



The Scottish Parliament  
Pàrlamaid na h-Alba

## Official Report

# MEETING OF THE PARLIAMENT

Tuesday 19 January 2016

Session 4

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## Scottish Parliament

Tuesday 19 January 2016

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

### Time for Reflection

**The Presiding Officer (Tricia Marwick):** Good afternoon. The first item of business is time for reflection and our leader is the Rev Chris Galbraith from Boghall parish church in Bathgate.

**The Rev Chris Galbraith (Boghall Parish Church, Bathgate):** Presiding Officer and members of the Scottish Parliament, thank you for your invitation and greetings from Boghall parish.

When Jesus told stories, he often compared two people: the rich man and Lazarus; the Pharisee and the poor widow; the two sons; and the sheep and the goats. I wonder what stories Jesus would tell today to make his point.

I get the feeling that there are two types of people in the world, and you can tell them apart in this way. If you are walking down the street and there is just enough room for two to pass, and a couple come towards you, what do you do? Do you step into the gutter and let them pass, or do you carry on walking, oblivious that the other people are even there? Are you a gutter person or a pavement person? If you are having to think about it, you are a pavement person, because us gutter folk do not need to think about it.

The theologians, philosophers, and evolutionary biologists have been discussing human nature for as long as they have been around. The poets, too, have wrestled with what we are made for, and how we should live our lives. Robert Burns's oft quoted line,

"To see ourselves as others see us!"

is still as relevant today as when he wrote it.

Jesus said that we need to be taught how to see. He said:

"If your eye is healthy, your whole body is full of light".

The lens with which we see the world and ourselves needs to be clean for us to be healthy in our world.

Thankfully, most religions are rediscovering their meditative traditions. It means that, as well as finding stillness, that time to look inwards, to allow God in, we also end up looking outwards to the world and see it in a different way. It is not just about seeing ourselves as others see us or, indeed, as God sees us; it is also about seeing others as God sees them.

Some Christians see the crucifixion of Jesus as the event that should have led to the end of all scapegoating. The cross says that scapegoating is a bankrupt system.

Pavement people or gutter people? That is really just another way of judging folks. It seems that seeing ourselves and others with a healthy eye, and ending stereotyping and scapegoating, is a bit harder to do than to say.

## Topical Question Time

14:03

### Mental Health (Emergency Detention)

**1. Dr Richard Simpson (Mid Scotland and Fife) (Lab):** To ask the Scottish Government how it will increase protection for people subject to emergency detention under the Mental Health (Care and Treatment) (Scotland) Act 2003. (S4T-01282)

**The Cabinet Secretary for Health, Wellbeing and Sport (Shona Robison):** Emergency detention under the 2003 act is permissible only where it is necessary as a matter of urgency because of a significant risk to the health, safety or welfare of the patient or the safety of others. Medical practitioners are required to seek agreement from a mental health officer, unless it is impractical for them to do so, for example, where there is immediate, serious or life-threatening danger to the patient and/or others around the patient.

I am concerned by low levels of involvement by mental health officers in some areas, as identified by the Mental Welfare Commission for Scotland in its annual monitoring report in September 2015. Consent by mental health officers is an important safeguard, and it is essential that local authorities ensure that they have the appropriate levels of staff in place to meet statutory duties.

I am pleased to note that the Mental Welfare Commission has plans to meet one health board where this appears to be a particular issue, and I look forward to hearing the outcomes of that engagement. I have also asked the Mental Welfare Commission to undertake analysis of the reasons why the medical practitioner has reported that it was impractical to consult a mental health officer. Separately, I have asked the Scottish Government's chief social work adviser to investigate issues to do with the shortfall in mental health officers in local authorities with chief social work officers, and I expect him to report back by the end of April.

**Dr Simpson:** I thank the cabinet secretary for her helpful reply. According to the Mental Welfare Commission's most recent report, 45 per cent of the people who were detained under emergency detention system in 2014-15 did not have the consent of an MHO, which was an increase from 42 per cent in the previous year and 37 per cent in the year before that. We are in a deteriorating situation, to which the Mental Welfare Commission has drawn attention in repeated reports. Given that new funding is coming forward, will the cabinet secretary consider allocating additional

funds to local authorities to recruit more mental health officers?

**Shona Robison:** I recognise Richard Simpson's interest in the matter. As he pointed out, the Mental Welfare Commission highlighted such issues in its report "Mental Health Act Monitoring 2014-15". For example, it noted that the increase in emergency detention is "largely due" to an increase in use of the 2003 act to admit older people to hospital but said that the reasons for the rise in compulsory treatment are "unclear".

The commission made the important point that, wherever possible, a short-term detention certificate should be granted in preference to an emergency detention certificate, given the additional protection for the patient that a short-term detention certificate provides.

There are therefore a number of issues that we need to consider and understand better. That is why, as I said, I have asked for a number of pieces of work to be done to look at the issues, identify the reasons for them and, more important, consider what action we can take.

Richard Simpson asked about the resources that have been allocated to health. Over the next five years, additional resources of £150 million have been allocated. Richard Simpson will be aware that there is a clear separation between the role of mental health officer, who is employed by the local authority, and the national health service, for the good reason that an MHO might investigate issues in the NHS. Although I would normally point to integration joint boards as the territory on which issues can be resolved, the issue is more complex, because of the potential for conflict of interest, about which we need to be quite careful.

If, when we have the reports, they point to specific action that needs to be taken and which requires an element of resourcing, I will of course consider whether further work is needed in that domain. We should wait and see what the issues are first.

**Dr Simpson:** I commend the cabinet secretary for both her replies, which indicate her concern about a problem that has been getting worse.

Another aspect, which I always raise in this context, