minister; it would of course be a matter for the Lord Advocate.

There may be some difficulties in identifying so-called Horizon cases, which is slightly more complex here in Scotland. I know that Pauline McNeill will completely understand this, but the Post Office cannot bring forward private prosecutions in Scotland in the manner in which it can in England. Secondly, as the Lord Advocate said previously, the Crown has often chased the Post Office for further information to be able to triage Horizon cases, and that information has often not been forthcoming. Pauline McNeill will also be aware that, in Scotland, prosecutions do not simply rely on one piece of evidence—on Horizon data, for instance—and there would often have to be corroborative evidence in such cases. Triaging those cases can therefore be a bit more challenging.

I do not disagree with the premise of Pauline McNeill’s question at all. If there is a quicker way

or route to get justice—at the same time, we do not want those convictions that are sound to be overturned, with those people then liable for compensation—we will explore every avenue that we can. We want no delay whatever, and we will continue to work with the UK Government to do the simplest thing, which is to ensure that the UK legislation applies UK-wide.

**Fergus Ewing (Inverness and Nairn) (SNP):** In November 2023, Kenneth Donnelly, on behalf of the Crown Office, undertook, in paragraph 73 of his written statement to the Wyn Williams inquiry, that a “streamlined and expedient process” would be brought forward to secure the quashing of the convictions. Why has the Lord Advocate not brought that forward?

Given that we all want to achieve the aim of the swiftest possible delivery of exoneration of people whose lives have been destroyed and ruined—in some cases, they are now dead—should we not at least now publish the proposed Scottish legislation in draft, rather than let the matter drift on further, into the autumn?

**The First Minister:** There is nothing stopping us from introducing specific Scottish legislation, and we are working on what a bill would look like in the event that the UK Government does not accept the very reasonable amendments that have been tabled to ensure that the Westminster bill is UK-wide, which we think is the simplest and easiest way to ensure fairness and equity between sub-postmasters and sub-postmistresses across the entire UK. I still have concerns about the UK Government’s approach; hence, I hope that it is open to amendments, so that we can ensure a minimising, if not complete elimination, of those whose convictions are sound having their convictions overturned.

On the questions that Fergus Ewing directly asks me, I understand that the Lord Advocate has written to Fergus Ewing, but if that is not the case I am more than happy to ask the question that Fergus Ewing has put to me to the Lord Advocate, so that he gets a detailed response.

I say once again that we are working on Scottish-specific legislation, although I go back to the central point that we cannot allow a situation where sub-postmasters and sub-postmistresses in Scotland are treated differently from how they are treated in England in relation to access to compensation.

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

#### **Undercover Police Officers (Personal Details)**

**Russell Findlay (West Scotland) (Con):** The work of undercover police officers is secretive, sensitive and dangerous, yet Police Scotland is

investigating claims that the personal details and photos of undercover officers have been leaked to an organised crime group. When was the First Minister's Government first made aware of those serious allegations? What impact might they have on policing operations? Most importantly, what has been done to protect officers who might now be compromised?

**The First Minister (Humza Yousaf):** Russell Findlay has every right to raise the issue, and I share his deep concern, particularly because of my previous role as Cabinet Secretary for Justice, when I worked closely with the serious organised crime task force.

We know how important and imperative the work of our undercover police officers is. Of course, it is an operational matter for Police Scotland, and I have no doubt that Russell Findlay could write to the chief constable to gain as many assurances as possible, but I understand that the matter is still under live investigation, as we speak.

I thank police officers for the excellent work that they do, often putting themselves in harm's way to protect us. I share Russell Findlay's concern, but the protection of officers is a matter for Police Scotland. I will ensure that the Cabinet Secretary for Justice and Home Affairs writes to Russell Findlay with details about when the Scottish Government first knew of the allegations.

### Women Against State Pension Inequality

**Clare Haughey (Rutherglen) (SNP):** Can the First Minister confirm to the WASPI women—women against state pension inequality—who are watching this question time and to those who are protesting outside Parliament today that the Scottish Government stands with and supports them in their continuing battle with the United Kingdom Government for compensation? Will he personally lend his weight to urge UK ministers to bring forward a compensation plan for my Rutherglen constituents and other WASPI women across Scotland with the utmost urgency?

**The First Minister (Humza Yousaf):** The Scottish Government has always supported—and always will support—the WASPI women. The report from the Parliamentary and Health Service Ombudsman is a significant moment for all those who have been involved in the campaign. I pay tribute to every woman who has tirelessly fought, not just for their rights but for the rights of all women who have been impacted and affected by those disgraceful decisions that the UK Government made without the women's knowledge.

It is time for the UK Government not just to apologise but to deliver justice and compensation for its actions, so I am writing to the Prime Minister

and the leader of the Opposition to call for urgent action following the ombudsman's report.

I reassure members that this Government will not rest until WASPI women receive the justice that they absolutely deserve. I look forward to meeting WASPI campaigners after this question time and reiterating to them that, although they might have been abandoned by the United Kingdom Conservative Government—and also, it seems, by the UK Labour Party—the Scottish National Party stands firmly with them in their pursuit of justice.

### Cass Review (Sandyford Clinic)

**Carol Mochan (South Scotland) (Lab):** The Parliament is aware that, this morning, Sandyford clinic announced that it will no longer prescribe puberty blockers to 16 and 17-year-olds—a key recommendation in the recently released Cass review. Members in the chamber should know whether that decision has been taken as a result of any Scottish Government intervention and whether the First Minister and his Government are supportive of a wider acceptance of the recommendations in the Cass review. After the poor and woeful answers that we received yesterday in the chamber, will the First Minister intervene, where the health secretary has not, and ensure that a statement is made in the Parliament to clarify the Government's confused position and to allow members an opportunity to question the Government on this very important matter?

**The First Minister (Humza Yousaf):** I will quote directly from an interview that Dr Hilary Cass did just a few days ago. She said:

"The toxicity of the debate is perpetuated"—*[Interruption.]*

I am astonished that Conservative members are groaning at the fact that I am quoting Dr Hilary Cass. She said:

"The toxicity of the debate is perpetuated by adults, and that itself is unfair to the children who are caught in the middle of it. The children are being used as a football and this is a group that we should be showing more compassion to."

It is to that very last point that I want to draw attention, because compassion for this group of young people must be at the forefront of everything that we do. I absolutely believe that it is at the forefront of Carol Mochan's mind and the question that she asks. Therefore, it was absolutely right to allow clinicians to have conversations with the young people whom they treat compassionately, before the Government came forward with any further statement in relation to clinical decisions that were being made. Now that we have had that confirmation, the health secretary or ministers will, with the agreement of the Parliamentary Bureau, come to the chamber

next week or in the coming weeks to give an update on the Government's position.

There is a process of review that is very much under way, but I go back again, not just to the central point about compassion but to the point that, when it comes to the treatment and the care that is provided to these young people, decisions on such matters should be made by clinicians, and not entirely by politicians.

### Scottish Economy

**Kenneth Gibson (Cunninghame North) (SNP):** Will the First Minister welcome the news that was eloquently set out in today's *Herald* that Scotland is outperforming the United Kingdom as a whole in private sector business activity, is third among the UK's 12 regions and nations for economic growth and is currently enjoying the greatest expansion of business activity in nearly a year, and what assessment has he made of devolved decision making's impact in delivering those positive outcomes?

**The First Minister (Humza Yousaf):** Kenneth Gibson is absolutely right to raise those issues. The news will come much to the upset of the doomsayers as regards Scotland's economy, but Kenneth Gibson is right to point out that Scotland's economy is, across a whole range of measures, outperforming the UK economy. I welcome his efforts to counter those who would talk down Scotland's economic success.

Scotland's gross domestic product per capita has grown faster than the UK's since 2007, and since 2007, productivity in Scotland has grown at an average annual rate of 1 per cent, compared with the UK's average rate of 0.4 per cent. Through Stuart McMillan's question, we have already heard about the partnership between Scottish enterprise agencies and HD Hyundai Heavy Industries. That is just one example of the investment that we are attracting to Scotland. Think how much more we could do if we were not tied to Brexit-broken Britain. Brexit has been an unmitigated economic disaster. If only we had the full fiscal and monetary levers of a normal independent nation, think how much more we could do.

### Bowel Cancer Screening

**Edward Mountain (Highlands and Islands) (Con):** April is bowel cancer awareness month. Bowel cancer is the second biggest cause of cancer death in the United Kingdom. However, Scotland's excellent screening programme could be better. The Government has signed up to increasing the sensitivity of the current tests, which will undoubtedly save lives. Sadly, the Government has not yet delivered. As a first step, will the First Minister now commit to evaluating

and publishing the costs of making bowel cancer screening more sensitive?

**The First Minister (Humza Yousaf):** I pay tribute to Edward Mountain, who has spoken about his cancer journey extremely bravely and with good humour. He has brought members across the political spectrum together to challenge us—the Government in particular—on what more we can do. I will have a conversation with the health secretary and we will examine and explore what more we can do in relation to the sensitivity of the excellent screening programme that we already have. Although it is an excellent screening programme, we always want to seek to do what we can to improve it and ensure that we capture more people as early as possible. Edward Mountain knows only too well that the earlier the diagnosis, the better the prognosis for the individual involved.

I will consider Edward Mountain's ask, and I once again pay tribute to him for his efforts in raising awareness of bowel cancer and cancer more generally.

### National Health Service (Workforce Data)

**Jackie Baillie (Dumbarton) (Lab):** This morning, we learned from the British Medical Association Scotland that more than 600 consultant vacancies are missing from Scottish Government official statistics. Clinicians have repeatedly warned of the workforce crisis in the national health service, but ministers have been quick to say that there is nothing to see here. Now we learn that the published data is entirely misleading and that the vacancy rate is 15 per cent, which is more than double the 6.9 per cent that is given in official statistics. Will the First Minister guarantee that all workforce data will be urgently reviewed to ensure accuracy? Will that shocking revelation be the wake-up call that is needed to set out a credible NHS workforce plan?

**The First Minister (Humza Yousaf):** We will always look to see what can be done to ensure that our statistics are rigorously checked using the appropriate means and in the appropriate manner. Where any challenges are raised, we take them seriously, particularly when they are from an organisation such as the BMA.

When it comes to NHS staffing under the Scottish National Party, we have seen a record high of more than 33,000 full-time-equivalent staff between September 2006 and December 2023. We have more staff per head in Scotland than they do in England. We have more qualified nurses and midwives per thousand of population than they do in England. Overall nursing and midwifery staffing is at a record high, and the number of medical and dental consultants is up by 68,000 under the SNP.

That does not take away from the fact that there continue to be workforce vacancies, as Jackie Baillie highlights. That is why we will continue to do what we can to attract, recruit and retain those staff. A key element of that is ensuring that NHS staff continue to be the best paid anywhere in the United Kingdom.

**The Presiding Officer:** That concludes First Minister's questions.

## Points of Order

12:50

**Kevin Stewart (Aberdeen Central) (SNP):** On a point of order, Presiding Officer. Could you please rule on the misinformation that Meghan Gallacher gave in her previous point of order about gender services?

To be clear, what was announced today was not a decision of the Scottish Government. The Government has made no announcement and, therefore, there cannot have been any leak, as was alleged in the point of order. The decision was made by NHS Greater Glasgow and Clyde, which made its announcement through a press release this morning, confirming the clinical decisions that it has made.

Presiding Officer, I know that you cannot rule on the veracity of members' contributions, but surely there should be a ruling when it comes to misinformation.

**The Presiding Officer (Alison Johnstone):** Thank you, Mr Stewart. You are correct: I cannot, generally, rule on the content of members' contributions. Your comments are now on the record.

**Meghan Gallacher (Central Scotland) (Con):** Further to my point of order this morning, Presiding Officer, in the light of your previous ruling and the new information that has been made available through the press on the Government's announcement to pause the prescription of puberty blockers for children and young people—*[Interruption.]*

**The Presiding Officer:** Let us hear Ms Gallacher.

**Meghan Gallacher:** —I seek to move a motion without notice that, under rule 17.2.1(a) of standing orders, the Parliament agrees to suspend part of rule 13.8.1 to remove the words "by 10 am" for the purposes of the meeting.

**The Presiding Officer:** Thank you for your point of order, Ms Gallacher. As I previously explained, I am not minded to accept a motion without notice for the purpose of questions when there has just been an opportunity for members to put questions directly to the First Minister.

However, I have noted, with regard to this particular instance, that members have previously raised questions about particular procedures. I know that the Standards, Procedures and Public Appointments Committee is looking at that matter, and it might be one that is up for review. The matter can also be raised by your business

manager at our next meeting of the Parliamentary Bureau.

**Pam Gosal (West Scotland) (Con):** On a point of order, Presiding Officer. Over the past three years, I have brought many diverse communities into the Parliament. However, a recent incident has cast a shadow over those efforts. With regard to a Tuesday evening Eid reception, attendees were intimidated and bullied into not participating. It came to light that an executive member of a Scottish National Party-affiliated group orchestrated a campaign urging others to boycott the event, citing it as a Tory Eid reception, despite parliamentary rules forbidding party-political events in the building.

That turn of events is deeply disappointing. Occasions when we celebrate Eid, Vaisakhi or Diwali should serve as opportunities to honour Scotland's diversity and to foster connections between guests and politicians from across the political spectrum. However, this Eid reception was tainted by political undertones.

I thank those who did not give in to the peer pressure and still attended the Eid reception in the Scottish Parliament. I thank Douglas Ross and Alex Cole-Hamilton for their attendance.

I was disappointed that I had to find out first from community links that Humza Yousaf and Anas Sarwar would not be joining us, despite their confirming their attendance. It was also notable that not one SNP, Labour or Green MSP attended to celebrate Eid with the Muslim community.

I appealed to the First Minister to denounce such behaviour, but, unfortunately, no action was taken, which sent a concerning message to those who were involved in the intimidation tactics. The incident sets a troubling precedent for future events and undermines our efforts to foster inclusivity and engagement in the Scottish Parliament.

Therefore, Presiding Officer, I seek your urgent guidance on how we can uphold the integrity of the Parliament by ensuring that party politics do not interfere with the public's engagement with the Parliament; on how we can ensure the safety of Parliament staff; and on whether the behaviour of members in relation to the Eid event means that, in future, by attending any reception that is sponsored by a member of any political party, we are, in turn, endorsing their political views.

**The Presiding Officer:** Thank you, Ms Gosal. That is not a matter of parliamentary procedure, so it is not one that I can rule on from the chair. However, it is obviously extremely important that all can attend events in the Parliament, which is a welcoming democratic space. I would be happy to have a discussion with the member in due course.

**Douglas Lumsden (North East Scotland) (Con):** On a point of order, Presiding Officer. Once again, a significant announcement has been made through the press, as opposed to being delivered first to the Parliament by this devolved Government. This afternoon's business includes a statement from the Scottish Government titled "Climate Change Committee's Scotland Report: Next Steps". However, last night, the BBC was already reporting what the statement will say. According to the BBC,

"The Scottish government is to ditch its flagship target of reducing greenhouse gas emissions by 75% by 2030."

Presiding Officer, I do not know how many times the Scottish Government has bypassed your request that significant announcements be made in the chamber in the first instance. What I do know is that it is ignoring your instruction, which shows contempt. Before this afternoon's statement, will you consider what action you can take to ensure that ministers finally respect this Parliament?

**The Presiding Officer:** Thank you, Mr Lumsden. I have not yet seen the statement, but I am aware that there is discussion on it in the public domain. I will consider the matter before we return this afternoon.

**Martin Whitfield (South Scotland) (Lab):** Further to Douglas Lumsden's point of order, Presiding Officer, when the announcement was made in April 2022 that the census deadline would be extended, you were challenged by not being able to see what was in the Government's statement, because it had not yet been published. Would it be within the auspices of your power to observe the Climate Change Committee statement during your recess from the chair over the next hour, so that you can make a decision about whether any or all of the statement should be heard before we move to questions this afternoon?

**The Presiding Officer:** Yes, indeed. Further to my response to Mr Lumsden, I repeat that I will be considering the matter fully over the next period.

There will be a short suspension before we move to a members' business debate in the name of Pauline McNeill.

12:58

*Meeting suspended.*

12:59

*On resuming—*

## Prison Officers Association (68 Is Too Late Campaign)

**The Deputy Presiding Officer (Annabelle Ewing):** The next item of business is a members' business debate on motion S6M-12265, in the name of Pauline McNeill, on the Prison Officers Association's 68 is too late campaign. The debate will be concluded without any question being put.

I advise all members that I will seek to ensure that they stick to their allocated time, as they have signed up and agreed to do, because business will resume at 2 pm, and we must allow our staff sufficient time to clear the chamber in preparation for the start of the afternoon session.

*Motion debated,*

That the Parliament notes the Prison Officers Association campaign, 68 is too late; understands that the campaign seeks to end what it sees as the injustice of prison officers being required to work until they are 68, compared with other uniformed services, such as the police force, fire service and the Armed Forces, which, it understands, have a normal retirement age of 60; notes the view that expecting prison officers to work until almost their seventh decade, at a time when, it understands, the prisoner population is rising, the average age of a prisoner is 36, violence is increasing and the influence of organised crime is expanding, is both dangerous and unrealistic; further notes the belief that a retirement age of 68 risks the safety of prisoners, prison officers and the public, including in the Glasgow region; considers that, for successful rehabilitation, prisoners rely on well-trained, motivated and confident officers working in safe and fully-staffed establishments, and notes the calls on the Scottish and UK governments to enter talks with the Prison Officers Association to discuss how to bring about changes to the retirement rules to provide an option to access their pension at 60 with no financial detriment.

13:00

**Pauline McNeill (Glasgow) (Lab):** When I was first asked to host—jointly with Audrey Nicoll, Maggie Chapman and Liam McArthur—the drop-in on the 68 is too late campaign, my reaction was that 68 is too late for everyone, but it is certainly too late for prison officers. I also put on record that although I did not manage to get to the WASPI—Women Against State Pension Inequality—demonstration today, I, in common with everyone else in the chamber, endorse the WASPI women's continued fight for justice.

When we think of the risks that prison officers manage on a day-to-day basis and the incredible physical courage and patience that they must display, it is clear to me that, in the main, 68 is far too old an age for a prison officer to be able to deal with physical challenges of such a nature. Most prisons and custodial institutions are

inherently violent places, but the skill and professionalism shown by prison officers are what limit the frequency and severity of incidents.

In his 2011 review of public sector pensions, Lord Hutton of Furness produced a list of uniformed services that he proposed to protect from the rise in the state pension age to 68. He insisted that, historically, the pension age had been lower for the armed forces, the police and firefighters to reflect the unique nature of their work and that, therefore,

“a pension age of 60 is appropriate.”

Prison officers are clearly a uniformed service, but they were unfairly left off that list. If a prison officer fails their annual physical test, they will generally be allowed to retire, but that means that they will not get their full pension. That is hardly fair when police officers and firefighters are able to retire almost a decade earlier.

Unlike most public sector workers, prison officers cannot go on strike. Given that they are prohibited from taking any form of industrial action, we need to make sure that the Government is not taking advantage of that restriction and underrewarding prison officers.

I also note that the Prison Service Pay Review Body has continued to raise concern about the pension age, arguing that 68 is

“far too old to cope with the physical and mental demands of being an operational frontline prison officer”.

The retention rate of newly recruited prison officers is very low. Violence, or the threat of violence, is always there. The fact that it is a difficult and unpredictable job should be acknowledged through the retirement age.

At the start of the year, the head of the Scottish Prison Service, Teresa Medhurst, said that Scotland's jails were “too full” and that they were reaching a “tipping point”. Overcrowding creates all sorts of pressures inside jails. Andy Hodge, the governor of Perth prison, has pointed out:

“The pressure of population is forcing us to put more people into one room. That's a real stretch. Two adult men into a room where you've got one TV, one kettle, tensions start to build, people start to fall out. Violence amongst the residents starts to go up.”

Prison officers have to deal with the fallout of those increasing pressures and tensions. That is on top of their having to deal with violence directed at them by inmates.

Another pressure that prison officers have to deal with is the increasing number of prisoners suffering from acute mental health problems. There are high levels of self-harm, suicide and drug deaths in our prisons; all are clearly challenging to deal with, and our prison officers

are tasked with dealing with such incidents on a daily basis.

The Prison Officers Association is extremely concerned about the impact of prolonged exposure to such an environment on front-line staff, especially those who are required to continue working until they are 68. It has pointed out that relying on prison officers to work until they are 68 results in high levels of sickness and absence rates across the service. Prison officers are critical to the rehabilitation of prisoners, and it is not in the interests of prisons as a whole for members of the prison workforce to feel that they are being unfairly treated compared with workers in other sectors.

Prison officers are on the front line of the criminal justice system and do a difficult and dangerous job. I do not believe that a retirement age of 68 is either appropriate for prison officers or in the public interest, and I ask the Scottish Government to have discussions with the United Kingdom Government about how we can ensure fairness for prison officers.

13:05

**Kenneth Gibson (Cunninghame North) (SNP):** I congratulate Pauline McNeill on securing crucial debating time for this important subject.

Prison officers shoulder unique and demanding roles, necessitating that they keep order while functioning, on occasion, almost as social workers and educators to individuals, many of whom are deemed too dangerous for the rest of society.

The Prison Act 1952 vests prison officers with “all the powers, authority, protection and privileges”

of police officers. Despite that clear legal mandate, a glaring denial of prison officers’ pension rights persists. Expecting prison officers to retire at 68 shamelessly disregards the realities of prison life for those on the service’s front line. It makes no sense to ask a 67-year-old male or female to confront, subdue and control a physically agile 25-year-old who might be armed with a bladed weapon or influenced by a history of violence or drug abuse. In such situations, a retirement age of 68 threatens the safety of inmates, prison officers and, ultimately, the public.

There have been 900 reported assaults against prison officers in the past three years, and the number is on an upward trend. Moreover, the behaviour of inmates is becoming hard to contain as new types of crime and drug use evolve in combination with overcrowding. A recent study conducted by Richard Harries of the Leverhulme research centre for forensic science at the University of Dundee revealed that vapes are now being utilised in prisons for the trafficking and

administration of drugs, leading to a risk of the escalation in drug use and gang affiliation within Scotland’s prisons. The proliferation of mobile phones also introduces security risks that require constant vigilance.

An anonymous source told *The Guardian* last year:

“Prisoners are bigger due to steroids. Spice turns inmates into zombies. And with social media they might know where we live.”

Managing those challenging circumstances places significant physical demands on younger staff members, let alone those in their seventh decade who might have dedicated almost half a century of their lives to their roles in the prison system.

There is certainly no other profession that places such duties and expectations on staff. The pension age for police officers, the fire service and the military stands at a dignified 60, or less in certain circumstances, whereas prison officers are required to work for an additional eight years. The Prison Officers Association has rightly voiced concerns about the prolonged exposure of front-line staff in their 60s to that environment.

Research from PTSD UK indicates that UK prison officers face a significantly higher risk of developing post-dramatic stress disorder than those in most other occupations. Burn-out, characterised by emotional exhaustion, depersonalisation and a diminished sense of personal accomplishment, is also more prevalent among prison officers.

Given the widely acknowledged risks faced by officers on the job, there is a clear need for increased support, one crucial aspect of which is to ensure a timely and dignified retirement. Moreover, for Mark Fairhurst, chair of the POA, the retirement age is a primary reason for the recruitment crisis in the prison system. Fairhurst has said that, for many 18-year-olds, the thought of working on the prison estate for half a century deters them from seeking to join the service.

The POA has also found that poor retirement prospects are central to the haemorrhage of long-experienced officers, who are lost to the service. Meanwhile, years of austerity and real-terms pay cuts have intensified the pressure on prison officers, resulting in the overcrowding and understaffing that can lead to prisons failing to meet the minimum staffing requirements for a safe and fully operational establishment.

It is imperative to acknowledge that the challenges faced by prison officers do not cease on retirement. Many carry physical injuries, mental scars and emotional burdens accumulated over years of service. They deserve the opportunity to retire at an age where they can enjoy the fruits of their labour, spend quality time with their families

and pursue personal interests without the constraints of age-related limitations.

I whole-heartedly support the 68 is too late campaign, because we cannot, in good conscience, allow the situation to persist. It is incumbent on us to prioritise the wellbeing of our prison officers, both in the present and during retirement. Let us not forget the years of service that they render to our communities. A retirement age of 68 is an act of profound injustice and disrespect, and I therefore support Pauline McNeill's motion.

**The Deputy Presiding Officer:** Sharon Dowe is joining us remotely.

13:09

**Sharon Dowe (South Scotland) (Con):** I thank Pauline McNeill for bringing the debate to the chamber and for bringing the Prison Officers Association to Holyrood at the end of March, when we heard from it directly about its campaign.

The retirement age for these dedicated professionals has sparked widespread concern, particularly in light of the challenging conditions that they face daily. The Scottish Conservatives understand the demanding nature of the work that prison officers carry out and we fully understand and appreciate the sentiment that 68 is too late for officers to be conducting front-line work. The work is incredibly demanding and physical, and it takes a real toll. I have spoken with prison officers and I recently visited HMP Kilmarnock, and I have great admiration for the work that prison officers do.

The broader context is important. The SNP Government's justice failures have resulted in crime levels spiralling upwards, overcrowded prisons, delayed infrastructure projects and heightened risks in our prisons. In such a deteriorating environment, expecting officers to continue front-line duties until the age of 68 is asking too much.

Prison officers also face increasing gang violence. A new study by the SPS found that gang violence is being fuelled by steroids inhaled through vapes, and those steroids were identified in every prison that the study looked at.

With many premises being over capacity and understaffed, prison officers often face terrifying situations. One of the POA campaigners highlighted to me a situation that occurred where the ratio was 66 prisoners to two female prison officers, and at one point an officer was left alone with the prisoners. The chief executive of the SPS has also warned that officers are facing significant danger from organised crime gang members.

We agree that there should be action on the pension age, but the Scottish Government must

also look at what else it can do for prison officers. It can ensure that prison officers are not subjected to such adverse work conditions, and measures such as the provision of body-worn cameras for officer safety can be implemented, which would reverse recent setbacks such as the loss of those cameras when HMP Kilmarnock was nationalised by the SNP.

I agree that 68 is too late. It represents a long time to expect officers to work on the front line, especially in such harsh and difficult conditions. However, it is also important that the Scottish Government addresses the pressing and systemic issues that the prison system faces. The wellbeing and safety of our prison officers must receive greater focus from the Government.

13:12

**Katy Clark (West Scotland) (Lab):** I congratulate my colleague Pauline McNeill on securing this important debate. The age at which prison officers can retire from the service and collect their pension is currently set at 67, and it is due to increase to 68. While their retirement age continues to be linked to the UK state pension age, prison officers face the real prospect that the age could be increased even further. As it stands, 67 or 68 is too late. It puts prison officers, the colleagues for whom they provide back-up support and the prisoners whom they look after at unacceptable levels of risk.

The omission of prison officers from the list of uniformed services for which a pension age of 60 was agreed to be appropriate, in recognition of the unique toll that such professions take, was a significant error. As Pauline McNeill said, the Hutton review in 2011 concluded:

"for the uniformed services ... where pension age has historically been lower to reflect the unique nature of their work a pension age of 60 is appropriate."

Prison officers should have had a pension age of 60. We must appreciate that, historically, there have also been lower pension ages in other sectors, such as for staff in psychiatric hospitals. Firefighters, prison officers and the armed forces were all included in 2011, yet prison officers were then excluded.

The current retirement age fails to recognise the unique pressures on prison staff. It is abundantly clear to me from speaking to them and reading the many responses that they provided to the Prison Officers Association's all-member survey on the issue that the situation is untenable and unsafe. More than 90 per cent of the Prison Officers Association members who were surveyed said that they believe that they will not be able to continue to work until the age of 68, with more than 95 per cent fearing that they will need to

leave their job before they reach that age because of the considerable physical and mental health challenges that they face in their work.

In the words of one prison officer,

“By the time we reach 68, we will already be suffering from ill health, hip and knee issues, and the stress that comes from working in the job. Including strokes and heart attacks and high blood pressure. Most of us barely live until our 70’s.”

Another describes how they are already

“struggling to cope”

at the age of 49. The injuries that they frequently receive in the course of their duties

“are taking longer to heal from”,

yet that officer will still be required to work a further 19 years of service before they are permitted to pick up their pension. It is clear that the mental and physical impact of carrying out those roles is incredibly high—and, as Sharon Dowe said, the prison environment that officers work in is becoming increasingly dangerous.

Prison officers work with an ever-expanding prison population and respond to high levels of prisoner violence, which is often instigated by those who are high on psychoactive substances. As has been said, prisons are becoming more dangerous, given the presence of drugs and the increasing numbers of members of organised crime gangs. All of that is coupled with a Scottish Prison Service that is understaffed and overstretched.

I urge the Scottish Government to meet the Prison Officers Association to discuss those issues and, thereafter, to make appropriate recommendations to the UK Government.

13:16

**Maggie Chapman (North East Scotland) (Green):** I thank Pauline McNeill for her motion and for securing the debate. Before the Easter recess, it was my pleasure to co-host, with Pauline McNeill and other cross-party colleagues, a drop-in session in the Parliament with the Prison Officers Association. Many colleagues will have taken the chance to have a chat with prison officers about the work that they do and the conditions in which they must do that work.

In those conversations, I heard prison officers talk about the physically demanding nature of their role, which staff who are in their seventh decade—and who are approaching their eighth decade—should not be expected to undertake. A prison may be a “controlled environment”, but that does not mean that it is a safe environment. This afternoon and in many other debates in the chamber, we have heard of the violence and

abuse that take place in our prisons. I argue that such conditions alone are justification enough for a whole-scale review of our prison system that covers what—and who—it is for, and why we still use a carceral system that has not fundamentally changed for decades, if not centuries.

However, that may be a debate for another day. Today, we have the chance to come together as a Parliament and stand in solidarity with workers who do a difficult and demanding job. We have the chance to make a clear and united call to the UK Government that we agree with the Prison Officers Association’s campaign—that 68 is, indeed, too late.

Pauline McNeill has mentioned, but it is worth reiterating, that as a uniformed service, prison officers should have been included in the 2011 Furness review of public service pensions. That review stated clearly that uniformed services should have a pension age of 60,

“to reflect the unique nature of their work”.

Pauline McNeill outlined clearly many of the increasing pressures on our prisons, all of which make a retirement age of 68 even less appropriate. Making prison officers work until they are 68 is risky, and lays the foundations for problems in the service in the coming years. Experienced prison officers might decide to leave their roles in their 40s or 50s because they want to get another job before getting close to 60, when their employment prospects will decline. That is not good for ensuring that younger workers have experienced colleagues to support them as they get to grips with a job that probably not many of us would want to do. It is not good for the service as whole. It is also likely that sickness absence rates will increase, which will put additional strain on remaining colleagues and potentially make prisons even more dangerous. That cannot be the future that we want for the service.

I hope that we can all be clear in our commitment to ensuring that prison officers are included in the list of uniformed services with a retirement age of 60. I urge the cabinet secretary, in her closing remarks, to commit to engaging with the Prison Officers Association and others, so that we might explore what we can do to support prison officers until we get the change that we need at Westminster.

I close with the words of a prison officer who took part in a survey undertaken by the POA this year:

“I am aged 59 at the moment and have 30 years of experience in working in various establishments. The job that I am required to do has had a lasting mental and physical impact on me, in particular the latter years. The thought of having to go to 67/68 fills me with dread as I feel that I will be less capable of doing what is demanded of me. It is not an environment for anybody over the age of 60.”

13:20

**Audrey Nicoll (Aberdeen South and North Kincardine) (SNP):** I, too, am pleased to speak in the debate, and I thank Pauline McNeill for bringing it to the chamber. I commend the 68 is too late campaign, which seeks to address a long-standing anomaly whereby prison officers in the UK are unable to access their pension until they are 68. As a former emergency services worker, I recognise the strength of feeling and support behind the campaign.

I am astounded at the appalling position taken by UK ministers, who view 68 as an appropriate age for prison officers to retire on the ground that a prison is a controlled environment, which completely fails to understand the complexities and challenges of managing a changing 21st-century prison population. The UK Government must bring about pension justice for our front-line prison staff, and I lend my weight to the efforts to secure that change.

I want to continue the theme of wellbeing and acknowledge the commitment of prison officers in Scotland. That was highlighted at a recent event that I sponsored in the Parliament on behalf of Aid & Abet, a charity that works with ex-prisoners. The event celebrated the publication of "The Good Prison Officer", which is a collection of reflections written by ex-prisoners who are all now practitioners and educators in the criminal justice field. Their personal stories offer an insight into the importance of developing a rehabilitative culture in prison that derives from the empathy, compassion and respect that are shown by prison officers and which were shown towards them, profoundly impacting their lives and, in some cases, probably saving their lives.

Those people described what I would call discretionary effort, the lifeblood of every organisation, whereby staff go above and beyond their role, day in and day out. If workers do not feel that that effort is recognised and acknowledged, they will eventually withdraw it. I will pick up on that point in the context of today's debate. In a recent lecture titled "We asked for workers and they sent us humans", the former chief constable of Lancashire constabulary, Andy Rhodes, set out a compelling argument for placing mental health and wellbeing at the forefront of every operational and organisational decision. The context was policing, but the principle applies across other bodies of public-facing workers and particularly, I would argue, to prison staff.

Andy Rhodes spoke of the importance of embedding organisational justice so that a workforce is given the protection and support that it deserves and is better able to respond to the public in a competent and compassionate way. That ties in closely with the survey findings in the

report "68 is Too Late: The Case for a Fair Retirement Age for Prison Officers", which highlights the impact that

"prolonged exposure to this environment has on front-line staff, particularly for those staff who are required to continue working until they are 67 and 68 years of age."

The report includes some powerful quotations that were shared with the POA, including the one that Maggie Chapman used in her contribution, which I am going to repeat:

"I am aged 59 at the moment and have 30 years of experience in working in various establishments. The job that I am required to do has had a lasting mental and physical impact on me, in particular the latter years. The thought of having to go to 67/68 fills me with dread as I feel that I will be less capable of doing what is demanded of me. It is not an environment for anybody over the age of 60."

I would have felt exactly the same.

I wish the Prison Officers Association well in its campaign, and I hope that today's debate shines a light on the injustice that is being faced by prison staff in Scotland and the UK.

13:24

**Carol Mochan (South Scotland) (Lab):** I begin by thanking my colleague Pauline McNeill for bringing this important debate to the chamber. I know that she is a strong campaigner on this matter and will continue to stand firmly on the side of prison officers in Scotland.

I was privileged to have the opportunity to meet POA Scotland members in the Parliament just last month, and we had some good discussions about what challenges are presented to prison officers and service delivery as a result of the retirement age remaining at 68.

In setting out my position today, I start by firmly reiterating my support for this campaign, as I did to the POA Scotland members. As we have heard from across the chamber, 68 is too late. UK Government ministers must act, and Scottish Government ministers must redouble any efforts that they are currently making to deliver the much-needed change in retirement age to 60.

As the POA parliamentary briefing ahead of today's debate states,

"Prison officers are manifestly a 'uniformed service'",

and, as such, it is clear to me that they should be treated in the same manner as other uniformed services and see their retirement age return to 60 without detriment to their pension. Indeed, the briefing that we have all read acknowledges that that was previously the case and that it is due to a 2011 review that omitted prison officers from the definition of uniformed services that they are now expected to work until they are 68.

Prison officers have explained to me the mental and physical challenges associated with working in the prison setting until that age. Other members have described those well, and I fully agree that the situation is wholly unacceptable and untenable. In its report, the POA highlights that more than 90 per cent of those surveyed believe that 68 is too late and that more than 95 per cent have concerns that they will not be able to work until they are 68 due to the physical and mental demands that are associated with this extremely challenging job.

Across the chamber, we all agree that this is no way to treat our prison officers, who deliver an absolutely essential service, that they must be treated with dignity as they reach their retirement age, and that this challenging profession deserves to be treated in the same way as other uniformed professions.

It cannot be forgotten that, despite the fact that they are described as managed environments, prisons can often be violent places, as we have heard, and officers are regularly expected to attend violent incidents. By their own admission, prison officers are rightly concerned about their ability to provide physical support to younger colleagues if they encounter such a situation as they approach their 60s, and they have concerns for their safety and the safety of others.

We hope that the UK Government will recognise that the current position poses a risk to the physical and mental health of the officers and others. It must listen to those who are lobbying it and take action, and I hope that the Scottish Government will continue to lobby it as constructively as it can in order to make progress on the issue.

Again, I thank Pauline McNeill for bringing the debate to the chamber and all members who supported the motion.

13:28

**The Cabinet Secretary for Justice and Home Affairs (Angela Constance):** I welcome the opportunity to respond to this important debate and I place on record my thanks to Pauline McNeill for lodging the motion and to the members who have made a valuable contribution this afternoon. I also pay tribute to members who have worked on a cross-party basis to support POA Scotland in its quest. I very much agree that 68 is too late, and, as members would expect, I have met with the POA, and will continue to do so.

We all agree that prison officers play a vital role in our justice system, helping to ensure that our prisons are safe, secure and stable environments for all prisoners and staff. They are very much hidden in plain sight; they are a hidden part of our

criminal justice system and the more that we can do together to show the nature of their challenges and the value of their work to the general population, the better.

In my tenure as Cabinet Secretary for Justice and Home Affairs, I have taken the opportunity to visit every prison in Scotland and I have seen the dedication, professionalism and engagement of prison officers. In my past role as a prison-based social worker, and in my present role as the justice secretary, I have seen them working in a way that is person centred, inclusive, trauma informed and rights based and that makes a difference to people's lives every day.

I was struck, but not surprised, by the words of an individual in custody in HMP Greenock, who is quoted in a recent report by His Majesty's Inspectorate of Prisons for Scotland:

"This prison has been exceptional in helping me through my sentence, all the staff are wonderful and easy to speak with. This is my first time in prison and I have felt supported at each step of the way".

Audrey Nicoll spoke to the work of the good prison officer project, where people with experience of incarceration spoke powerfully in their testimonies about how prison officers have helped them to turn their life around.

The Scottish Government and the Scottish Prison Service recognise that prison officers work in a challenging environment and, at times, put themselves in danger and at risk. We have a high and rising prison population. Behind the numbers, as members have accurately reflected, there is increasing complexity, whether that is with the increasing numbers of those in custody with links to serious and organised crime groups, challenges around drugs and psychoactive substances, or the increased demand for social care due to an ageing prison population.

The Scottish Government and partners across the justice sector, including the SPS, are fully committed to tackling those issues and reducing the impacts and harm caused. You will be relieved, Presiding Officer, that I will not repeat the content of the two previous statements that I have made to Parliament on those matters.

I very much recognise that prison officers carry out front-line operational duties, including control and restraint, until the state pension age, which is due to rise to 68. That is hugely challenging and carries with it significant stresses and strains.

The Scottish Prison Service takes the safety and security of its staff extremely seriously. I discuss the matter of staff wellbeing regularly with the SPS. The SPS provides support to staff to remain at work and in meaningful employment when they cannot undertake their full contractual role, including workplace adjustments and

redeployment to alternative roles across the organisation. Every effort will be made to accommodate requests for a change or adjustment when the request is evidence based. However, that does not in any way detract from the point of principle that prison officers deserve parity with other uniformed services.

**Jamie Greene (West Scotland) (Con):** Will the cabinet secretary take an intervention?

**Angela Constance:** Yes, of course.

**Jamie Greene:** I apologise to Pauline McNeill for missing the opening minute of her speech. There was a bit of a lunch stampede and it was hard to get back in the chamber.

I am listening to the debate with great intent. It is an area of interest to me given my former role, and I am sympathetic to, and concur with, a lot of what has been said. On the issue of parity with other uniformed services, one of the big pushbacks over the years—this has been rumbling on in Westminster—has come from various Government ministers who have said that the reason that they were able to reduce the pension age for police officers is that police officers have been paying higher contributions to their pensions up front, as employees, during the course of their career. Is it the case in Scotland that police officers have to pay high contributions to allow them to retire early, and would it have to be the case for prison officers, too? It is more of a technical question, rather than one of policy intent.

**Angela Constance:** I am happy to answer Mr Greene on that matter, which is, indeed, technical. Prison officers do not have a separate pension scheme; they are part of the UK-wide civil service pension scheme that all devolved civil servants are part of. It was deeply regrettable that the Hutton review did not take account of the Prison Act 1952, which said that prison officers should have “authority, protection and privileges” and rights equal to those of police officers. However, no account was taken of that.

It is well established—many members have articulated it—that some occupations are restricted by capacity and age due to the physical demands of those roles, making it untenable to expect their duties to be carried out until state pension age. That was recognised by the Public Service Pensions Act 2013, which at that time set the pension age at 60 for firefighters, police officers and those in the armed forces. Prison officers do not have their own dedicated pension scheme—they are part of the wider UK civil service pension scheme.

Over the years, the Scottish Prison Service and the Scottish Government have strongly supported the position of POA Scotland on the issue. We opposed the changes to public pensions following

the Hutton inquiry and, in particular, the requirement that prison officers should have the normal retirement age of 68.

Successive cabinet secretaries for justice have made representations to the UK Government, and we will continue to do so, raising concerns about the physical demands of the prison officer role. The UK Government has consistently maintained its position that there is not a sufficiently strong case to make on-going special provision for operational prison staff. However, I politely beg to differ, based on the testimony and contributions of members across the chamber.

I acknowledge the work of POA Scotland on behalf of its members. I point out that prison officers in Scotland have the right to strike, unlike in England and Wales. POA Scotland has a constructive partnership agreement with the Scottish Prison Service, which has been in operation for more than 20 years. I very much welcome the POA’s support in bringing HMP Kilmarnock into the Scottish Prison Service family.

I reiterate that the work that prison officers do to keep our prisons safe and stable has great value. Their commitment and dedication make a difference to people’s lives every day, and I put on record yet again how much I appreciate everything that they do.

13:37

*Meeting suspended.*

14:00

*On resuming—*

## Portfolio Question Time

### Social Justice

**The Deputy Presiding Officer (Annabelle Ewing):** Good afternoon. The next item of business is portfolio questions on social justice. I remind members that, if they wish to request to ask a supplementary question, they should press their request-to-speak button or enter the letters RTS in the chat function during the relevant question.

#### Adult and Child Disability Payments (Mid Scotland and Fife)

**1. Claire Baker (Mid Scotland and Fife) (Lab):** To ask the Scottish Government what the average waiting time is for a determination on adult and child disability payments in Mid Scotland and Fife. (S6O-03308)

**The Cabinet Secretary for Social Justice (Shirley-Anne Somerville):** Official statistics for adult disability payment and child disability payment, including information on processing times, are routinely published by Social Security Scotland. The figures do not include information broken down by geographies below Scotland level.

The figures based on the most recently published statistics for adult disability payment and child disability payment show that the median average processing time in Scotland was 59 working days for adult disability payment in January 2024 and 97 working days for child disability payment in December 2023.

**Claire Baker:** I was planning to raise the case of a constituent who had to wait more than six months for a payment, but this morning we have seen the distressing report that nine children have died while waiting for their child disability payments to be processed. Our thoughts are with the families of each of those children.

I know that we all want a social security system that works for those who need support and treats them with compassion and dignity. We have to recognise that part of that involves addressing long waits and delivering vital payments with the urgency that is required.

Today's press report was heartbreaking. What assurances will the cabinet secretary give that such a situation will not happen again? What action will be taken to ensure that it does not happen again?

**Shirley-Anne Somerville:** First, if Claire Baker wishes to write to me about the constituency issue that she was planning to raise, I would be more than happy to pick that up in correspondence.

My thoughts are, of course, also with the families of the children who are referenced in the media reports this morning. I take the issue exceptionally seriously, as we all do, as we deliver social security in Scotland.

It is important to point out that, whether it is a child or an adult with a terminal illness, such cases are dealt with exceptionally quickly. We do not publish the times for child disability payment for those with a terminal illness, because such cases are so few in number. However, I am looking at what can be done to publish information to give some reassurance to families in the most difficult of circumstances, if their child is terminally ill.

As I have said in the chamber before, it is important to recognise that, in general, it can sometimes take time to process CDP claims. Unlike under the Department for Work and Pensions system, Social Security Scotland gathers the supporting information about a claim, rather than that being a responsibility for the families. It can sometimes take time to get through that, but I give Claire Baker the reassurance that we are making strides in dealing with processing times.

Processing times are improving, and we are taking further measures to ensure that those with the longest waits are looked at and that decisions are taken by the agency as soon as possible. I will—as, I am sure, Claire Baker and other members would expect—continue to keep a close eye on what is a very serious issue.

**Jeremy Balfour (Lothian) (Con):** I associate myself with Claire Baker's remarks, and I welcome the cabinet secretary's comment that she will look into the matter and report back.

However, does the cabinet secretary recognise that it is not just about the waiting time once a person makes an inquiry? There are long delays in people getting through to Social Security Scotland, either on the telephone or by social media. What is being done so that people do not have to hang on the telephone for an excessive amount of time to get an answer to an inquiry?

**Shirley-Anne Somerville:** I recognise that the amount of time taken waiting on the telephone was causing concern. I do not have the figures on those wait times in front of me, but they have improved markedly since concerns were raised. That is thanks to the work that the agency has done to ensure that people have their calls answered much more speedily. I will be happy to provide information and the specific numbers on that to Jeremy Balfour in writing, but I hope that he

can be reassured that significant progress has been made on the agency's call wait times.

**Willie Rennie (North East Fife) (LD):** Such deaths, which have happened in the context of not only child disability payment but adult disability payment applications, bring into sharp focus the consequences of long waits. Nonetheless, I thank Social Security Scotland staff for managing to get the wait times down. They are now broadly in line with the DWP's times, which is more welcome.

The cabinet secretary did not set out what practical steps she is taking to improve the system to ensure that such issues do not happen again. Will she give us a bit more colour and detail on exactly what is being done to ensure that we do not have long waits in the future?

**Shirley-Anne Somerville:** A large number of system changes have been made, but I can perhaps give a flavour of them. I will give Mr Rennie some examples.

We have looked at every step in the process, such as how the application forms, which were co-designed with people who have used the DWP system, be changed so that we can implement suggestions for clients to provide stronger supporting information. That is not to say that we should put the onus on them but, if they were to do that to begin with, it would certainly help. Additional calls are made immediately to people who apply without supporting information, to make suggestions about the types of information—for example, prescription lists—that could be sent in right at the start, to allow that to be included. There is greater use of in-house health and social care teams to support faster decision making, and there is also a review of staffing levels. Those are not the only examples; they are just some of them.

Social Security Scotland staff will soon be in the Parliament and will invite all members to talk to them about particular constituency cases or the work that the agency has been doing. I am sure that they would absolutely welcome the opportunity to talk through Mr Rennie's question with him in further detail, and I, too, would be happy to do so.

### **Ministerial Task Force on Population (Rural Communities)**

2. **Oliver Mundell (Dumfriesshire) (Con):** To ask the Scottish Government what assessment the ministerial task force on population has made of the potential impact of the centralisation of services on the sustainability of rural communities. (S6O-03309)

**The Minister for Housing (Paul McLennan):** In 2019, the Government established a ministerial task force on population to oversee the development and delivery of Scotland's first

national population strategy in 2021. The task force, which Emma Roddick chairs, brings together ministers from across the Scottish Government, including those who are responsible for key public services, with a clear focus on delivering joined-up policy solutions for our communities. The addressing depopulation action plan, which was published in February, further highlights the action that the Government is taking to support communities, with a clear focus on the role of infrastructure in key services such as education, childcare and health and social care.

**Oliver Mundell:** Across Dumfriesshire, my constituents are finding it harder and harder to access basic services. National health service dentistry is now non-existent in many parts of the constituency. My constituents in Sanquhar, Kelloholm and Kirkconnel tell me that they cannot see a general practitioner face to face. Gretna community council says that finding the police in the community and getting them there is now near impossible as they have disappeared. In Langholm, people are working hard to get back basic podiatry and physiotherapy services that were taken away during Covid. Does the minister accept that having such poor services makes it harder for elderly, disabled and disadvantaged people to live in rural communities?

**Paul McLennan:** Mr Mundell raises a number of points. It is key to note that, this year, NHS Dumfries and Galloway has received increased funding of £12.5 million, which takes its overall funding to £364.7 million. I will be happy to take away Mr Mundell's points as action points if he would like to write to me or the Cabinet Secretary for NHS Recovery, Health and Social Care about them. He made three or four main points on actions that we are already undertaking. One is to examine how we attract people to work in the area. We are talking about promoting an attractive wellbeing economy, which is really important in my own area. Housing also plays an important part. During the summer, I will undertake a programme of visits to rural communities. I hope that Mr Mundell will consider meeting me on my visits to Dumfries and Galloway to explore the issues that he has raised.

### **Fossil and Biofuel Heating Systems**

3. **Elena Whitham (Carrick, Cumnock and Doon Valley) (SNP):** To ask the Scottish Government what discussions the housing minister has had with ministerial colleagues regarding any potential impact on rural community housing of its decision not to allow the use of fossil and biofuel heating systems in new-build construction. (S6O-03310)

**The Minister for Zero Carbon Buildings, Active Travel and Tenants' Rights (Patrick**

**Harvie):** I regularly meet the Minister for Housing to discuss intersecting portfolio interests, including the heat in buildings agenda. The new-build heat standard, which was scrutinised by the Local Government, Housing and Planning Committee and approved without opposition, is an essential part of our commitment to reach net zero, and it will have a positive impact on rural housing. The standard was subject to full consultation in 2021 and 2022, with both consultations showing strong support.

New-build homes are required to be highly energy efficient, which reduces heat demand, but bioenergy systems can be installed to provide emergency heating where required.

**Elena Whitham:** As the MSP for Carrick, Cumnock and Doon Valley, where there are many rural off-grid properties that rely on oil and solid fuels as their primary heating source, I ask the minister for clarification of the definition of emergency heating in the new-build heat standard, which states that such fuels can be used in some cases, where a need can be justified.

Given that wood-burning stoves are the most reliable and cost-effective backstop in isolated areas, and that they can help to address the significant issue of rural fuel poverty, can the minister provide assurance that building standards verifiers will interpret the regulations in a way that provides certainty for house builders?

**Patrick Harvie:** I hope that Elena Whitham will join me in reassuring those of our constituents who currently use bioenergy systems in existing buildings that they are not affected by the changes in the new-build heat standard.

We recognise that emergency use of heating for energy will sometimes be needed, even in new builds, and that may especially be the case in rural and island areas. That is why the standard permits systems for emergency use, which could include wood-burning stoves.

In most cases, we think that, in those circumstances, portable solutions would be more appropriate to provide emergency heating, for example during power cuts. However, the regulations require that heating systems are non-polluting, and a provision for emergency use was added, which, in response to rural concerns, is not restricted to clean heating. The drafting of the technical guidance on what constitutes emergency heating can be difficult to reconcile with the nature of wood-burning stoves, which are generally installed for regular and not just emergency use.

We have heard the concerns that have been raised over the past week about the use of wood-burning stoves, and we fully take them on board. As I said yesterday, we will consider what further clarity is needed in the guidance to address those

concerns, and we will continue to work with concerned parties, developers and local authorities to ensure that any updates to the existing technical guidance address those concerns comprehensively.

**Miles Briggs (Lothian) (Con):** The recent heat in buildings consultation undervalues the significance and ability of renewable liquid fuels to contribute to a just transition and allow off-grid households to decarbonise in a fair, easy and affordable way. Will the minister commit to giving renewable liquid fuels a prominent role in the upcoming heat in buildings legislation? Will he look towards removing renewable liquid fuels, such as hydro-treated vegetable oil, from the polluting heating systems criteria?

**Patrick Harvie:** I do not agree with Mr Briggs's characterisation of such fuels. The heat in buildings consultation goes far beyond the issue of new builds and looks at how we decarbonise our existing housing stock. The consultation specifically asks what flexibility ought to be included in relation to bioenergy systems. I look forward to hearing the responses to the consultation, whether from those who lobby in favour of the industries whose interests Mr Briggs seeks to reflect or those who hold a wide range of other views about how we decarbonise heating, how we do it fast and how we do it fairly for all communities.

**Rhoda Grant (Highlands and Islands) (Lab):** Can the minister give more detail on what the exemptions are? I am puzzled as to how, for instance, one would vent a portable stove. Can he also say how one would apply for an exemption, especially with regard to woodland croft houses—crofts that are created specifically for their renewable heat potential? How do the changes impact on solid-fuel stoves that are used for both cooking and heating and thus make the best use of the resource? Will he publish the island impact assessment including those changes?

**Patrick Harvie:** In response to more detailed questions yesterday, I set out the information that we have published. I have committed, and I have stated again today, that we will look to work with partners to clarify any aspects of the technical guidance that need to be clarified in order to respond to some of the concerns that have been raised in the past few days.

However, I reinforce that the measures that we are taking forward are about the use of fixed heating systems—primary and secondary—in new-build buildings, including new-build housing. They do not apply to emergency and back-up systems, many of which will be the portable systems that Rhoda Grant has described.

**Beatrice Wishart (Shetland Islands) (LD):** In recent years, Shetland has seen the vulnerability of its power network. Adverse wind and snow weather events have left homes without power and heating for days. Does the minister agree that that justifies the need for the installation of traditional heating in new-builds for back-up and emergency use? Does he agree that the messaging around that policy has been confused?

**Patrick Harvie:** I think that the Scottish Government's messaging has been very clear. I am sorry that some people—including, I am afraid to say, a few people in the Parliament—have sought to misrepresent the approach as a complete ban on wood-burning stoves. It is not, it never has been, and it will not be a complete ban on wood-burning stoves.

Beatrice Wishart is quite right that some of the communities that she has described illustrate why the provisions in relation to emergency and back-up heating systems are important and why the heat in buildings bill needs to reflect on questions about the flexibility for biomass in relation to existing homes.

Shetland is a good example of an area of Scotland where rurality and some of the issues that affect island communities are not barriers to deploying clean heating systems, whether at an individual building level or a district heating level. Shetland is a good example of where the decarbonisation of heating can be achieved in a way that meets the needs of remote, rural and island communities.

#### **Social Security Scotland (Payments for Disabled Children)**

**4. Bill Kidd (Glasgow Anniesland) (SNP):** To ask the Scottish Government what its response is to the work undertaken by the staff and officials of Social Security Scotland to complete the move to have all payments for disabled children being paid directly by Social Security Scotland, and subject to the scrutiny of the Scottish Parliament. (S6O-03311)

**The Cabinet Secretary for Social Justice (Shirley-Anne Somerville):** I am incredibly proud of the work of Social Security Scotland staff and those in the Scottish Government programme and social security directorate as a result of the work that they have undertaken to achieve that key milestone. All payments for children and young people with a disability in Scotland are now paid by Social Security Scotland. By the end of 2023, more than 47,000 awards were safely and securely transferred from the Department for Work and Pensions disability living allowance for children to our child disability payments. Some £333 million was awarded to support disabled

children and young people whose benefits were transferred and their families.

**Bill Kidd:** Can the cabinet secretary assure my constituents and people across Scotland that the child disability payment is designed to avoid the stress and trauma associated with the DWP benefit that it replaces?

**Shirley-Anne Somerville:** Rather than asking members to take my word for it, I will quote from a recent STV article on the issue of case transfer, in which Rebecca spoke about the difference that the approach has made to her. Rebecca said:

“There are a lot of hard things about being in a family affected by disability. This was someone taking away one of those. That has been fantastic and I'm incredibly grateful for the values that underpin Social Security Scotland.”

I hope that everyone can take heart from that, because the Parliament passed that legislation. I am exceptionally proud of that, as the minister who has been responsible for social security for half the time that it has been devolved.

In saying that, it is very important that the Government remains open to continuous improvement and to areas that can be worked on. We talked about that earlier. As I said in my responses to Claire Baker's and Willie Rennie's questions earlier, I take incredible pride in what has been achieved, but the agency and the Government will continue to work on improvement.

#### **Child Poverty Targets (Budget)**

**5. Alex Rowley (Mid Scotland and Fife) (Lab):** To ask the Scottish Government what impact the 2024-25 Scottish budget will have on its targets for reducing child poverty. (S6O-03312)

**The Cabinet Secretary for Social Justice (Shirley-Anne Somerville):** Tackling child poverty is a critical mission for the Government. In the face of a deeply challenging financial situation, we continue to allocate around £3 billion a year to a range of actions to tackle poverty and mitigate the impacts of the cost crisis on households.

Modelling estimates that this Government's policies, including the Scottish child payment, will keep 100,000 children out of relative poverty in 2024-25. We remain absolutely committed to meeting our statutory child poverty targets, and we will continue to do everything within the scope of our powers and our budget to deliver the change that is needed.

**Alex Rowley:** The document “Best Start, Bright Futures—Tackling Child Poverty Delivery Plan 2022-2026” states:

“Homelessness has a devastating impact on families and children, increasing barriers to accessing employment and education, disrupting social support networks and negatively affecting mental and physical health.”

In the lead-up to the budget, what discussions—if any—did the cabinet secretary have with the Cabinet Secretary for Finance on the impact on child poverty of the £200 million cut in the affordable housing supply programme?

**Shirley-Anne Somerville:** As the member would expect, I had discussions with the finance secretary and other Cabinet colleagues about the difficult decisions that this Government had to make when we were looking at the budget. I say very gently to Mr Rowley that, in a recent press article, I said—and I meant it—that I believe that tackling poverty is something that we can work with an incoming UK Labour Government on, if Labour is, indeed, successful at the next election; however, it takes two to have that productive relationship, and it takes two Governments to take action.

This Government is continuing to take action to support those who are being harmed by Westminster. Nonetheless, tackling poverty takes action from both Governments, and the best thing that Mr Rowley and I could do together, I hope, is ensure that any incoming Labour Government reverses the cuts to revenue and capital for the Scottish Government. We would then not have to make the difficult decisions that we, as a Government, have had to make.

#### **Child Poverty (Analysis by Child Poverty Action Group)**

**6. Stephanie Callaghan (Uddingston and Bellshill) (SNP):** To ask the Scottish Government what its response is to the Child Poverty Action Group's recent analysis of official data showing that 4.3 million children were in relative poverty across the United Kingdom, up from 3.6 million in 2010-11. (S6O-03313)

**The Cabinet Secretary for Social Justice (Shirley-Anne Somerville):** That analysis demonstrates the devastating impact of the United Kingdom Government's decade of austerity and welfare cuts on families across the UK. Although it is estimated that the Scottish Government's policies will keep 100,000 children out of relative poverty in 2024-25, we could go so much further if UK Government policies were not actively working against us.

I have repeatedly called for the UK Government to reform universal credit, including by introducing an essentials guarantee and abolishing the two-child limit, which could lift 40,000 children in Scotland out of poverty. The spring budget was another failed opportunity to make the change that is needed.

**Stephanie Callaghan:** I agree that child poverty remains unacceptably high, particularly among disabled children, whose families are

disproportionately impacted by the cost of living crisis. Nonetheless, Scotland has reduced child poverty, helped by social security measures such as the child disability payment. What steps is the Scottish Government taking, therefore, to increase the uptake of the child disability payment in my Uddingston and Bellshill constituency and across Scotland?

**Shirley-Anne Somerville:** This year alone, we are investing £1.1 billion more than the UK Government gives us for social security. We are taking that very seriously as an investment in the people of Scotland.

We also take very seriously our obligations to ensure that those who are eligible for payments are both encouraged and supported to apply for what they are entitled to. We have already received 6,000 child disability payment applications in North Lanarkshire and South Lanarkshire, with take-up being driven through, for example, our network of local delivery teams, which is unique to the Scottish system. We will continue to encourage those who are eligible to apply in order to give them that support. I hope that one of the quotes that I used earlier encourages people to come forward and reassures them that there is a system without stigma and with support for them.

**Paul O'Kane (West Scotland) (Lab):** I note what the cabinet secretary said in her answer, and in previous answers, about an incoming Labour Government. She will, I am sure, want to support transformational policies such as the new deal for working people, which will put money in people's pockets.

Does she recognise, however, with regard to her own responsibilities in Scotland, that, prior to the recess, the annual release of official statistics showed that child poverty levels have been static at 24 per cent? That is significantly above the interim target of 18 per cent, which the Scottish Government is now almost certain to miss. Does she accept that she is going to miss those legally set targets? If so, when will she come to the chamber and outline her concerns about that?

**Shirley-Anne Somerville:** I do not accept the premise of that argument. As I said in my original remarks to Stephanie Callaghan, we are absolutely determined to meet our anti-poverty targets. As I have said and will continue to say in the chamber, it would make it a lot easier if there was not one Government trying to lift people out of poverty and another Government—whether Labour or Tory—pushing them into poverty. That would help people a hell of a lot more.

**The Deputy Presiding Officer:** I would like to squeeze in questions 7 and 8, but I will need co-

operation. I need short, succinct questions and short, succinct answers.

### Older People (Representation)

**7. Colin Smyth (South Scotland) (Lab):** To ask the Scottish Government what work it is undertaking to give greater representation to older people. (S6O-03314)

**The Minister for Housing (Paul McLennan):** We continue to work with our trusted partners in the older people's strategic action forum on a range of priorities for advancing age equality. I chaired the latest meeting on 27 February. The report, "A Fairer Scotland for Older People: A Framework for Action" was developed to challenge the inequalities that older people face as they age. The framework outlines the range of activities that we are undertaking to support older people to improve their lives, tackle age inequality and celebrate older people in Scotland. Through our equality and human rights fund, we are investing more than £2.2 million in support of older people's organisations and age equality projects that deliver positive outcomes for older people.

**Colin Smyth:** A recent Independent Age survey showed that almost three quarters of those who are over 65 in Scotland think that the issues that they face are badly understood. Age Scotland's recent "The Big Survey" revealed that just 3 per cent of respondents felt that it was easy for older people to have their voices heard by decision makers. Given that both surveys showed overwhelming support for having an older person's commissioner for Scotland, why does the minister think that those older people are wrong? Why does he think that the work that he has described is not, in the view of older people, working for them?

**Paul McLennan:** I had the pleasure of meeting Independent Age a number of months ago, and we talked about some of those issues and the impact on housing in particular. I mentioned the equality and human rights fund, of which more than £2.2 million goes towards providing support for national organisations. That also contributes to the Age Scotland national helpline. Through its work, it identified £1.5 million in unclaimed benefits for older people who called the helpline. We are continuing to invest £3.8 million in funding to support another 53 organisations.

I am aware of the work that Colin Smyth is doing on the creation of an older person's commissioner. We will consider the evidence that is gathered by the consultation and respond to its findings. Our main priority is to support older people who are facing hardship through the cost of living crisis.

### New Homes

**8. Liam Kerr (North East Scotland) (Con):** To ask the Scottish Government what its response is to figures showing that there has been a decrease in the number of new homes started in 2023 compared with 2022. (S6O-03315)

**The Minister for Housing (Paul McLennan):** The Scottish Government has led the United Kingdom in housing, delivering more than 128,000 affordable homes since 2007. More than 90,000 of those homes were for social rent. In 2022-23, there was a disappointing decrease in starts, which was reflected across the UK. The combined impact of inflation, supply chain issues and labour shortages linked to Brexit created an extremely challenging environment, and we remain committed to close partnership working to mitigate those challenges. In the same year that Scotland's completion rate for new build homes increased to 43 homes per 10,000 people, England's rate was 38 per 10,000 people and the rate in Wales was 18 homes per 10,000 people.

**Liam Kerr:** Reported figures show that the number of new builds in Aberdeen fell from 1,182 in 2022 to 553 in 2023. The council says that, due to the work that is needed to address reinforced autoclaved aerated concrete in Balnagask, other housing projects will be delayed. Will the Scottish Government reverse its opposition to helping Aberdeen City Council to address RAAC, so that those other housing projects can go ahead?

**Paul McLennan:** I have met Aberdeen City Council since RAAC was discussed. I also met with it prior to RAAC being identified, and we had numerous meetings before that. As the member will be aware, we have an options appraisal at the moment and we will continue to discuss that and develop it with the council. We have also been very flexible on the funding that it received for housing for those coming here from the Ukraine, and we have worked with it to look at the units that are required.

**Liam Kerr:** That does not answer the question.

**Paul McLennan:** It does, actually.

**The Deputy Presiding Officer:** Members, just let the minister respond.

**Paul McLennan:** As I said, we continue to work with Aberdeen City Council on new builds. It is also really important that we have set up a housing investment taskforce, which is looking to get more funding into the system, including more funding for Aberdeen City Council. I am happy to discuss the issue further with the member.

**John Mason (Glasgow Shettleston) (SNP):** The minister mentioned the housing investment taskforce in his last answer. Can he tell us any more about it?

**Paul McLennan:** The medium-term outlook for capital remains challenging, with an expected 8.7 per cent real-terms cut to our capital funding between 2023-24 and 2027-28. Given that, I was delighted to chair the first meeting of the housing investment task force just two weeks ago. Over the coming months, members will address longer-term investment barriers to help attract additional private sector funding for all tenures of housing in Scotland.

**The Deputy Presiding Officer:** That concludes portfolio questions.

## Climate Change Committee Scotland Report

**The Presiding Officer (Alison Johnstone):** The next item of business is a statement by Màiri McAllan on the Climate Change Committee Scotland report—next steps. Before we move to that item, I wish to make the following remarks. Important aspects of this afternoon's statement have been reported in various media outlets. When the Government chooses to share information pertaining to any ministerial statement in advance of that statement being made, the Government remains responsible for ensuring that such information is not reported by the media before the Parliament learns of it. I have spoken to the Minister for Parliamentary Business, and I have asked for the Cabinet Secretary for Wellbeing Economy, Net Zero and Energy to apologise to the Parliament for the breach of our long-established good-practice guidance on announcements.

The Parliament will be aware that I have previously disallowed or truncated statements. However, the information that has been reported in the press today is key to actions that may impact on legislation in the Parliament and on the way in which the Government is held accountable by the Parliament. Additionally, there is information in the statement that has not been previously reported. For those reasons, and as I do not wish to disadvantage other members, I intend to allow the statement to be made, but I remind the Government in the strongest terms possible that this Parliament must be given its proper place.

14:32

**The Cabinet Secretary for Wellbeing Economy, Net Zero and Energy (Màiri McAllan):** Please allow me to begin by setting out my regret and my apology to you, Presiding Officer, and to the Parliament for the media speculation that has surrounded the content of my statement. I regret it because I take very seriously the integrity of the Parliament and the Presiding Officer's role within that. It has also made it more difficult for me to communicate something that requires careful, nuanced and detailed communication. I have asked the permanent secretary to conduct an internal investigation into the circumstances as a matter of urgency.

The race to net zero is one that we must all win, and I begin by affirming the Government's unwavering commitment to ending our contribution to global emissions by 2045 at the latest, as agreed by Parliament on a cross-party basis. I was grateful for the latest report from the Climate Change Committee on our progress in reducing

emissions. The CCC is a key partner in our net zero journey, and its insights are essential. Its report recognised that there is much to be proud of, including the Government's provision of free bus travel to all under-22s, our work to deliver more woodland in Scotland in a year than the other nations of the United Kingdom combined and our work on decarbonising heat in buildings—noting that it could be a template for the rest of the UK. Considerable progress is also being made in energy. Scotland is becoming a renewables powerhouse, with 87.9 per cent of electricity generation coming from zero-carbon or low-carbon sources in 2022.

Those are just some of the examples of the considerable work that has been undertaken, which brings us nearly halfway to net zero—narrowly missing our most recent annual emissions reduction target, but still decarbonising faster than the UK average. Quite rightly, however, and just as with the UK Government, the CCC challenges us to go further, and that is exactly what we will do. Today, I am announcing a new package of climate action measures, which we will deliver with partners to support Scotland's just transition to net zero.

The global transition to zero-emission vehicles is happening apace—indeed, major car manufacturers have named the day when they will cease manufacturing new petrol and diesel vehicles. Scotland has long been at the forefront of helping people to make the transition to electric vehicles, but we will now go further by working in partnership to more than quadruple the number of electric vehicle charge points across Scotland.

Through collaboration across the public and private sectors, Scotland will see approximately 24,000 additional charge points by 2030. That will help to ease any remaining range anxiety that people might feel and ensure that going electric is an option in every part of our nation.

To make public transport fit better with people's lives and to encourage all of us to choose more sustainable transport, we will also explore a new national integrated ticketing system for public transport in Scotland. We will encourage and support operators across all modes of transport to participate in that project, which aims to enable passengers to use one ticketing system for all elements of a journey.

We will help people to be less reliant on cars and we will publish a route map to help deliver a 20 per cent reduction in car use. That will not be a one-size-fits-all or top-down approach. We understand that urban Scotland and rural Scotland will contribute differently, and our just transition plan for transport will ensure support for all communities.

Turning to other vehicles, we will support the transition away from petrol and diesel vans. Working with business, including the largest companies for an initial phase and in line with our new deal for business principles, we will develop plans and support mechanisms to accelerate the switch to zero-emission technologies and more sustainable modes. We understand the importance of that transition to small businesses and independent traders in particular, and we will ensure that their needs are at the heart of the work.

Scotland's food and drink is a significant national success story, and food security is important to the Government. That is why we are supporting our farming community to continue producing food while lowering emissions. The Cabinet Secretary for Rural Affairs, Land Reform and Islands is working with the sector to deliver that, including through the on-going Agriculture and Rural Communities (Scotland) Bill and the agriculture reform implementation oversight board, which she co-chairs with NFU Scotland. However, we want to do more to support our agricultural sector to lead the way in regenerative farming and food production.

That is why we will take forward a pilot scheme with some Scottish farms to establish future appropriate uptake of methane-suppressing feed products or additives, which is a key measure to reduce emissions from livestock where practical. Some of those additives are being pioneered here in Scotland, so we look forward to working on that home-grown innovation.

By 2028 at the latest, proportionate carbon audits will also be required by farms that receive public support. Nutrient management plans will build on that and will be integrated into whole-farm plans.

We will also accelerate our regional land use partnerships, with up to three new areas coming into the initiative over the next year, while recognising that successful partnerships are those that are driven by communities.

To further accelerate peatland restoration, we will investigate how partial rewetting can coexist with continued agricultural activity and access to agricultural support, including investing up to £1 million in pilot projects. This summer, we will launch a consultation on a carbon land tax on the largest estates, as part of considering regulatory and fiscal measures that could further incentivise peatland restoration, afforestation and renewable energy production.

We are also considering the recommendation from the green heat finance task force to review and publish, by the end of the year, analysis of how non-domestic rates relief can better support

our climate ambitions and encourage investment in energy efficiency and clean heating systems. That will be developed by working closely with the business community, in line with new deal for business principles.

Scotland is distinguished by the importance that we place on a just transition. We will publish our final energy strategy and just transition plan this summer, to be followed by draft plans for agriculture, transport, buildings and construction. Moreover, following the publication of a just transition plan for Grangemouth, I can confirm today that we will co-develop a just transition plan for Mossmorran.

Those policies again emphasise the critical role that Scottish businesses and industry play in our net zero transformation, and we will work closely with them throughout delivery.

To reflect on the recent Audit Scotland report on climate change governance, we will redouble efforts to ensure that net zero is fully considered in our workforce, spending, policy development and structures. That will start with the full roll-out of a net zero assessment in the Scottish Government from the end of 2024.

To ensure that spending across the public sector reflects our net zero ambitions, we will work with the Convention of Scottish Local Authorities, including through our climate delivery framework, to understand wider public sector spend and opportunities for action.

Finally, we will propose the establishment of a four nations climate response group, with a remit that includes climate financing and the balance of reserved and devolved powers.

Those policies sit alongside extensive on-going work and will be built on through our next climate change plan and our green industrial strategy. With that ambitious new package, I will allow there to be no doubt about the seriousness with which the Government treats the climate and nature crises and about our readiness to act to deliver. We must, however, acknowledge that we do so in difficult circumstances. The Climate Change Committee is clear that the UK is already substantially off track for 2030 and that achieving future UK carbon budgets will

“require a sustained increase in the pace and breadth of decarbonisation across most major sectors.”

Indeed, we see climate backtracking at UK level. With severe budgetary restrictions imposed by the UK Government, and under the continuing constraints of devolution, we are trying to achieve societal and economic transformation with one hand tied behind our back. Such is the UK’s unprecedented economic mismanagement that full delivery of our plans will be contingent on the UK

Government reversing the 9 per cent cut to our capital budget.

This Government and this Parliament have—rightly—high ambitions. It is beyond doubt that investing now in net zero is the right thing for our environment, our society and our economy, but we are being held back. I am asking MSPs from across the chamber to work with us to call on the UK Government to reverse Scotland’s capital cut.

Although Opposition members rightly demand that the Scottish Government must take urgent action to address the climate crisis, if they are serious about that challenge, they must now stand with us in support of today’s policy package and the remainder of the work that we are taking forward across this year and the coming years, instead of opposing the measures that we propose.

In the challenging context of cuts and UK backtracking, we accept the CCC’s recent rearticulation that this Parliament’s interim 2030 target is out of reach. We must now act to chart a course to 2045 at a pace and on a scale that are feasible, fair and just. With that in mind, I confirm that, working with Parliament on a timetable, the Scottish Government will introduce expedited legislation to address matters that the CCC raised and to ensure that our legislative framework better reflects the reality of long-term climate policy making. The narrowly drawn bill will retain our legal commitment to 2045, alongside annual reporting on progress, while introducing a target approach that is based on five-yearly carbon budgets.

With our legal commitment to reach net zero by 2045 steadfastly remaining and recommitted to today, and with Scotland’s emissions already nearly cut in half, we are well positioned to continue to lead on climate action that is fair, ambitious and capable of rising to the emergency that is before us. This Government will not yield to climate culture wars. We will never shirk our duty to those who are impacted by climate change today and to future generations. Together, we know that we can tackle the crisis with the pace and the urgency that are required. Indeed, with the very minor legislative amendments that I am proposing today, we will pave the way for continued ambition and pragmatic delivery on this most important challenge.

**The Deputy Presiding Officer (Annabelle Ewing):** The cabinet secretary will now take questions on the issues raised in her statement. I intend to allow around 20 minutes for questions, after which we will move on to the next item of business. I ask members who wish to ask a question to press their request-to-speak buttons.

**Douglas Lumsden (North East Scotland)**

**(Con):** I thank the BBC for advance sight of the cabinet secretary's statement. It is a shame that the Government continues to show such contempt for this Parliament. When we saw the news last night that the Scottish Government was scrapping its climate targets, we all knew what was going to be in the cabinet secretary's statement—a lot of smoke and mirrors, rehashing of announcements and the Government blaming everyone else for its own failure.

Let us be crystal clear that the key areas of emissions—transport, housing and agriculture—are all devolved. The announcement is an absolute humiliation for the Scottish National Party, but it is even more humiliating for the Greens, who have ditched environmentalism for nationalism.

In December last year, the cabinet secretary told the Parliament that world leaders were approaching the Scottish Government for advice on tackling climate change, but we never found out who was calling. I bet that her phone is silent now.

Will the cabinet secretary confirm the timetable for introducing legislation and when we will see the climate change plan? Will she also confirm that the new annual reporting on progress will have no legally committed targets?

**The Deputy First Minister and Cabinet Secretary for Finance (Shona Robison):** We look forward to your support in all this.

**Douglas Lumsden:** Support for what?

**Màiri McAllan** *rose*—

**The Deputy Presiding Officer (Annabelle Ewing):** Cabinet secretary, excuse me.

The tone of the discussion on the statement will not proceed like that. We have important business to get through.

**Màiri McAllan:** There is more than a hint of hypocrisy in Douglas Lumsden's contribution. The truth of the matter is that the Conservatives in the Scottish Parliament voted for the climate targets—principally the 75 per cent target for 2030—but they have stood in the way of even modest measures that we have sought to bring forward in order to realise those targets. The Conservatives have opposed low-emission zones in city centres, which is a prime intervention to improve air quality. They have worked relentlessly to cease the progress on the deposit return scheme. They now oppose heating standards and our efforts to tackle some of the most problematic emissions in Scotland.

Meanwhile, their colleagues in the UK Government are fighting to open coal mines in

England, are failing to deploy onshore and offshore wind, and—inexplicably—refusing to progress carbon capture, utilisation and storage in Scotland. As I say, there is more than a hint of hypocrisy.

As regards the very short question on the timetable of the bill that was at the end of Douglas Lumsden's narration, I will work hard with the Parliament to put in place a timetable. It will be expedited and, when that legislation is brought forward, it will speak to the climate change plan and the annual reporting of targets.

**The Deputy Presiding Officer:** Thank you.

I advise Mr Lumsden that he had one minute and 30 seconds to raise his issues. I call Sarah Boyack.

**Sarah Boyack (Lothian) (Lab):** Thank you, Deputy Presiding Officer. I note the comments that both you and the Presiding Officer have made about the statement.

Thursday 18 April 2024 will go down as the day that Scotland officially went from being a world leader in climate targets to a world leader in scrapping targets. Ambitious targets were not backed up by ambitious action. The Climate Change Committee identified 19 policy areas where the SNP-Green Government has no plan, has an insufficient plan or needs to take action to meet the target of net zero by 2045. Can the cabinet secretary clarify whether any interim targets and legal reporting will be ditched in the bill that she mentioned?

She made a series of announcements about upcoming work, but can we get the timescale and the publication dates for all the delayed strategies—the climate change plan, the green industrial strategy, the energy strategy and just transition plan, and the draft set of plans for agriculture, construction and transport? We are still waiting for publication dates for those.

Can the cabinet secretary clarify what action the Scottish Government will now take to deliver affordable rail services and to support local authorities to provide bus services that people can use—rather than having hundreds more of those services cut—so that constituents can make low-carbon, affordable public transport choices?

When I launched the first climate statement in the early days of the Parliament, I reflected on the worst flooding in living memory in southern African states. We are now seeing regular extreme flooding in Scotland. Will the cabinet secretary commit to annual reporting on climate change so that we do not lose the momentum and the proper parliamentary scrutiny that we need in order to work together to tackle the climate crisis?

**Màiri McAllan:** As regards annual reporting, I point Sarah Boyack to the section in my statement where I confirmed that that would be retained as part of the wider move to carbon budgeting. I will bring forward more detail on the legislation when it is introduced to Parliament.

I understand the disappointment. I am disappointed myself; my team and I have worked exceptionally hard not to have to make the change that we are making today. However, let us not overplay what is being done. This is a minor legislative amendment restating our 2045 goal but recasting the trajectory in line with what our independent advisers in the Climate Change Committee advise is achievable.

When we passed the previous climate legislation, Sarah Boyack and every party across the chamber understood the CCC's view that the 75 per cent target was likely to be beyond what was achievable. We hope that the efforts of the Government to correct that now, with a narrow bill, will pave the way for the continued delivery and action that we have sought to demonstrate in previous years.

**Ben Macpherson (Edinburgh Northern and Leith) (SNP):** In an answer to a freedom of information request that was published in autumn last year, it was stated by the Scottish Government that, according to recent statistics,

"Scotland's carbon dioxide emissions represent around 0.1% of global emissions".

Therefore, in playing our active part to tackle the climate emergency, we must have perspective and be honest about the fact that any Scottish actions to try to prevent climate change can only ever be a very small—if worthwhile—part of a much bigger global challenge.

In that context, does the cabinet secretary agree that it is important to acknowledge that Scotland is already going further and faster than many other comparable countries in our efforts to reduce emissions and innovate, and that today's statement confirms that we will purposefully continue to do so with ambition and credibility? Does the cabinet secretary agree that we must collectively appreciate the economic, social and health benefits of taking actions to reduce emissions and that they are at least as important as any positive environmental impacts that the measures towards net zero might have?

**Màiri McAllan:** On the first part of Ben Macpherson's question, which I do not disagree with at all, I say that Scotland alone cannot solve the world's problems when it comes to climate change. However, the world's problems will not be solved without countries such as Scotland playing their fullest part, which is exactly what this Government intends to do.

In 2019, the Parliament agreed, right across party lines, to a highly ambitious set of targets. As I have said, we were advised at the time that, as far as the CCC could see, there was no clear path to achieving them. I do not think that that was necessarily a bad thing, because it has driven ambition and action in the period since. We have also learned many lessons from the targets, including on harsh winters that affect annual targets, which do not necessarily reflect how emissions reduction occurs over a longer period of time.

I absolutely agree with Ben Macpherson that our journey to net zero must be delivered in a fair and just way and along a pathway that aligns with expert guidance and advice. That is why I am announcing this package of measures, which sits alongside the bold plans that we already had for this year, and it is why I am making a narrow amendment to the climate legislation as it stands, so that we can continue to pursue that progress.

**Graham Simpson (Central Scotland) (Con):** This is an admission of failure. I am astonished that the two Green Party ministers have not resigned in disgust, but there they are, sat on the front bench. The cabinet secretary describes—*[Interruption.]* I cannot even hear myself talk.

**The Deputy Presiding Officer:** Mr Simpson, please resume your seat. Mr Swinney, please refrain from doing that. We need to make progress, have the questions and hear the responses. Please resume, Mr Simpson.

**Graham Simpson:** Ah, so it was Mr Swinney. That was a lot of hot air from Mr Swinney.

**The Deputy Presiding Officer:** Mr Simpson, please just resume your question.

**Graham Simpson:** The cabinet secretary talks about a minor legislative amendment, but targets were set in the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019. The requirement to have a climate change plan, which is now overdue, was also in the act. What will remain in the act, following what the cabinet secretary describes as a minor legislative amendment?

**Màiri McAllan:** It is the intention of the Government that the vast majority of what is in the act will be retained, subject to the changes that I have set out today, which coalesce principally around the 2030 target and annual targets. However, as I have said, I intend to seek to take the bill forward on an expedited basis. I will work with the Parliament on that timetable and on the content of the bill.

**Jackie Dunbar (Aberdeen Donside) (SNP):** The Government's plans and ambitions require sufficient resource to be realised. Our climate

targets and how we go about realising them cannot be discussed or considered in isolation from the wider UK context. What will the cabinet secretary do to reiterate to the UK Government that it must reverse the swingeing cuts that it has imposed on Scotland in order for us to fully realise our ambitions for climate and nature?

**Màiri McAllan:** There is absolutely no doubt that the limits of devolution—as well as other matters, including technological advance—are a hindrance to what we seek to do, which is to institute the economic and societal transformation that the climate emergency demands of us.

As I said in my statement, the budgetary restrictions that have been imposed by the UK Government—in particular, the up to 9 per cent cut to our capital budget—are devastating for our ambitions on climate change.

I call on MSPs across the chamber to join us in calling on the UK Government to reverse Scotland's capital cut so that we can invest in the kind of infrastructure that countries across the world are investing in. I point to the Inflation Reduction Act in the US and similar schemes that the European Union is progressing. I highlight the absolute absence of such plans at UK level from the current incumbent Government and, equally, from the Labour Party, which is seeking to enter number 10, having just ditched its green investment pledge of £28 billion.

**Colin Smyth (South Scotland) (Lab):** Does the cabinet secretary understand that she can add yet more plans and strategies to the 82 that we have already had, but it is the Government's actions that have led to today's humiliating—not minor—ditching of targets?

Let us take the example of woodland creation, which the Climate Change Committee has said needs to double. Despite that, the Government has halved the budget for woodland creation this month. Does the cabinet secretary believe that such action will increase or decrease woodland creation, or will we simply be talking about yet another missed target?

**Màiri McAllan:** Colin Smyth talks about plans, strategies and action, but that is what delivery is made from. It does not come from what Colin Smyth and his party do, which is to turn up in the chamber, vote for targets and then fail to back even modest measures that the Government brings forward to try to institute them.

In recent years, this Government has delivered some extremely ambitious policies. Colin Smyth mentioned forestry; 75 per cent of all the new forests that have been created in the UK in recent years have been created in Scotland. We are investing a quarter of a billion pounds in peatland restoration and £65 million in nature restoration.

*[Interruption.]* Thirty-seven per cent of our waters are in marine protected areas, and my colleagues are taking forward a biodiversity strategy. *[Interruption.]* It is very easy to be Colin Smyth. It is much more difficult—

**The Deputy Presiding Officer:** Please resume your seat, cabinet secretary. Members need to have the courtesy and respect to listen to the cabinet secretary's response.

**Màiri McAllan:** I was going to go on to say that it is much more difficult to be those who are responsible for delivery, but that is exactly what this Government is committed to.

**John Swinney (Perthshire North) (SNP):** Given the degree to which many of the practical changes that will require to be made in order for us to achieve our climate targets are often contested or are the subject of criticism and are frequently resisted by some members of Parliament, what significance does the cabinet secretary attach to efforts to overcome those obstacles by working with local community-driven initiatives, such as the one that she visited in my constituency yesterday, where people are coming together in Dunkeld and Birnam to encourage real commitment to climate action in their own community? Does that not offer us more hope than the hot air and empty rhetoric that we have heard from the Opposition today?

**Màiri McAllan:** It absolutely does. I know—and I am sure that my colleagues will feel the same way—from the engagement that we have with people who care about this issue across the country that the magnitude of the climate crisis can often make us feel that, as individuals, we cannot contribute and cannot make a difference, but that is not the case. Examples such as the Climate Café initiative that was born in Dunkeld and Birnam and which I visited yesterday exemplify how action that is driven from the ground up is happening all across Scotland and is making a considerable difference in the all-of-Scotland, all-of-Government, all-of-business and all-of-society challenge that we face.

**Alex Cole-Hamilton (Edinburgh Western) (LD):** What the cabinet secretary describes as a minor legislative amendment is, in fact, a monstrous generational betrayal by the SNP and its Green partners. It is a cynical attempt to dodge bad press by simply abolishing the climate change targets that they have repeatedly missed.

For years, we have had to endure smug lectures from nationalist ministers about how Scotland was a world leader on climate targets, but they have never delivered on the hard graft of insulating homes, making transport cleaner or creating green jobs. They are incapable of getting even the basics right, because their nationalism has always

trumped their environmentalism. Given the botched recycling schemes, the rail fare hikes and the bus service cuts, is there anywhere else on the planet where Greens in government have torched climate targets for a seat at the table?

**Màiri McAllan:** Alex Cole-Hamilton's faux outrage in the chamber today is utterly true to form and he deserves an Oscar for his contribution. A number of weeks ago, he sat with me and colleagues, at our invitation, in Bute house and listened to the Climate Change Committee giving us a factual lecture and update on the state of play regarding climate. Two key points were made: that a 75 per cent reduction by 2030 was always regarded as pushing the limits of what was possible; and that annual targets and the measuring thereof do not necessarily reflect how long-term emissions happen. He knows that, yet he plays up in the chamber today.

I say to Alex Cole-Hamilton that the twin crises of climate change and nature loss are too important for people like him to politicise. Scotland remains a world leader on climate change: the 2045 target is absolutely steadfast and we are already almost halfway to net zero with a significant number of plans in place to continue that journey.

**The Deputy Presiding Officer:** I advise members that we need more succinct questions and answers.

**Maggie Chapman (North East Scotland) (Green):** Decades of inaction have brought us to this point. Today must be a pivotal moment in our fight against the climate emergency and for a liveable future. We might have come half way, but that is the easy part. Decarbonising our homes, transitioning to regenerative zero-carbon farming, addressing transport emissions and transforming our economy are the challenges ahead.

Although the Scottish Government is making progress, we must go further and move faster, and today's package of measures to accelerate action will help make that happen. Does the cabinet secretary agree that blocking climate action for the sake of opposition, or because of vested interests, is not good enough and that Labour and the Tories must stop the hypocrisy and get behind the climate acceleration package?

**Màiri McAllan:** I absolutely agree with Maggie Chapman. As I said at the beginning of my statement, we must all win the race to net zero, but we will not get there with some of the hypocrisy that is being demonstrated today. I have already said that you will never hear me say, as net zero secretary, that Scotland is yet doing enough. Frankly, I do not think that any country in the world will be able to say that until we have reached net zero.

That is why we need communities across Scotland, business and industry, the third sector, our local authorities and members from across the chamber to unite and put in the hard yards to support actions that deliver emissions reduction. I absolutely agree that it is time for the opposition to stop the hypocrisy, unite across the chamber and get behind today's policy package, instead of standing in the way of the measures that we seek to bring forward for emissions reduction in Scotland.

**Elena Whitham (Carrick, Cumnock and Doon Valley) (SNP):** Regrettably, the cross-party consensus that existed both here and at Westminster in 2019 has evaporated. We thought that the UK Government was going to act in lock step with us on emissions, but it has failed to do so and has even rowed back on key policies. Does that not show the limits of devolution? Given the existential threat that we are facing, how can the cabinet secretary support all of us here to push for the changes that we need to see right across all these islands and globally?

**Màiri McAllan:** Elena Whitham is absolutely right. I hope that we can reconvene the cross-party consensus that existed in the past but which has been eroded in recent times. She is also absolutely right that it does no one any favours to underplay the scale of what is required to tackle climate change. I have spoken about transformation, but we are trying to do that as a devolved Government that does not have powers over oil and gas licensing, CCUS or the long-overdue grid upgrade that is required right across the country and which does not have the ability to change vehicle excise duty or to make other interventions that encourage different transport behaviours.

I will seek to address that through the commitment that I made in my statement to a four-nations climate response. I will be seeking co-operation across the UK and will try to encourage colleagues of whatever colour at UK Government level to join us in that.

**Maurice Golden (North East Scotland) (Con):** Having abandoned the 2030 net zero target, the SNP-Green Government needs to prove that this is not the beginning of a general retreat on climate policy. We need no more warm words and no more blaming non-decision makers for decisions that the Scottish Government has made.

Sustainable consumption and behaviour change will be key to meeting our net zero targets, yet neither received a mention in the statement. What transformational action is being taken in those two important areas?

**Màiri McAllan:** Presiding Officer, I am afraid that I did not catch the last part of Maurice Golden's question. Will he repeat it?

**The Deputy Presiding Officer:** Mr Golden, will you please repeat the end of your question?

**Maurice Golden:** Sustainable consumption and behaviour change will be key to meeting our net zero targets, yet neither received a mention in the statement. What transformational action is being taken in those two important areas?

**Màiri McAllan:** I thank Maurice Golden and apologise to him for not catching that.

The statement and the additional policies that were announced are not intended to represent an exhaustive list. They sit atop everything else that this Government is taking forward this year and will take forward in coming years. To answer Maurice Golden's question, I point him, as just one example, to the Circular Economy (Scotland) Bill and the waste route map that my colleague Lorna Slater is taking through Parliament.

I really urge Maurice Golden and his colleagues to think very carefully about the hypocrisy that they are demonstrating today. They know the actions—or, frankly, the inactions—of their colleagues at Westminster, and they must also know how frequently they have stood up in this chamber and opposed measures that this Government has sought to take forward. I challenge them today to put that to bed—[*Interruption.*]

**The Deputy Presiding Officer:** Members!

**Màiri McAllan:** —and join us in action.

**Bob Doris (Glasgow Maryhill and Springburn) (SNP):** To secure the step change in all of our behaviours that is required for us to tackle climate change—including the political behaviour in this place, frankly—we need to be clear about the impact of climate change not just overseas but here at home. How does the Scottish Government seek to highlight to our communities across Scotland the consequences of climate change for Scotland, such as the recently reported concerns about food shortages and rising food prices in the UK as a consequence of severe weather events?

**Màiri McAllan:** Bob Doris's observations are absolutely right. In many ways, we in Scotland are not on the front line of climate change, and we are required to remind people in Scotland of our moral obligation to support communities throughout the world that are on that front line right now. Equally, however, we have in recent months seen in Scotland the very real impacts of continued adverse weather patterns on our communities, not least the record number of named storms that Scotland suffered this winter, with the impacts on our transport infrastructure and, indeed, the lives

lost. The combination of both things is very important as part of the message about why we must continue to take action.

**The Deputy Presiding Officer:** That concludes the statement and questions. I apologise to members who sought to ask a question but whom I was unable to squeeze in—that was a result of some of the questions and answers being excessively long. I also needed to protect the rest of the afternoon's business.

There will be a short pause before we move on to the next item of business to allow the front-bench teams to change positions.

## Scottish Employment Injuries Advisory Council Bill: Stage 1

**The Deputy Presiding Officer (Liam McArthur):** The next item of business is a debate on motion S6M-12882, in the name of Mark Griffin, on the Scottish Employment Injuries Advisory Council Bill at stage 1. I invite members who wish to participate in the debate to press their request-to-speak buttons now or as soon as possible.

15:08

**Mark Griffin (Central Scotland) (Lab):** I make a voluntary declaration of interests as a member of the Union of Shop, Distributive and Allied Workers and Unite.

I am absolutely delighted to speak to the motion in my name and ask that the Parliament agrees to the general principles of the Scottish Employment Injuries Advisory Council Bill. I thank the staff in the non-Government bills unit, who have worked closely with me to introduce the bill to the Parliament, alongside members of my staff past and present.

The bill would establish an independent advisory council with permanent trade union and worker representatives. The council would scrutinise legislative proposals and the framework for our employment injury benefit in Scotland. It would have the power to investigate and review emerging industrial and employment hazards that result in disablement through disease or injury, as well as the power to conduct research independently and make recommendations for the on-going evolution of the devolved employment injuries assistance framework.

The council's investigations might lead to the expansion of benefit eligibility to further groups of people who are injured or ill because of where they work. I appeal to every member not to turn their backs on workers who find themselves grappling with injury and disease that have been brought on as a result of their job—nurses, social care workers, teachers, footballers and shop workers who have become ill directly because of the work that they do. They deserve our support.

Sheena is a teacher in Dundee who now suffers from long Covid after—it is likely—catching the virus in the classroom that she was teaching in. She told me about her invisible disease, which has left her hard of hearing, continually fatigued and unable to return to the job that she loves.

Sam, who suffers from an asbestos-related condition, has highlighted the plight of women workers who have been exposed to chemicals, dyes and dust, but a gendered system, in effect,

prevents their entitlement to the benefits that they clearly need.

**John Mason (Glasgow Shettleston) (SNP):** There is a lot of agreement with what Mark Griffin says, in that we should be dealing with some of those issues, but am I right in saying that his bill does not include any money or costing to pay teachers and other people who deserve such benefits?

**Mark Griffin:** The bill would establish a council that would get the workers who are impacted by illnesses and injuries around the table to design the benefit. The budget to pay for addressing those conditions has been devolved from the United Kingdom Parliament to the Scottish Parliament. It is up to the Scottish Parliament to take up the responsibility of creating a system that is fit for purpose and that does not ignore the female workers who have been ignored for the past 40 to 50 years.

If a man works with asbestos and contracts mesothelioma as a result of his exposure, he is covered. However, a woman who works in an environment that has asbestos in it is completely ignored by the system just because she happens not to touch the asbestos during the course of her work—she still inhales the fumes every day. We need such people around the table to design the benefit as it is introduced and devolved. There is a huge gap in the devolution process so far.

I express my sincere thanks to Sheena, Sam and the countless others who have shared their absolutely heartbreaking stories with me over the years. They have convinced me of the necessity for the bill. Organisations such as the disabled workers committee of the Scottish Trades Union Congress, Action on Asbestos, Thompsons Solicitors Scotland, Scottish Hazards, Long Covid Scotland, the Child Poverty Action Group, Close the Gap, the Scottish healthcare workers coalition and even the Government-established Fair Work Convention have all shaped and supported the development of the bill. I am grateful for the endorsement of trade unions, including Unite, USDAW, the GMB, Unison, PFA Scotland and the Fire Brigades Union, as well as all members of the Scottish Trades Union Congress who back the proposal. The Scottish National Party trade union group backs the proposal; it is just a shame that the Government does not listen to its own trade union members.

Yesterday, the STUC unanimously adopted a motion of support for the bill, calling for the Government to accelerate the delivery of Scottish employment injury assistance and an advisory council.

I will mention the many ex-professional footballers who have supported my colleague

Michael Marra's Injury Time campaign to have brain injuries from football classified as an industrial injury. That is a cross-party campaign, with support from SNP MPs down south, but it does not seem to have the party's support up here. It is backed by Sir Alex Ferguson, Craig Levein, Gordon Strachan and Alex McLeish.

In their work and support, all those organisations have highlighted the absolute urgency of giving to people who are ill because of their job a stronger voice and a fairer deal on employment injury assistance in Scotland. Absolutely nobody should suffer unnecessarily because of the job that they once did.

Firefighters who keep us safe from burning buildings and toxic fumes are now three times more likely to suffer from prostate cancer, leukaemia or oesophageal cancer. Right now, they are entitled to absolutely no support from the Government in recognition of the role that their job played in making them ill. Teachers who worked in classrooms with asbestos are now suffering from mesothelioma but, again, they are entitled to no support. Footballers such as Billy McNeill and Gordon McQueen were three times more likely than the rest of us to suffer from dementia but, again, they were entitled to no support with the illness that their job caused.

**Martin Whitfield (South Scotland) (Lab):** We have heard across the chamber throughout this session—indeed, at last—that we recognise the importance of the lived experience of people feeding into the construction of legislation. Is Mr Griffin's proposal today not the very visual effect of that—of people being able to formulate their lived experience so that, in the future, people have a much better benefit than they have had?

**Mark Griffin:** Absolutely.

It seems strange that we have a current UK industrial injuries system with a UK advisory council with medical experts, trade unionists and people with lived experience on it advising Government while, in devolving the system, we cut out trade unionists, workers and people with lived experience and somehow pretend that this Parliament is a more progressive place than big, bad Westminster. It is clearly not. It is clearly failing workers, those with lived experience and those who absolutely deserve a seat at the table in order to make sure that this newly devolved benefit is fit for purpose.

The only reason for opposing the bill that I have heard from the Government is that it is not the right time. I absolutely cannot accept or understand that argument at all. The Government must devise and publish a business case on the devolution and introduction of this new benefit, in line with its agreement with the Department for

Work and Pensions, for the end of March 2025. That is less than a year away.

How can the Government expect to create a business case to devise a fairer system for those who become ill or injured at work without the very people who become injured and ill at work being around the table to set up the new benefit, set out what the entitlement criteria should be and design the system from day 1? It is a huge omission.

**John Mason:** Will the member give way?

**Mark Griffin:** I am sorry, but I think that I am in my last minute. I would be happy to take another intervention in my closing speech.

The time for action is now. The bill represents a crucial opportunity to deliver meaningful change. I ask the Government: if not now, when?

I move,

That the Parliament agrees to the general principles of the Scottish Employment Injuries Advisory Council Bill.

15:17

**The Cabinet Secretary for Social Justice (Shirley-Anne Somerville):** I thank Mark Griffin for his on-going commitment to people who have experienced an industrial injury or occupational disease, which is evidenced by the introduction of the bill. Equally, I pay tribute to those who have worked with him in developing the bill, giving evidence and taking part in the consultation process that he has driven. I also express my appreciation to members of the Social Justice and Social Security Committee for their thorough consideration of the bill and comprehensive report.

I recognise that there is a degree of support for the concept of a Scottish advisory council. I am keenly aware of the issues that people have with the UK Government's industrial injuries scheme, many of which Mark Griffin referred to in his opening remarks, which are primarily related to the current scheme's age and the changes to the employment landscape in the more than 70 years since its introduction. That is evidenced by the underrepresentation of women, young people and ethnic minorities in the current scheme.

I therefore very much appreciate the views of the many people who would like changes to be made through employment injury assistance—our planned replacement for the UK scheme—and I share those ambitions. I want to work with stakeholders to modernise the scheme in a way that delivers for the people who receive assistance while, of course, delivering value for money.

The Government does not oppose the principle of a Scottish advisory council, but Mr Griffin's bill would introduce such a body without employment injury assistance being in place, and, as the

committee and many of the stakeholders who gave evidence on the bill recognised, consideration of whether and how a Scottish advisory council should be formed should be taken alongside the wider question of how we deliver employment injury assistance. It is essential that we do things in the most logical order in relation to policy development, the best use of resources and value for money.

**Daniel Johnson (Edinburgh Southern) (Lab):** The cabinet secretary has just set out that the Government agrees with the principles that Mark Griffin has articulated. Given that stage 1 of the process is about the principles underlying the bill and its general purposes, why will the Government not support it at decision time?

**Shirley-Anne Somerville:** I agree with the principles underlying why Mark Griffin is introducing the bill, and I say the following with the greatest genuine respect to Mr Griffin, with whom I have had several discussions on the issue. The concerns that he raised in his opening remarks would not be addressed if the advisory council were to be put in place. The bill would not get us any closer to helping the people whom he spoke about. In due course, I will explain some of the reasons for that.

Until Social Security Scotland started to deliver employment injury assistance, we would not be able to act on the council's recommendations. It would take time to set up a council, and it would not then have anyone to report to in order to enact its recommendations. There is no possibility of renegotiating the agency agreement with the Department for Work and Pensions, which is required to ensure the continuing payment of existing awards in Scotland. Again with the greatest respect, because I recognise that there is a genuine wish to see a better system in Scotland, I say that we must develop the whole system and not set up part of a system that cannot then have its recommendations put into practice.

It is therefore important to clarify that the bill does not make any changes to the criteria, nor does it mean that the health conditions that are not currently covered, such as long Covid, would be considered industrial diseases. Instead, the bill largely replicates the function of the UK Industrial Injuries Advisory Council, of which the committee has heard extensive criticism. It makes more sense to wait until we have a much better understanding of the level and form of advice, expertise and scrutiny that are required.

I therefore welcome the conclusions of the Social Justice and Social Security Committee's stage 1 report, which questions whether the body that the member has proposed would deliver on its objectives or aims.

**Michael Marra (North East Scotland) (Lab):** The cabinet secretary says that it is more sensible to wait. Does she not realise that, for many people with life-limiting and debilitating conditions, whose families are also suffering, waiting years and years longer would be entirely intolerable?

**The Deputy Presiding Officer:** Cabinet secretary, I can give you time back for interventions.

**Shirley-Anne Somerville:** Thank you, Presiding Officer. I appreciate that.

I understand why there is frustration and impatience, but that is why I wish to be able to introduce the consultation shortly and to move on with getting people round the table and working out what the new benefit would look like. Again with the greatest respect, I say that we do not need the bill—or, indeed, any other statutory footing—to get people around the table to design a benefit. We have not needed that for any other benefit that we have co-designed, and we do not need it for this one. Rather than putting the Government under an obligation to set up a council, which would be the case if the bill were to become an act, we could already be getting people round the table and having discussions without the bill, and I am happy to confirm that we will be doing so.

The committee has raised important questions about whether the model for a statutory advisory council that the bill proposes is the right option for employment injury assistance. The bill seeks to set up a council; it does not simply seek to set up a body that advises on the development of a benefit. The committee believes that the creation of an advisory council could add to the advice and scrutiny landscape across the UK, which can already be confusing. I want to take time to consider that carefully, including whether and how a future advisory council might work with the Scottish Commission on Social Security. I therefore agree with the committee's conclusion that the bill does not represent the most effective way of meeting the aspirations of the many people who wish to see change in the new system.

Replicating a fundamental aspect of the UK system, which has been so widely criticised, in the absence of proper considerations of the wider purpose, structure and administration of employment injury assistance is not the right approach. However, as I said, I appreciate that some people are keen for changes to be made more quickly. I have made no secret of how complicated replacing the industrial injuries scheme will be. Many of the changes that stakeholders want, including a greater emphasis on the prevention of workplace disease, are not possible with the powers that we currently have.

The scheme as it stands was introduced in 1948 and is delivered almost entirely using a paper-based system. That contrasts with the digital systems that we use for benefits that have been devolved to date. Developing a paper-based replacement will have costs attached. If we include any digital actions of replacement, that will also have costs attached.

In addition, the up to 150,000 files relating to Scottish awards are held in bulky paper case files going back many years. We need to consider carefully how, given the age, condition and location of those files, we can undertake case transfer. That is important work that we will continue with the UK Government.

We are considerably constrained in our ability to make changes in the short term, but I am committed to exploring how employment injury assistance can be reformed so that it meets the needs of the people while protecting payments to current clients. To that end, in the coming weeks we will launch a consultation on employment injury assistance that will be focused specifically on the immediate next steps. That is an important first step in what will be a comprehensive process of engagement with stakeholders and, crucially, people with lived experience of the current scheme. In the weeks following the launch, meetings with disabled people's organisations and trade unions will be set up, should they wish to take part, to discuss the range of challenges with replacing the scheme and our next steps, as well as the opportunities that come with that.

In line with our commitments, and depending on the outcome of the consultation, that will be followed by the establishment of an advisory group. Again, I stress that we do not need the bill to have that type of group established. The group will consider the responses to the consultation, along with many of the issues that have been raised during the evidence sessions on the bill. Given the understandable interest that has been generated by the member's bill, I agree with the committee that it is important that the advisory group carefully considers those offers.

**Miles Briggs (Lothian) (Con):** Will the cabinet secretary take an intervention on that point?

**Shirley-Anne Somerville:** If I have time, Presiding Officer.

**The Deputy Presiding Officer:** Very briefly, Miles Briggs.

**Miles Briggs:** What will be the make-up of that advisory group?

**The Deputy Presiding Officer:** I would be obliged if you would start winding up now, cabinet secretary.

**Shirley-Anne Somerville:** Certainly, Presiding Officer.

I am happy to respond to Miles Briggs's question in my closing remarks, but the group would particularly include people with lived experience, trade union representatives and others who have shown an interest in the bill. We have learned a lot from the bill's progress and can take that forward.

I reiterate my thanks to Mark Griffin for his work on this important matter. Although the Government cannot support the bill, I appreciate the work that he has done on it, and it will inevitably assist us as we develop employment injury assistance in the future.

**The Deputy Presiding Officer:** There have been a number of interventions already. I would be grateful if, as well as asking for an intervention in the normal way, members would press their intervention buttons, which is helpful for those who are joining us online.

15:28

**Collette Stevenson (East Kilbride) (SNP):** I am pleased to contribute to the debate on behalf of the Social Justice and Social Security Committee. I thank everyone who sent submissions in response to the committee's call for views, and I thank the organisations and individuals who attended committee meetings to provide evidence. I also thank the clerks for all their assistance in producing an excellent report.

In scrutinising the bill, the committee first heard from the Industrial Injuries Advisory Council and the Scottish Commission on Social Security. We then took evidence from witnesses representing trade unions, occupational health services, academia and campaign groups.

The bill proposes the creation of an independent employment injuries advisory council that would, among other functions, scrutinise regulations on employment injury assistance, which is the planned equivalent of the industrial injuries disablement benefit. The current industrial injuries scheme and associated benefit have been in place for more than three quarters of a century: the scheme was created for a world that is very different from the one that exists now. Unite the union, in particular, has described it as "outdated" and "laborious". Other witnesses to whom we spoke were similarly critical of the system that is in place and highlighted its shortcomings.

The weaknesses that were cited include the facts that the system is slow to effect change, that it fails to deliver for women and ethnic minority workers, and that it does not take account of modern occupations and diseases. The Scottish

Trades Union Congress characterised the system as

“inherently unequal and inaccessible”,

with

“a hugely disproportionate impact on women.”

What came through clearly in evidence was that the system needs to change, and that there is considerable support for the bill among stakeholders. The Fire Brigades Union Scotland said in evidence that having an advisory council in place is

“essential to reform the benefit so that it is properly devolved and fit for purpose in the modern day.”—[*Official Report, Social Justice and Social Security Committee*, 23 November 2023; c 6.]

Despite the strength of sentiment from witnesses, members of the committee felt uncertain whether the bill could bring about the change and modernisation that stakeholders want. There was concern about whether the advisory council would be able to deliver its aims and address gaps in data collection, given the limited research budget that was proposed as part of the bill.

Members also questioned whether it would be possible to recruit the expertise that is needed for an advisory council, given that the Industrial Injuries Advisory Council and the Scottish Commission on Social Security indicated that recruitment has been an issue and the advisory council would seek people with similar expertise.

There is also the question of timing. The Scottish Government argues that introducing the bill's provisions and the associated advisory council before employment injury assistance is in place is impractical and financially inappropriate. That is because the Scottish Government's agency agreement with the Department for Work and Pensions to deliver the benefit until case transfer is complete means that it must abide by DWP policy. Ministers would therefore be unable to act on any of the council's recommendations, even if the bill were passed.

The Scottish Government has also said that, once employment injury assistance is in place, it will still not make changes to it while some claimants' awards are being delivered by the DWP. That is because doing so would risk the creation of a two-tier system, with some people potentially being better off than others.

Another point of opposition is that the Scottish Government has said that it is committed to holding a public consultation on its approach to replacing the industrial injuries scheme in Scotland. It considers that that is a more appropriate way of considering whether to enact the creation of a new public body because the

question whether to create such a body can be considered alongside other questions related to the new scheme.

In its stage 1 report, the committee noted the concern that the creation of an advisory council could add to an already cluttered policy landscape. Either way, the committee is very concerned that it is still not clear when the consultation will begin, so it calls on the Scottish Government to urgently provide information on that. The committee notes that, in the cabinet secretary's written response to the stage 1 report, she said that the Scottish Government intended to publish its consultation in early 2024. Given that it is now April, the committee urges the Scottish Government to provide updated timings.

An associated issue that arose during the committee's scrutiny was the time that will be required to complete case transfer for the benefit, because more than 100,000 paper files need to be converted to a digital format. Although the cabinet secretary picked up on that point in her response to the committee's stage 1 report, we seek a further update on progress and on the expected completion date.

I return to the merits of the bill. Although the committee recognises the good intentions of the member in charge of the bill in introducing it, ultimately the majority of the committee could not support it. Although we were all persuaded that major reform of industrial injuries benefits is needed, most members of the committee remain unconvinced that the bill can deliver the reform that is sought, and we do not want its passage to falsely raise expectations.

It also felt that the timing was not right. Given the expected Scottish Government consultation and the fact that ministers will remain constrained by the agency agreement with the DWP until case transfer is complete, it would not be possible for recommendations that the advisory council makes to be acted on.

For those reasons, the committee recommends that the general principles of the bill not be agreed to.

15:35

**Jeremy Balfour (Lothian) (Con):** I am grateful for the opportunity to speak in the debate. As a member of the Social Justice and Social Security Committee, I have, over the past number of months, spent a great deal of time carefully considering the bill. I genuinely commend Mark Griffin for the time and effort that he has put into the process; I know from personal experience that it requires no small level of effort and dedication to get a member's bill to this point.

I should also mention Mark Griffin's parliamentary staff, who have, I know, done a lot of work to support the member in getting us to where we are today. In addition, I thank the committee clerks for the work that they have put into helping us to produce the report.

Unfortunately, despite that, I will not be able to support the general principles of the bill, as we see it today. Although I agree with a number of the underlying assumptions that Mr Griffin sets out, Conservative members do not believe that the establishment at this time of a Scottish employment advisory council is the best way forward.

One of the more unfortunate aspects of the context surrounding the bill is that it has been introduced too early. As is clear from its title, the body that the bill seeks to establish would be closely linked to the employment injury assistance benefit. Unfortunately, however, the Scottish Government is still waiting for EIA to be devolved, eight years on from the passing of the Scotland Act 2016. It seems that we are still nowhere near the Scottish Government taking over administration of EIA. We are therefore far from needing an advisory board to oversee it. Even if, for a moment, we were to accept the premise that such a board is strictly necessary for implementation of the benefit, if we were to establish it now there would be a pause for goodness knows how long before it actually had any work to undertake. That would be neither financially nor practically sensible.

**Mark Griffin:** The point has been made about timing. We are at the stage 1 debate; we still have stage 2, stage 3, royal assent and commencement to go. We are nowhere near having a council established overnight, and there is only a year until the Government needs a business case. We are fast running out of time to get a council in place, never mind being too early.

**Jeremy Balfour:** Again, I understand where Mark Griffin is coming from, but the point is that we need to undertake—with cross-party support, as we have done with every other benefit—a safe and secure transfer. We have not looked at changing the rules and regulations on a benefit until everyone who should be is in receipt of it and all cases are being administrated from Scotland. My understanding—unless the cabinet secretary is going to correct me—is that that is what the Government wants to do in this instance. It will, therefore, be at least two to three years before we are in a place to be able to do that.

As I said, even if the timing had been perfect, I am afraid that I am not convinced that such a council is the best way forward. Devolution of social security was meant to be an opportunity to put in place a radically different social security

system that addressed the unique landscape in Scotland. We had an opportunity to create a system that would look exactly as we wanted it to look. Instead, the Government took the view that we would have a carbon copy of the DWP in every way but delivery, which has been less than smooth.

I admit that the reality is that there have been limits to the extent to which we could have deviated from the previous system, but it is clear that the Scottish Government has in no way tried to make any meaningful changes, and that it will not make meaningful changes during this parliamentary session. In hiding behind the façade of a safe and secure transition, it has abdicated the responsibility for which it fought so hard.

This could be an opportunity to make a difference. There could be ways other than a council to support administration of EIA that could represent better value for money, as well as fulfilling people's needs better. It will be no surprise to members to hear that Conservatives are generally sceptical about the creation of new levels of bureaucracy when there are other possible solutions. I would like to see more innovation from the Government, and that adds to the case that is being made against the bill.

As members will be aware, the Social Justice and Social Security Committee has called on the Government to publish a consultation on employment injuries. The work that Mr Griffin has done has shed light on the fact that we must make faster progress on the issue. We were unable to get a straight answer on the timing of the Government's plans for a consultation. In the cabinet secretary's opening remarks, she said that it would be in a number of weeks. Could she add to that in her closing speech, or even now?

**The Deputy Presiding Officer:** Briefly, cabinet secretary.

**Shirley-Anne Somerville:** I am happy to confirm that I wished to wait to see what would happen today because, quite frankly, there would have been no point in going through a consultation if the Parliament had agreed to proceed with the bill and to set up an advisory council. The consultation is ready and we will be able to hold it within the next few weeks.

**The Deputy Presiding Officer:** Wind up, please.

**Jeremy Balfour:** I thank the cabinet secretary for that.

As I said at the outset, Mr Griffin and his team have undertaken a lot of good work to get his bill to this point. He has shed light on the delays in the devolution of EIA and, I hope, has focused the Government's eyes on the issue.

However, unfortunately, we will not support the bill's general principles at decision time.

15:42

**Paul O'Kane (West Scotland) (Lab):** I am pleased to open on behalf of Scottish Labour in this stage 1 debate, and I am pleased to support the general principles of my colleague Mark Griffin's bill. I pay tribute to Mark Griffin, his team past and present and everyone who has assisted him, not least those from the trade union movement and workers across Scotland, in the preparation of the bill. What Mark Griffin has outlined is in the best traditions of the Labour Party and the labour movement, representing working people in the Parliament, giving voice to their real concerns and driving forward the change that we need to see. That is where we have always been, and it is where we remain.

We have already started to hear many of the excuses that are being lined up by the Government and Conservative members about why they will not support Mark Griffin's bill. That will be a real disappointment to the working people who are watching the debate and who have been part of the process of consultation and development of the bill. Timing has been mentioned a lot already. The reality is that we have seen delay and, very often, confusion around what is happening with the development of employment injury assistance in Scotland. In his intervention on Jeremy Balfour, Mark Griffin made clear the need for these things to be put in place, because we are still a long way off from them being put in place.

**Shirley-Anne Somerville:** I clarify that any changes to the timetable on which we are looking to deliver employment injury assistance are based on two issues: first, Covid, when the DWP and the Scottish Government had to reassess our work plans, and secondly, the delivery of the Scottish child payment, which I am sure the member will appreciate was a very big undertaking, but an important one.

**Paul O'Kane:** I remind the cabinet secretary that, when she gave evidence to the Social Justice and Social Security Committee, she spoke about the consultation coming forward early in the new year. We are now in April. I understand what she has said in the debate, but the delay has caused deep concern for people about the progress of the benefit and making sure that we get the right assistance for the people who deserve it.

It is therefore incumbent on Parliament to support the bill, so as to make some forward movement in this area. I recognise, as stakeholders do, that the bill will not introduce the benefit, and it has not been outlined at this stage

what the benefit will look like. However, the bill sets up the key components that will be needed when that benefit comes forward. Expert advice and workers' voices will be required to ensure that the right illnesses, injuries and disabilities are covered, and we believe that an advisory council, as proposed, is the right vehicle for that.

The proposals as outlined by my colleague Mark Griffin would make the proposed council independent from Government and gender balanced, with permanent representation from workers and able to carry out its own research. Critically, in my view, and, in contrast with the alternatives that could exist, they put the body on a statutory footing, so that the Government cannot just disband it, as it has done with other advisory groups, such as the disability and carers benefits expert advisory group, or DACBEAG.

What struck me from all the evidence that we heard, as a member of the committee, was the widespread support from stakeholders and the fact that there was very little opposition to the proposals.

**Shirley-Anne Somerville:** Can the member tell me whether he agrees that we should continue with a medical definition of disability, as applies in the current scheme, or does he think that we should change to a more social definition of disability? If he does not know the answer to that question, that points to why we need to consider the benefit as a whole. How the member wishes to define disability affects the type of support mechanisms, whether an advisory council is needed and what it looks like.

**Paul O'Kane:** As we have said throughout, we are interested in the lived experience element, and in people talking about their experience of disability, which would suggest that model of people's experience that we have in the social model. I do not understand why the cabinet secretary would not support workers and people with that lived experience giving voice to it through the council in terms of what is being proposed.

Returning to the point that I was making about support for the bill, the trade union movement supports it, and Roz Foyer of the STUC commented just this week that,

"by rejecting Mark Griffin's Bill,"

the Scottish Government

"would be sending out the message that workers injured at their work and now in need of assistance from the state can be discarded or ignored."

We know that the bill has the support of organisations that recognise that it does not represent the end of the road for employment injuries assistance but is a step in the right direction towards getting voices heard and making

calls for assistance. Such groups include Action on Asbestos, Long Covid Scotland and the Injury Time campaign, ably led by my friend and colleague Michael Marra and supported by legends of the game in Scotland. All those people have spoken about the hazards that they experienced at work and the need to be covered by employment injury assistance. That should involve an expert body that looks at the evidence and makes recommendations. They consistently told us that an advisory council was a step in the right direction towards that.

**Michael Marra:** The member will recognise that many high-profile former Scottish football players have backed our Injury Time campaign. Many of them have no time to wait, however; they are in their own injury time and are putting huge pressure on the families they live with to pay for their care. Now really is the time when they need the Government to act, so that they can get the support that they need.

**Paul O’Kane:** I completely agree with the points that Michael Marra and Mark Griffin have made that people are running out of time to get justice, to get their sense of injustice fixed or sorted and, crucially, to have their voices heard in the process as we develop the benefit.

It is clear that the SNP’s failure to move forward at pace and with purpose on these issues, and its failure to support the bill, marks another failure to support workers and working people in this country. It would appear that the Government wants to give us warm words about its support for the general principles of the bill, but without putting that into action by backing the bill at decision time. It seems to me that the Government is only interested in paying lip service to Scotland’s workers and trade union movement, while never actually carrying forward the policies that are needed with any sense of urgency.

As I said at the outset, Scottish Labour will always be the party of working people in Scotland, and that is why we are pleased to support the bill at stage 1.

**The Deputy Presiding Officer:** As we move into the open debate, I remind members that what time we had in hand has now been exhausted, and members will now need to stick to their speaking time allocations, including if they take interventions.

John Mason has up to four minutes.

**John Mason:** Four minutes?

**The Deputy Presiding Officer:** I beg your pardon, Mr Mason—you have six minutes.

15:49

**John Mason (Glasgow Shettleston) (SNP):** Thank you for that reassurance.

To start on a positive note, both the committee as a whole, and I, personally, are convinced that the present UK system for employment injuries and industrial injury disablement benefit is seriously out of date and not fit for purpose.

The UK system was designed for a time of mining and heavy engineering, with predominantly male workers, but times have changed, and there is a need to include a range of employments, as we have heard, with teaching and football being just two examples. The system has not adapted to modern times, in which a much wider range of injuries and diseases is recognised, including stress and mental ill health, along with relatively recent conditions such as long Covid.

We had helpful evidence on all of that from a range of organisations, such as the Royal College of Nursing and the Fire Brigades Union, whose representatives spoke about their members developing cancer, and also, as we have heard, from campaigners for footballers with head injuries. The NASUWT made the point that only 13 per cent of new claims are made by women. Therefore, there is no dispute about the need for change, but the question is how and when that change can and should come about.

I am a relatively recent member of the Social Justice and Social Security Committee, but it seems clear that transferring UK benefits from the DWP to Social Security Scotland is a major challenge in itself. The transfer process often takes longer than expected and, in this case, it seems that many files are still held entirely on paper, whereas previous transfers have involved digital records. I am persuaded that the first step has to be that transfer. Only once we are in full control of all the casework can we really look at amending the UK system for employment injuries. I hope that we can work towards a more inclusive and caring approach, but I think that we have to accept that all of that will take time.

Mark Griffin makes a fair point that we need to have appropriate experts, certainly including people with lived experience, feeding into the design of the new Scottish system. Apart from anything else, the IIAC cannot advise Scottish ministers, so we will need to find a solution to that.

Whether there should be a new advisory council or, perhaps, an existing body taking on extra responsibilities, is a pertinent question that will need to be answered. Personally, I have reservations about setting up yet another public body in a relatively small country such as Scotland, so I am not convinced that setting up the

proposed council at this time is the appropriate next step.

When it comes to finance and the financial memorandum, we can argue about specific items, such as whether the fairly modest research budget of £30,000 per year is really sufficient. We heard that, at the UK level, much of the research is carried out by IIAC members in their own time, but that does not strike me as a satisfactory model for us to follow. Perhaps more seriously, we heard that the present UK system is very slow at acting on recommendations from the IIAC—for example, that has been the case with illnesses related to Covid.

We could set up our own advisory council immediately and then largely ignore its output, as the UK seems to do. However, that does not strike me as satisfactory. I want to see a much improved system in Scotland, which adapts quickly to new conditions such as Covid and to increased understanding of conditions around mental health.

Parliament knows that the finance committee has concerns about the number of framework bills—and their financial memorandums—which are mainly brought forward by the Government and which we are expected to examine. One of the key problems with such bills is that only the costs that pertain strictly to the bill are included in the financial memorandum, so even if it can be clearly seen that much larger costs will inevitably follow, those are not included. The National Care Service (Scotland) Bill is an example of that.

Today's bill might not technically be a framework bill, but a similar problem arises. If we set up an advisory council and it starts churning out recommendations as to which new groups of people should receive employment injury assistance, the costs could rise and rise.

Morally, I agree that many more people than at present should be considered for the new EIA, and we should all work to make that happen. I also accept that such a new system might save money in the long run. However, we also have to live in the short term, with the financial constraints that are put on us. The money is just not there to increase payments substantially, however well deserved and needed they might be.

If we in Scotland are to be fairer than Westminster has been in paying people what they deserve and need, I am afraid that that money will not come from the DWP. Let us remember that, in this year's budget, we increased social security spending by some £1 billion while most other budgets were being squeezed. We cannot afford to keep on repeating such increases.

In the longer term, I would hope that we could address this challenge. The trade unions gave evidence to the committee, and I pay tribute to the

STUC and its proposals as to how we should raise more tax in this country. Like it or not, when we consider policy and legislation in Parliament, we need to take into account the likely costs in both the short term and the longer term.

Just this week, representatives of the Organisation for Economic Co-operation and Development have been in Edinburgh to carry out a review of the Scottish Fiscal Commission. They met both the Social Justice and Social Security Committee and the Finance and Public Administration Committee. One of the points that came up was that all subject committees in the Parliament, not just the Finance and Public Administration Committee, need to consider the financial impact of any changes that we are looking to make.

For all those reasons, I am afraid that I cannot support the bill. I am fully on board with the overall aims and direction of travel; however, I do not believe that creating an advisory council is the best place to start. I would also argue that we need to fully think through the inevitable costs that would follow on from such a bill, not just the costs that are narrowly defined within it.

**The Deputy Presiding Officer:** Thank you, Mr Mason. My apologies again for attempting to slash your speaking time.

15:55

**Roz McCall (Mid Scotland and Fife) (Con):** I begin my contribution this afternoon by congratulating Mark Griffin on getting his bill to stage 1. I have met Mark Griffin in relation to the topic and I know how passionate he is about it. We could all hear that in his speech. I understand that the process can be somewhat cumbersome, and I appreciate the amount of work that is required to get to this stage, so I congratulate him and all who have been involved on what they have managed to achieve so far.

As a member of the Social Justice and Social Security Committee, which was tasked with scrutinising the proposal, I also place on record my thanks to the clerks for their diligent work on drafting such a comprehensive report and to everyone who came to give evidence.

As members will be aware, the bill aims to create an independent Scottish employment injuries advisory council, which would have three functions: to scrutinise regulations on employment injury assistance; to report on any matter relevant to EIA; and to carry out, commission or support research into any matter relevant to EIA. The bill would also mandate the membership and membership balance of the advisory council, including the representation of workers on the council.

In examining the bill and working through its initial stages, I think that all members of the committee kept an open mind and have based their conclusion on the findings. The committee heard evidence from trade unions and other stakeholders on the need for change. For example, evidence highlighted the current system's unequal treatment of particular groups, with the STUC noting that the present system

"is inherently unequal and inaccessible and has a hugely disproportionate impact on women."

It went on to say:

"Everything is gendered",

from the

"lens that it is seen through, the industrial injuries that it covers and the accessibility to women of its processes. We need to think about how we can modernise and change that."—[*Official Report, Social Justice and Social Security Committee*, 23 November 2023; c 14.]

The NASUWT also agreed that the current benefit is "unequal and discriminatory", and I was shocked to hear that, up to December 2019, only 13.5 per cent of all new claims were made by women.

There was also strong evidence for the need to reform and modernise the way in which the industrial injuries scheme operates in Scotland, in particular who is eligible for EIA. For example, Unite the union emphasised the historical nature of the scheme and the need for a new system that is fit for a modern Scottish workplace and emerging industries, noting that

"The current system is out-dated, laborious and does not cover the myriad of new and existing diseases experienced by workers in the 21st century".

In essence, its argument, and that of several other witnesses, that the model of work has changed significantly in the past 50 years is a compelling one.

We also heard that the current system is slow and ineffectual and that people are missing out on assistance that could positively impact their lives. Change is therefore needed, and I agree with the conclusions of the committee's report, but the question is: what is the right way to secure that change? I am afraid that I do not believe that the bill is the right way to do it.

First, given that the Scottish Government is still to move forward with the transfer from the DWP, which will continue to administer industrial injuries benefit until at least March 2026, the advisory council would duplicate the work of the existing UK body. We heard evidence from Professor Macdonald that, if the advisory council were to examine the same issues as the UK body,

"There will be duplication of the research, which is wasteful, because the same diseases are occurring internationally.

Why do we have to do everything ourselves?"—[*Official Report, Social Justice and Social Security Committee*, 16 November 2023; c 12.]

I agree whole-heartedly with that sentiment, as the legislation would establish a body that would broadly mirror the existing UK body. I find myself asking, if the UK body is not fit for purpose and slow to effect change, why would we want to duplicate those issues in a new Scottish body?

**Claire Baker (Mid Scotland and Fife) (Lab):** I recognise the member's points about international research, but does she accept that there are particular challenges in Scotland, given our industrial background? We know that our figures are higher than those in the rest of the UK when it comes to workplace fatalities and other areas. I think that there are particular challenges in Scotland that an advisory council could be helpful in addressing.

**Roz McCall:** Although I accept that, I think that there are charities that can provide additional information and I am still not sure that moving forward with this body is the right way to go.

My main concern, however, centres on the fact that the bill is meant to deal with a benefit that does not yet exist—the EIA. The DWP will continue to deal with this area for at least another two years, and then the Scottish Government will launch a lengthy consultation process, which I hope will bring in additional information. The committee noted during its evidence taking that there is still not a definitive timescale for the completion of that consultation; however, I note that the cabinet secretary has mentioned the timescale not only in her opening comments but in response to interventions today. I look forward to that being put forward as a matter of urgency.

I acknowledge the good intentions of the bill. I have noted some of the evidence about the current system's deficiencies, and I whole-heartedly accept the need for change. However, unfortunately, due to the Scottish Government's inaction on putting forward a proposal on how it intends to deal with the EIA, I think that the proposed legislation is putting the cart before the horse. I accept that that is not Mr Griffin's problem, but in my view it makes the bill unworkable and it risks duplication of the existing work. Therefore, on balance, I cannot agree to the principles of the bill at stage 1.

16:01

**Marie McNair (Clydebank and Milngavie) (SNP):** In the interests of time, I do not plan to take any interventions. I have a lot to say.

I speak as a member of the Social Justice and Social Security Committee, in line with our report on the bill. I thank the committee clerks for their

assistance with the production of our report. The evidence that we received from many experts, including trade unions, was invaluable in getting an illustration of how the current scheme has excluded so many and ignored the experiences of people who have been injured in the workplace, especially women. It is astonishing that that has been allowed to go on for so long.

I thank Mark Griffin for introducing the bill. I understand that his intentions are genuine and that he has done a lot of work on the bill. The effort that he has put in and the evidence that he has gathered have shone a considerable light on the significant failings of the UK-wide industrial injuries disablement scheme. It is a scheme that, despite its antiquity, has been left largely unreformed. It has been unresponsive and lacking in acknowledgement of the realities and experience of the emerging working environment over many years.

We now know that the scheme's warehouse is full of paper files. That is no way to run a modern social security system that has dignity, fairness and justice at its heart. I am therefore supportive of any change that takes us on the right path to justice for the many who have been denied access to support. That is how I approached our evidence sessions on the bill.

As the MSP whose constituency covers Clydebank, an area plagued by the tragic legacy of asbestos-related health conditions, and as someone who has spent considerable time working with the Clydebank Asbestos Group, I have a particular interest in industrial injuries benefits and the need to ensure that the new benefit meets the values of fairness, dignity and respect. Every worker deserves to return home from work free of harm or injury. Speaking from the Clydebank perspective, I can say that that has unfortunately not been the case for many, as the historical use of asbestos in shipbuilding and in the built environment has led to asbestos-related health conditions, such as mesothelioma. I look forward to the introduction of the Scottish Government's replacement benefit, employment injury assistance, to be administered by Social Security Scotland on our behalf.

The committee kept an open mind about the bill. It was difficult to weigh all the arguments that were presented to us. One main concern about the bill is whether the timing is appropriate, given the approach that the Scottish Government is currently taking to the delivery of new benefits.

Importantly, the Scottish Government needs to ensure the safe and secure transfer of benefits. That involves the use of a DWP agency agreement, which enables the DWP to continue to deliver the benefit in Scotland. As the Scottish Government pointed out, even once it introduces

the Scottish version of a benefit, it does so with minimal change until the transfer of a case is complete, because the Scottish Government does not want to introduce inequality to the people who are transferred.

There are concerns, given the limited research budget, about whether there is sufficient expertise to sustain a statutory advisory council, because we heard that recruitment is an issue for the UK Industrial Injuries Advisory Council and the Scottish Commission on Social Security.

When recommending whether to establish a new statutory body, with all the costs that have been discussed, the committee has to be sure that the body can meet its aims. It is clear to me and members of the committee that major reform of the industrial injuries benefit is needed, but we are not convinced that the bill would secure that, because the scope to deliver the scale of the change that is required is years away. Although the committee fully considered the evidence and arguments for and against, the timing is, unfortunately, a major concern. At this point, the timing is wrong, so I cannot support the bill, because there is doubt that it will achieve its aims, particularly in times of fiscal constraint.

The evidence emphasises the need for expertise in guiding the way forward, and I welcome the commitment from the cabinet secretary that a stakeholder group will be set up. It is clear that expertise has not been listened to for so long. In summing up, will the cabinet secretary guarantee that groups such as Clydebank Asbestos Group will be included in the stakeholder group? The expertise and knowledge of such experienced people has long been ignored, and I am sure that that is part of the reason why we are inheriting this unjust and neglectful policy from Westminster.

On balance, the committee is not able to support the general principles of the bill. However, I note that the bill has helped to fully expose the lack of interest that the Westminster Parliament has shown in the issue. The fact that the legislation has been in place since 1948 yet remains mostly unreformed is a significant injustice. The UK Parliament has been asleep at the wheel, at best, and a denier of support to many people who, at the end of the day, were just doing their job. Workers need a safer environment and compensation and support when needed. How can the issue have been ignored for so long by Westminster Governments of all persuasions? However, the committee recommends to the Parliament that the general principles of the bill cannot be agreed to as it stands.

16:07

**Richard Leonard (Central Scotland) (Lab):** I remind members of my trade union affiliations, which I have recorded as voluntary entries in the register of members' interests.

Let me begin with that, because the Scottish Trades Union Congress has been convening in Dundee just this week. As recently as yesterday morning, it reaffirmed its backing for this bill, which this Government is planning to oppose this afternoon. The Professional Footballers Association Scotland and the Injury Time campaign are deeply troubled about neurodegenerative diseases among former professional footballers. The FBU is intensely alarmed about the carcinogenic exposure of firefighters. Union after union is gravely concerned about long Covid. As a result, the entire trades union movement in Scotland is united in demanding urgent action from this Government to tackle the deep and blatant inequalities of the present system of industrial injuries disablement benefit.

All the unions—all of them—see this bill as the decisive first step, and they are not alone. The Government's own disability and carers benefits expert advisory group—established in 2017 to advise ministers on benefits, including employment injury assistance—also recommended that a Scottish employment injuries advisory council be set up, but that recommendation has never been implemented and the Government has wound up the expert advisory group.

Then there is the evidence to this Parliament from experts and practitioners, such as Dr Mark Simpson, interim co-chair of the Scottish Commission on Social Security, who told us that

“expertise in social security and expertise in industrial injuries are two quite distinct things.”

Dr Simpson was absolutely clear in his evidence that,

“if a body were to be set up on a statutory footing, with a formal requirement for it to be consulted, it would be harder for such expertise to be ignored.”—[*Official Report, Social Justice and Social Security Committee*, 9 November 2023; c 38.]

What is this cabinet secretary's response? It is a mixture of improper appeals, false pretences and moral evasions. The Government says that it intends to carry out a more wide-ranging public consultation of its own. Well, where is it? We have been promised a wide-ranging public consultation on employment injury assistance every year for the past five years, then we are told, “We don't need legislation to get things done,” when the whole point is that nothing is being done.

We are then informed that there is now a plan to set up “a stakeholder group”, but such a group, if it ever sees the light of day, will be non-statutory, so it could be ditched at any time, just like the stakeholder group on disability and carers benefits was ditched.

Then, best of all, we are expected to believe that it is all too complicated, because here is a benefit that is not digitised but run from a paper system that is stored

“in a number of warehouses”.

We should remember that that is from a Government whose party's very founding purpose is to create and then run, in a matter of weeks, an entire separate Scottish state. That must go down in the 90-year history of the SNP as the most risible excuse for inaction ever.

As for the “safe and secure transition” being a cause of further delay, as Anna Ritchie Allan of Close the Gap—which supports the bill—explained to Parliament, a “safe and secure transition” is code for, in her words,

“business as usual ... replicating a system that disadvantages women and increases the inequality ... they face”.—[*Official Report, Social Justice and Social Security Committee*, 23 November 2023; c 39.]

Questions have also been raised about the cost—the cost to the state and the cost to the Scottish Government of modernising the industrial injuries benefit system—but what about the cost to the individual worker? What about the cost to their families? What about the cost to them?

As for costs, the simple advisory body that the bill creates will help to prevent occupational injury and disease and so will help the national health service, will help local government social services and will help the welfare of workers, whose only aim is to be able to live a decent, dignified life.

This bill rests, literally, on the principle that an injury to one is an injury to all, which leads me to my final point. Anyone who looks at the incidence of ill health by occupation or of mortality by age must understand that we live in a class-based society, so what the Scottish Government is doing today is reinforcing all of those old inequalities, defending that old class system and turning its back on all of those injured, disabled working people in Scotland struggling in adversity—those who are denied justice by the present system.

That is what the Scottish Government is doing, and that is what all those SNP and Green MSPs will be doing tonight if they vote with the party whip and with the Tories to kill this bill at its very first stage. They will be letting down, they will be voting against and they will be betraying an entire class, and for that they should hang their heads in shame.

16:14

**Maggie Chapman (North East Scotland) (Green):** I remind colleagues of my trade union membership, as recorded in my entry in the register of members' interests.

I begin by paying tribute to Mark Griffin for all the work that he has put into his bill and the wider issues of support and compensation for people who are made unwell, injured or disabled at or by their work. I also thank the Social Justice and Social Security Committee for its detailed scrutiny of the bill's proposals and for the report that it published earlier this year. I am sorry not to be a member of that committee, which is why I did not play a full part in that scrutiny, but I tried to follow the evidence sessions as best I could.

I also pay tribute to the many trade unions, other organisations and individuals who not only contributed to the committee's scrutiny of the bill but, as Mark Griffin has outlined, have campaigned for years to have the issues that he outlined earlier properly recognised and addressed.

Scottish Greens believe that no one should suffer as a consequence of their work or because of an injury, illness or disability that happens in, or develops because of, their workplace. I think that that is something on which we can all agree. In our view, the extension of that belief is that people who do, unfortunately, suffer an industrial injury or develop an occupational disease should be appropriately supported and compensated.

I agree that we must reform and modernise the industrial benefits scheme that we have had in place for more than 70 years. We need to see significant improvements, some of which we have heard about already today, and I will highlight just a couple of them.

Members will be aware of the on-going DECON campaign by the Fire Brigades Union. Firefighting is now recognised by the World Health Organization as a carcinogenic profession. It is clear that we should recognise that and act not only to provide the best possible protections for firefighters as they do their important and life-saving jobs but to ensure that, if they are diagnosed with diseases that are a consequence of their work, they are appropriately supported and compensated. I ask the cabinet secretary to confirm, in her closing statement, a commitment to working with her colleagues in justice, the Scottish Fire and Rescue Service and the FBU to ensure that the future employment injury assistance system is available to firefighters.

I also ask the cabinet secretary to assure members that the following issues will be clearly addressed in the work that is to be undertaken in the coming months. The committee heard that

current approaches to workplace health and safety often ignore women-specific occupational illnesses and injuries, so the employment injury assistance benefit must not be gender blind. The STUC and Close the Gap have clearly highlighted the fact that women are vastly underrepresented in the current industrial injuries disablement benefit system, accounting for only 16 per cent of those who claim IIDB. Occupational injuries and illnesses that are associated with women-dominated work such as social care and retail are often ignored, underdiagnosed, underresearched and undercompensated. Scotland's EIA must not replicate that inequality and injustice.

As others have said, we want the system that we design for Scotland to be inclusive, supportive and effective. I do not envy those who have the task of digitising all the paper records that we have heard about, but I wish them well. I also hope that the conversations that must happen to ensure that the EIA system that we develop is fit for purpose can start and continue apace, so that we do not leave people waiting any longer than is absolutely necessary for the support that they deserve.

I again thank Mark Griffin for making us all more aware of the weaknesses in the current system of support for those with industrial injuries or occupational diseases and for the conversations that we have had about those issues in the past couple of years. He has ensured that the system that we end up developing in Scotland will be better than it might otherwise have been, and I thank him for that. I look forward to working with him, the cabinet secretary and others as work on the issue continues in the coming months.

16:18

**Graham Simpson (Central Scotland) (Con):** I also congratulate Mark Griffin on getting his bill to this stage, because getting a member's bill through the system is no easy matter. It is time-consuming and can be frustrating, so he has done really well. He must have been full of hope that his proposal might become law, until he read the committee's report. A negative committee report has not always been the death knell for a member's bill. I have certainly seen a couple that managed to get over that hurdle. There is an element of luck involved and certainly a lot of politics. There is always the risk that other parties will just reject a proposal because the member is not one of them—that should not happen, but it does.

Having listened to what has been said so far, I think that Mr Griffin is out of luck. He probably knows that. It is a pity, because at this stage of the proceedings we decide whether we agree with the general principles of the bill. The aim is to legislate

“to create a Scottish Employment Injuries Advisory Council, to provide for its functions in relation to employment-injury assistance, and for connected purposes.”

I will be honest. I did not ask to speak in this debate. I knew nothing about the bill until my name appeared on my party whips’ list, but I thought that, if they were going to get me to speak in a debate about something that has not troubled me previously, I would do Mr Griffin the courtesy of not falling back on the lazy way out by just asking what our position is.

After reading the bill, I therefore turned to the committee report, which was useful. It tells us that

“The Bill would create an independent Scottish Employment Injuries Advisory Council ... with three functions”,

namely to

“scrutinise regulations on Employment Injury Assistance ... report on any matter relevant to EIA”

and

“carry out, commission or support research into any matter relevant to EIA.”

It adds:

“The Bill also mandates the membership and membership balance of the Advisory Council, including the representation of workers on the Council.”

So far, so good. However, if we skip to the end of the report, we find the committee full of praise for Mr Griffin and his good intentions, but saying that it

“is not able to support the general principles of the Bill.”

Paul O’Kane, who is not in the chamber at the moment, dissented from that, although his Labour colleague on the committee, Katy Clark, appears not to have done so. I do not know why that was the case, but the question is how the committee, with the honourable exception of Mr O’Kane, arrived at such a conclusion and whether I agree with it.

My starting point is the benefit that Mr Griffin wishes his bill to deal with—EIA. It does not currently exist because, although the Scottish Government could have set it up, it has not done so, preferring instead to have its good friends in the DWP continue to administer industrial injuries benefits under an agreement that will run until at least the end of March 2026.

It is good to see Mr O’Kane back in the chamber. Perhaps someone will tell him how I was praising him earlier. The UK Government has its advisers—

**Paul O’Kane:** I am always grateful to hear that I have been praised when I have been momentarily absent from the chamber. However, I understand that he also referred to my colleague Katy Clark. I believe that she was absent on the day when we

voted on the committee report. I mention that for clarity and for the record.

**Graham Simpson:** That is a useful explanation. It is a shame that she is also absent today, unless she is online. It would have been good to hear what she thinks.

Mr Griffin suggests that the Scottish Government has some of its own advisers if and when it gets round to setting up its own benefit in the area, or indeed in advance of that, in order to advise on how the benefit should operate here. The difficulty with all of this is that the Scottish Government is showing no urgency in wanting to do that. It seems content for the DWP—

**Mark Griffin:** [*Made a request to intervene.*]

**Graham Simpson:** I see that another intervention has been requested, but I am afraid that I would not get any extra time. If the Presiding Officer were to be generous, I would be happy to take the intervention, but I see that she is shaking her head. I say to Mr Griffin that I am really sorry.

The reality is that, if this was easy, the Scottish Government would have done it already. It would be shouting from the rooftops about its latest game-changer benefit. That is where the problem lies. My issue is not with Mr Griffin or his bill. It is just that the reality of the situation is that we could create a body that had nothing to do. Perish the thought. My guess is—

**Katy Clark (West Scotland) (Lab):** [*Made a request to intervene.*]

**Graham Simpson:** We will have to tell Katy Clark, if she is listening, that I cannot take her intervention. I do not have time.

My guess is that the cabinet secretary has no intention whatsoever of creating a new benefit any time soon. She will ask the DWP to carry on beyond March 2026. She will continue to promise to consult on how advice could be provided on industrial injuries and it will not lead anywhere.

We are a little over two years away from the next Scottish Parliament elections. Mr Griffin must know that nothing is going to happen between now and then. After that, who knows? Perhaps he will be in a position to change things. Sadly, for me, his well-meaning proposal will fall because it relies on a Scottish Government—

**The Presiding Officer (Alison Johnstone):** You must conclude, Mr Simpson.

**Graham Simpson:** —that is dysfunctional and dithering.

**The Presiding Officer:** Bob Doris is the final speaker in the open debate.

16:25

**Bob Doris (Glasgow Maryhill and Springburn) (SNP):** As deputy convener of our Parliament's Social Justice and Social Security Committee, I had direct involvement in the scrutiny of the legislation that we are asked to consider at stage 1 this afternoon. In the first instance, I thank the member in charge of the bill and the team of dedicated people who will, no doubt, have supported Mark Griffin in the bill's development, as well as everyone who gave evidence to the committee, in written and oral form. The Scottish Government must draw on the learning that we got during that evidence and from Mr Griffin, and use it when it introduces its own legislation.

There was much agreement in the committee that there is a real opportunity to reform and modernise the system of industrial benefits in Scotland. Not least, we heard powerful evidence that the current pan-UK system is widely considered to be highly genderised. There was clear agreement on the need to collect better quality data at a more granular workplace level and for there to be a far greater role for workers and their representatives.

Indeed, I wish that the committee could have looked in greater detail at how current structures operate. I would have liked to explore the role of the Health and Safety Executive within existing structures. I was therefore deeply disappointed that it refused to give oral evidence to our committee, although, eventually, it provided some written evidence—that situation was not entirely ideal, but I offer my thanks that it did so. However, I look forward to the Parliament's having the power to compel organisations to attend. The Health and Safety Executive has a seat on the UK Industrial Injuries Advisory Council, so members will understand why I would want the HSE to appear at a Scottish Parliament committee. The situation was not acceptable.

One ambition for the employment injury advisory council that Mr Griffin has sought to establish that should be considered by the Scottish Government is the proactive and preventative agenda, which, in Mr Griffin's bill, is dealt with mainly through research. More generally, there is a wider need for that, and more can be done in that area. We would all much rather prevent injury in the first place than have someone need to claim employment injury assistance. Any new system of data collection on workplace injuries, and any analysis and exploration of trends and recommendations that may emerge from that to address workplace and worker safety, must ensure key partnerships between employers and trade unions. Occupational health has a key role to play, as does the Health and Safety Executive—despite my comments—and many others.

At decision time, I will not vote the way that the STUC would like me to vote. I acknowledge that. However, I also acknowledge that the STUC would like the devolution to this Parliament of health and safety law and, as it has said just recently, employment law. That would give us all the tools that we need in this Parliament to deliver for workers in Scotland.

Much of the evidence that the committee heard revolved around how any Scottish system could evaluate and add a range of existing or new conditions for industrial injury—from long Covid to football-related dementia, and from Scotland's health and care sector to our fire service. Maggie Chapman spoke eloquently about that. However, we need to be clear that Mark Griffin's bill will not change who qualifies for any new employment injury assistance. Indeed, clearly and self-evidently, the benefit does not exist yet. I do not think that that was always clear when evidence was being heard at committee.

We also need to be clear that, even if the bill sought to widen the qualifying criteria for employment injury assistance, to do so would not be possible until we had the full and safe transfer of up to 150,000 paper files from the DWP, to be digitised and sent over to Social Security Scotland.

Much has been made of the timing of the introduction of a new Scottish benefit. On that front, I agree in part with Mr Griffin. We need certainty on case transfers and whether we will have a full, stand-alone Scottish benefit, when it will be operational and what it will look like. That is why I was pleased to hear that consultation on that is imminent. I think that the cabinet secretary would say more but did not want to disrespect the process around the bill.

There also appears to have been a chicken-and-egg quandary around the whole conversation. Do we set up a new employment injury assistance and then decide on the nature of any advisory council? Do we set up an advisory council and introduce a new benefit?

**Mark Griffin:** A number of speakers have opposed the introduction of the bill on the basis that it comes before the introduction of the benefit. Will Mr Doris reflect on the fact that we were both on the Social Security Committee in the previous session, and that we introduced the Scottish Commission on Social Security to do that exact job, even though no benefits had been introduced by the Scottish Government at that point? There is no chicken-and-egg situation here. There is a precedent, which everyone in the previous session of Parliament supported.

**Bob Doris:** It is a wee bit different, because SCoSS now exists and the Government has to decide whether to use SCoSS or a new advisory

council. We will therefore have to disagree on that one, although I get the point that Mr Griffin is trying to make.

The Scottish Government does not see it as a chicken-and-egg scenario. It wants to deliver both in tandem. I agree. I am pleased that the consultation will commence shortly. I put it to the cabinet secretary that the Scottish Government should liaise closely with Mr Griffin, although he may be disappointed in relation to this afternoon. It should also give consideration to the membership for the statutory advisory council that Mr Griffin is seeking to set up in order to inform its advisory group that will advise on the formation of the new benefit. I am also clear that, for a new benefit, a statutory advisory council may need a different skills mix from the advisory group that sets up the benefit in the first place.

Although I will not support the general principles of this bill today, I hope that Scottish Government legislation will be introduced very shortly. That process will be much stronger because of the excellent efforts of Mr Griffin and his colleagues to bring us to this point.

16:32

**Claire Baker (Mid Scotland and Fife) (Lab):** I declare an interest as a member of Unite the union. I am pleased to close the debate on behalf of Scottish Labour and to recognise the work of my colleague Mark Griffin in progressing the bill to this stage. I recognise the coalition of trade unions that are supporting the bill, as well as organisations such as Asbestos Action, Scottish Hazards and the Fair Work Convention.

The Labour Party has a long and proud history of fighting to improve the rights of workers, and this bill is part of our on-going work to make Scotland and the UK a better and safer place to work. The proposed role for trade unions in the advisory council would be to make sure that the voices of workers are at the core of a fairer social security system, and I urge members to support that.

The current scheme of industrial injuries disablement benefits is outdated in the types of employment that it covers. It is rooted in the male-dominated heavy industries of the 1960s and 1970s and is not reflective of modern workplaces. It fails to serve a raft of workers and the related risks of their employment, including shift workers, care workers and firefighters.

There is a clear gender dimension to the proposals, which I welcome. That issue was also raised by Richard Leonard and Maggie Chapman when they talked about the evidence that Close the Gap gave to the committee. Women's health and safety at work has been ignored for too long.

Just 7 per cent of claims for industrial injuries benefits are made by women. The current scheme was designed for male-dominated workplaces, and it systematically ignores women with injuries from, or who are made ill at, work. Mark Griffin also proposes that the advisory council be gender balanced, which I welcome.

Although the Scottish Government will introduce employment injury assistance, it will not be able to seek advice from the UK Industrial Injuries Advisory Council. The gap that that leaves provides an opportunity to set up a council that will help to design and deliver the new employment industry benefit instead of replicating an outdated and failing system. Such a council would advise the Scottish Government on the occupations and conditions that the benefit should cover and would ensure that the voice of workers was at its core.

The council should not be part of a jigsaw but should be core to advising the Government on designing and putting together the new benefit. It would draw on those with lived experience of employment injuries and illnesses, alongside medical expertise, workers, employees and representatives. It would give workers a voice in the process. That is forward thinking, inclusive and in line with fair work principles.

As members will be aware, international workers memorial day will take place at the end of April. It is always an important reminder to us of the need to do more to protect workers and to ensure that families who have lost loved ones at work are able to secure justice. It has also recognised the impact of life-limiting industrial diseases.

In the year to March 2023, 26 people in Scotland died in workplace accidents. Each of them went to their place of work and never came home again, leaving behind a family in distress. Members might know that, in the previous parliamentary session, I sought support for a bill to change the law on workplace deaths by introducing accountability for companies that have been responsible for them. The Culpable Homicide (Scotland) Bill was debated at stage 1 in January 2021 but fell at that hurdle. In the three years since then, lives have continued to be lost in workplace accidents. Although I could not convince the Parliament of the competence of my bill, I believe that we should do more to understand the causes of fatalities and injuries at work. That is where Mark Griffin's bill has relevance.

We know from HSE statistics that the rate of fatal injuries in Scotland is consistently higher than the rate in Great Britain. One possible explanation is that a greater proportion of workers in Scotland are employed in higher-risk industrial sectors or occupations. However, even if the figures are adjusted to take account of that, the rate for

Scotland remains significantly higher. An advisory council on social security support could provide valuable information on workplace risk and safety, and it could help us to understand why we have a poor record in those areas. I appreciate that the HSE operates under the UK Government's governance and has responsibility for workplace safety, but that does not prohibit the Scottish Government from working with high-risk sectors or from responding to the concerns of bereaved families or those who live with long-term health conditions. The inability to progress my bill on culpable homicide was a disappointment, but the absence of any progress in addressing the issues at its core, which are shared with the bill that we are now debating, is a far greater frustration.

The Scottish Government's response to Mark Griffin's bill is similarly frustrating in its failure not only to support a bill that seeks to help key workers and improve an outdated injury benefit system but to progress any alternative route in a timely manner. The Scottish Government has had the power to deliver employment injuries legislation since 2016, but we have made little progress. It says that it opposes Mark Griffin's bill and that it intends to conduct a wider-ranging consultation on replacing the UK-wide scheme, only after which it will decide what a Scottish body would look like. Despite three years of promises, though, the consultation has yet to materialise. The cabinet secretary has said that it is imminent, but we have already waited a while and we need to see faster progress.

Part of the question that has been put today is whether having an advisory council is the right approach. I think that it is. There are particular challenges in Scotland. Although the bill would introduce a council that would be similar to the UK one, it sets out crucial differences that would modernise and reform the benefit. The Government's reluctance to support the bill is about process and timing. Although the planned establishment of a stakeholder advisory group might be a step in the right direction—perhaps the cabinet secretary could say more about that in her closing remarks—without its being set up in statute, it would not be independent and it could easily be disbanded before any recommendations were advanced.

The Government must provide direction on how the new benefit in Scotland will be shaped. Although the cabinet secretary is clear that the Government will not support the bill today, how will her proposals address the inequality issues and the outdated nature of benefits so that the system will be able to meet the needs of women and respond to the impacts of the modern workplace on the health of workers, including in the cases of firefighters, teachers and footballers, which we have heard about today?

16:38

**Miles Briggs (Lothian) (Con):** Mark Griffin will probably be feeling nauseous by now, but I start by paying tribute to him and his office for the power of work that he has put into the bill. I also thank everyone who has provided input to the deliberations and work of the Social Justice and Social Security Committee on his proposal.

As we have heard, there is consensus on the urgent need for progress to be made on what the benefit will look like in Scotland and the advice on it that will be developed. I continue to have a lot of sympathy for Mark Griffin's proposal. In the previous parliamentary session, I worked with the Government on Frank's law, the aim of which was to extend the provision of free personal care to people under 65. There was a lot of cross-party work in Parliament to reform our welfare system and, for example, to remove time limits for payments to people with a terminal illness. Just recently, I launched a consultation on delivering a right to palliative care. I hope that, across the Parliament, we can make progress on many of those issues.

It is important that today's debate and the work done by Mark Griffin have helped to put pressure on the Scottish Government, which has achieved something. We will now—finally—have a consultation, and it seems that the Scottish Government will introduce a version of Mark Griffin's proposals and will help to shape an employment injury assistance benefit in Scotland. We know that such cases will be some of the most complex, not only because of the number of case transfers but because of how those cases will be embedded in Social Security Scotland. We need to focus on that, too.

However, we cannot ignore the committee's report, which was produced after cross-party examination of the bill. It is clear from the report's conclusions that the committee continues to have significant concerns, which were not resolved during its scrutiny of the bill. The report notes that,

"Before it could recommend establishing a new statutory body, with its associated costs, the Committee would need to be certain that that"

would be able to

"deliver on its aims."

As others have said, the fact that we do not have a benefit in place now means that the bill would put the cart before the horse in terms of our ability to deliver the benefit and advice.

Many members have touched on the fact that a benefit from an older industrial age will be dealing with a complex future, especially post-Covid. We will need to consider which cases will be eligible—for example, complex cases involving work-related

long Covid for professionals in the national health service, in care homes and in teaching. Work is only just starting on that. We need proper scrutiny of whether such cases will be accepted and whether such people will be able to access the benefit in the future, and we all need to ensure that that scrutiny takes place. I hope that the work that the Government is now proposing will take place.

In its helpful briefing, the Royal College of Nursing Scotland states:

“With less than two years until the agency agreement with the Department for Work and Pensions ... is due to end, the Scottish Government need to publish its consultation setting out its proposals for the new EIA.”

We have heard today about a consultation. I hope that the cabinet secretary understands that there is a lot of cross-party interest in that work and that progress urgently needs to be made.

That should include details of the expert advisory group that will support the establishment of the new Scottish benefit and which health groups will be involved. In making my intervention earlier, I was interested in hearing which medical groups would be included in the expert group. I hope that the Government provides that information as soon as it can and that those of us who are interested and who want to input to the group will be included.

It is also important that we consider the organisations that are calling for action. I have met many of the organisations that have been highlighted, from Injury Time to Asbestos Action. A range of organisations have highlighted higher rates of cancer in many workforces, including among our firefighters and Scotland’s industrial communities. It is important, therefore, that those organisations are also at the table. I completely accept the work that Mark Griffin has done with unions to make sure that their voices are heard—that is incredibly important.

As many members on all sides of the chamber have said, it feels as though the bill has come too early, but it has also made the Government act. Mark Griffin should be pleased that he has made sure that the Government has listened.

It is clear from the debate that urgent action is needed. I hope that the cabinet secretary will update Parliament at the earliest opportunity. Given the result of the committee’s deliberations, Scottish Conservatives will not support the bill at stage 1. However, we certainly want work on delivering the advice that Scotland needs to establish the principles of the benefit to move forward at an urgent pace, and we will work across Parliament to achieve that.

16:43

**Shirley-Anne Somerville:** I thank all the members who have contributed to the debate. Again, I thank Mark Griffin for introducing the bill. We do not agree on the specifics, but the bill has undoubtedly shone a light on the issues that are inherent in the UK Government’s industrial injuries scheme. It has also helped to strengthen the voices of the stakeholders and those with experience of the current scheme. That context is vital as the Scottish Government undertakes its work on employment injury assistance, and I look forward to my continued work with the stakeholders and Mark Griffin.

In saying all that, however, I note that the bill, if it was passed, would tie our hands at an early stage of policy development by wedding us to replicating a fundamental part of the UK scheme. The committee has heard extensive criticisms of the UK Industrial Injuries Advisory Council and how it operates, including its lack of research capacity and the length of time that it took for recommendations to be implemented. I want to be clear that simply replicating that system in Scotland with the same criteria and within the same benefit framework would not improve the outcomes for the people who rely on the scheme or those who are currently excluded. It would not change eligibility, and it would not bring anyone who is not currently eligible any closer to receiving a payment. The point that Collette Stevenson made earlier is very important: the bill raises false expectations.

I have been clear that I do not oppose what is behind the idea of a Scottish advisory council, but defining its membership and functions in primary legislation before we have decided how to proceed with employment injury assistance does not make sense. We cannot decide on the kind of scrutiny, advice and oversight there should be for a benefit that is still at an early stage of development. The bill is about developing an advisory council for a benefit that does not yet exist. It can be used for developing the design of a benefit but, as I said earlier on, we do not need that to be done on a statutory footing. We can do that and we have done it in the past for all other benefits without such a requirement.

I am looking forward to launching in the coming weeks our consultation to outline our immediate intentions for the delivery of employment injury assistance. As I said to Jeremy Balfour, I chose to wait to see what happened in this debate because, if Parliament chose to move forward with the bill to stages 2 and 3, that would have a material impact on what is in the consultation. If Parliament decides to vote against the general principles of the bill, the consultation will arrive in short order.

Many members have asked about the new advisory group that I have mentioned. I will be clear about what we intend to do. There will be invitations to a range of people with lived experience, including trade union representatives in particular, to ensure that the voice of workers is very much at the core of the design. There will be invitations to disabled people's organisations, welfare advisory groups and occupational health experts. Members, including Miles Briggs, have suggested some other avenues of membership that we might wish to explore. I am more than happy, through correspondence or in meetings, to discuss members' thoughts on who should be in the group. The group can be undertaken in short order, once we have the consultation under way and completed. I reassure members that Clydebank Asbestos Group will—I hope—be part of it. It is certainly my intention to extend an invitation to it to join the group. Maggie Chapman and others mentioned firefighters. I absolutely commit to encouraging the voice of firefighters to be heard through the consultation and, indeed, the next steps. That is a very important part of the work that we need to move on.

We will, of course, return to what will be included in the benefit. However, it is important to clarify that, even if the advisory council was set up, it would not help to prevent workplace disease, because employment law and the Health and Safety Executive are matters that are reserved to the UK Government. Many people wish the bill to achieve things that, quite frankly, will not and cannot happen within the current set-up and with the powers that we have. However, we will continue, of course, to work on our consultation. Again, I give the reassurance that we will do so in short order.

Each of us in the chamber shares the ambition of improving the lives of disabled people in Scotland. That, of course, includes the people who are currently in receipt of industrial injuries scheme benefits and those who will, I hope, be able to apply for their replacement. I again thank Mark Griffin for his work on the bill. We do not agree with its general principles, but I reiterate my offer to work with him in the coming months as we work to deliver a better system for the people of Scotland.

16:49

**Mark Griffin:** I thank members from across the chamber for their contributions to the debate. I began my opening remarks by asking members not to turn their backs on the nurses, social care workers, teachers, shop workers, footballers and firefighters who are ill simply because of the job that they do. Members should know that our time

is limited—we have less than a year to get this right. I ask again: if not now, when?

I will address some of the issues that colleagues have raised. In particular, I thank my colleagues on the Social Justice and Social Security Committee for their consideration of the bill and their extensive evidence gathering, and I thank those who responded to the calls for views.

I welcome the committee's acknowledgement that

"the current system fails to deliver for women and workers from ethnic minorities or to take account of modern occupations and diseases".

On the one hand, the committee concludes that the

"case has been made for giving an effective voice to workers, trades unions, employers and lived experience, including the lived experience of disabled people in the design and delivery of this new benefit."

However, the final conclusion of the committee's report seems to be at odds with that.

We have heard a range of objections as to why members cannot support the bill as it stands. The primary objection seems to be about timing: the argument that we somehow cannot introduce an advisory council in advance of a benefit being introduced. However, those who were members in the previous session of Parliament will know that, during the passage of the Social Security (Scotland) Act 2018, we introduced the Scottish Commission on Social Security to do that very job: to advise, scrutinise regulations and make recommendations to Government and Parliament on the new benefits that the Government was introducing. Parliament had no problem with setting up that commission in advance of any benefits being introduced.

We have heard specifically from the interim chair of the Scottish Commission on Social Security that it does not have the expertise in workplace illness and injury to do that job for the new benefit that will be introduced. It is clear, therefore, that there is a gaping hole in the legislative, scrutiny and advice landscape that the council would fill. It is not putting the cart before the horse—it is about getting people with lived experience, workers and their representatives, who know best about the illnesses and injuries that are happening right now in modern workplaces, around the table on a statutory footing, which cannot be easily dismissed by Government, to make recommendations on what the new benefit should look like. That is not out of place in the Parliament. As I said, we unanimously committed explicitly to that in the previous session of Parliament when we debated and passed the Social Security (Scotland) Act 2018.

I am glad to hear that the Government is now providing a more definitive timetable for the consultation, and I look forward to seeing it. The cabinet secretary said that the reason why that had not happened so far was because of the Scottish child payment and Covid. However, I have here a timeline that shows the number of times that we have been promised that we would get a consultation. We were promised a consultation in June 2019—that was after the Scottish child payment was first proposed, in March 2018. There was an announcement on the acceleration of the Scottish child payment timetable in September 2019, but in April 2020 the Government still committed to a full consultation on EIA, seemingly having no issue with the impact of the work programme for the Scottish child payment.

Again, for the past two years, we have had repeated promises of a consultation on what a full package of proposals for an employment injury assistance system would look like. I am glad that we are finally getting to that point, but it has taken a member's bill to get us here, and the Government has been promising us a consultation almost every year for the past five years.

Similarly, I welcome the announcement of an advisory group, as it is a tiny step in the right direction. However, as my Labour colleagues Paul O'Kane, Richard Leonard and Claire Baker have pointed out, advisory groups have come and gone. It is ironic that, while the disability and carers benefits expert advisory group, which was set up by Government, actually recommended that an employment injuries advisory council was set up, that group was disbanded before the recommendation ever saw the light of day. I am not filled with hope that an advisory group that can be disbanded at the whim of Government if it does not like the group's recommendations will be able to fulfil the role of a statutory advisory council.

**Shirley-Anne Somerville:** I appreciate where Mark Griffin is coming from, but I will push back on that aspect, because he made a serious accusation when he said that we disbanded DACBEAG because we did not agree with its recommendations. It fulfilled its purpose in that it advised on disability and carers benefits. Its work was concluded, it moved on and we thanked it very much for its work. Mark Griffin's assertion is very damaging and, quite frankly, an insult to everyone who was on DACBEAG for all those years.

**Mark Griffin:** If the cabinet secretary reflects and looks back at the record, she will see that, at no point did I say that that advisory group was disbanded because the Government did not agree with its recommendations. I simply made the point that advisory groups can be disbanded if the

Government does not agree with their recommendations. Again, I make the point that that advisory group recommended that an advisory council was created, yet the group was disbanded before its recommendation was made good. That is a statement of fact not my opinion, and nor is it an assertion or a reflection on the work of that group, which clearly agreed with me on that point. The record will reflect that.

As I said in my opening remarks, the Scottish Government's agency agreement with the Department for Work and Pensions states that we must have a full business case in place for how the Government will deliver the new employment injury assistance by March 2025, which is less than a year away. It seems to me to be clear that it is the right time to be talking about the introduction of an advisory council to support the work of the Government. It clearly needs that, since it has taken five years to get to the point of introducing a consultation on employment injury assistance. Rather than reinvent the wheel at a later date, it would make sense for the Government to accept the proposals that are contained in the recommendation.

Since I have until 5 o'clock, I will outline why I thought that the bill was important in the first place. I started thinking about the bill when we were in the grip of the pandemic. I was thinking about key workers: those who caught Covid during the pandemic and who had to go to work while we were able to stay safe at home. Some of those workers caught Covid in the course of their employment. Some developed long Covid and are still off work, while some have been dismissed and still cannot go back to the jobs that they love. We were on our doorsteps banging pots and pans and applauding those workers, but now we cannot give them a place at the table to advise on the benefit system that would give them the recognition for the conditions, illnesses and injuries from which they are still suffering because they bravely went out to work while we stayed safe at home.

The more that I looked at the shortcomings of the current employment injuries benefit system, the more it became apparent that the need for reform goes beyond simply recognising those who have long Covid. Men are 10 times more likely to be able to claim the existing benefit, despite women being far more likely to be working in the care-giving roles that can lead to musculoskeletal injuries. The entitlement absolutely fails half of the population. The only way that I can see to make it fairer is to have a modern, gender-balanced and representative advisory council that would take account of the workplace as it is now, rather than how it was in the last century.

I have a real fear that we are devolving an industrial injuries disablement benefit system that

reflects the male-dominated workplaces of the past century, and that, as those workers and their representatives—predominantly men—who fought hard for recognition of the illnesses and injuries that affected them sadly die, the entitlement to the benefit, if unreformed, will die with them. I have a fear that we will see the entitlement being removed from the social security landscape unless we update the entitlement and eligibility criteria now. That goes to the heart of why I introduced the bill.

To update those criteria, we must have the voices of lived experience—of workers and their representatives—around the table to design the system and make recommendations to the Government on eligibility, prescription and a range of other issues. The bill represents an opportunity to put the voices and lived experience of workers at the centre of the design and delivery of the benefit. They should be entitled to it, and I will not give up until those voices are heard and acted on.

**Marie McNair:** On a point of order, Presiding Officer. Just before I spoke in the debate, I failed to mention that I am a member of the trade union Unison. I would be grateful if the *Official Report* could be amended to reflect that.

**The Presiding Officer:** Thank you, Ms McNair. Your comments will have been recorded.

That concludes the debate on the Scottish Employment Injuries Advisory Council Bill at stage 1.

## Decision Time

17:00

**The Presiding Officer (Alison Johnstone):** There is one question to be put as a result of today's business. The question is, that motion S6M-12882, in the name of Mark Griffin, on the Scottish Employment Injuries Advisory Council Bill at stage 1, be agreed to. Are we agreed?

**Members:** No.

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

There will be a short suspension to allow members to access the digital voting system.

17:00

*Meeting suspended.*

17:03

*On resuming—*

**The Presiding Officer:** We move to the vote on motion S6M-12882, in the name of Mark Griffin. Members should cast their votes now.

The vote is closed.

**Marie McNair (Clydebank and Milngavie) (SNP):** On a point of order, Presiding Officer. I could not connect, but I would have voted no.

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

### For

Baillie, Jackie (Dumbarton) (Lab)  
 Baker, Claire (Mid Scotland and Fife) (Lab)  
 Bibby, Neil (West Scotland) (Lab)  
 Boyack, Sarah (Lothian) (Lab)  
 Choudhury, Foyso (Lothian) (Lab)  
 Clark, Katy (West Scotland) (Lab)  
 Duncan-Glancy, Pam (Glasgow) (Lab)  
 Grant, Rhoda (Highlands and Islands) (Lab)  
 Griffin, Mark (Central Scotland) (Lab)  
 Johnson, Daniel (Edinburgh Southern) (Lab)  
 Lennon, Monica (Central Scotland) (Lab)  
 Leonard, Richard (Central Scotland) (Lab)  
 Marra, Michael (North East Scotland) (Lab)  
 McNeill, Pauline (Glasgow) (Lab)  
 Mochan, Carol (South Scotland) (Lab)  
 O'Kane, Paul (West Scotland) (Lab)  
 Rowley, Alex (Mid Scotland and Fife) (Lab)  
 Smyth, Colin (South Scotland) (Lab)  
 Sweeney, Paul (Glasgow) (Lab)  
 Whitfield, Martin (South Scotland) (Lab)

### Against

Adam, George (Paisley) (SNP)  
 Adamson, Clare (Motherwell and Wishaw) (SNP)  
 Allan, Alasdair (Na h-Eileanan an Iar) (SNP)  
 Arthur, Tom (Renfrewshire South) (SNP)  
 Balfour, Jeremy (Lothian) (Con)  
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)  
 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)  
 Callaghan, Stephanie (Uddingston and Bellshill) (SNP)  
 Carlaw, Jackson (Eastwood) (Con)  
 Carson, Finlay (Galloway and West Dumfries) (Con)  
 Chapman, Maggie (North East Scotland) (Green)  
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)  
 Constance, Angela (Almond Valley) (SNP)  
 Dey, Graeme (Angus South) (SNP)  
 Don, Natalie (Renfrewshire North and West) (SNP)  
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)  
 Dornan, James (Glasgow Cathcart) (SNP)  
 Dowey, Sharon (South Scotland) (Con)  
 Dunbar, Jackie (Aberdeen Donside) (SNP)  
 Eagle, Tim (Highlands and Islands) (Con)  
 Ewing, Annabelle (Cowdenbeath) (SNP)  
 Ewing, Fergus (Inverness and Nairn) (SNP)  
 Fairlie, Jim (Perthshire South and Kinross-shire) (SNP)  
 Findlay, Russell (West Scotland) (Con)  
 FitzPatrick, Joe (Dundee City West) (SNP)  
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)  
 Fraser, Murdo (Mid Scotland and Fife) (Con)  
 Gallacher, Meghan (Central Scotland) (Con)  
 Gibson, Kenneth (Cunninghame North) (SNP)  
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)  
 Golden, Maurice (North East Scotland) (Con)  
 Gosal, Pam (West Scotland) (Con)  
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)  
 Gray, Neil (Airdrie and Shotts) (SNP)  
 Greer, Ross (West Scotland) (Green)  
 Gulhane, Sandesh (Glasgow) (Con)  
 Halcro Johnston, Jamie (Highlands and Islands) (Con)  
 Hamilton, Rachael (Ettrick, Roxburgh and Berwickshire) (Con)  
 Harper, Emma (South Scotland) (SNP)  
 Harvie, Patrick (Glasgow) (Green)  
 Haughey, Clare (Rutherglen) (SNP)  
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)  
 Hoy, Craig (South Scotland) (Con)  
 Hyslop, Fiona (Linlithgow) (SNP)  
 Kerr, Stephen (Central Scotland) (Con)  
 Kidd, Bill (Glasgow Anniesland) (SNP)  
 Lumsden, Douglas (North East Scotland) (Con)  
 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)  
 Martin, Gillian (Aberdeenshire East) (SNP)  
 Mason, John (Glasgow Shettleston) (SNP)  
 Matheson, Michael (Falkirk West) (SNP)  
 McAllan, Màiri (Clydesdale) (SNP)  
 McArthur, Liam (Orkney Islands) (LD)  
 McCall, Roz (Mid Scotland and Fife) (Con)  
 McKee, Ivan (Glasgow Provan) (SNP)  
 McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)  
 McLennan, Paul (East Lothian) (SNP)  
 McMillan, Stuart (Greenock and Inverclyde) (SNP)  
 McNair, Marie (Clydebank and Milngavie) (SNP)  
 Minto, Jenni (Argyll and Bute) (SNP)  
 Mountain, Edward (Highlands and Islands) (Con)  
 Mundell, Oliver (Dumfriesshire) (Con)  
 Nicoll, Audrey (Aberdeen South and North Kincardine) (SNP)  
 Rennie, Willie (North East Fife) (LD)  
 Robertson, Angus (Edinburgh Central) (SNP)  
 Robison, Shona (Dundee City East) (SNP)  
 Ruskell, Mark (Mid Scotland and Fife) (Green)

Simpson, Graham (Central Scotland) (Con)  
 Slater, Lorna (Lothian) (Green)  
 Smith, Liz (Mid Scotland and Fife) (Con)  
 Somerville, Shirley-Anne (Dunfermline) (SNP)  
 Stevenson, Collette (East Kilbride) (SNP)  
 Stewart, Alexander (Mid Scotland and Fife) (Con)  
 Stewart, Kaukab (Glasgow Kelvin) (SNP)  
 Stewart, Kevin (Aberdeen Central) (SNP)  
 Sturgeon, Nicola (Glasgow Southside) (SNP)  
 Swinney, John (Perthshire North) (SNP)  
 Thomson, Michelle (Falkirk East) (SNP)  
 Todd, Maree (Caithness, Sutherland and Ross) (SNP)  
 Torrance, David (Kirkcaldy) (SNP)  
 Tweed, Evelyn (Stirling) (SNP)  
 Webber, Sue (Lothian) (Con)  
 Wells, Annie (Glasgow) (Con)  
 White, Tess (North East Scotland) (Con)  
 Whitham, Elena (Carrick, Cumnock and Doon Valley) (SNP)  
 Whittle, Brian (South Scotland) (Con)  
 Wishart, Beatrice (Shetland Islands) (LD)

**The Presiding Officer:** The result of the division on motion S6M-12882, in the name of Mark Griffin, is: For 20, Against 95, Abstentions 0.

*Motion disagreed to.*

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

*Meeting closed at 17:05.*



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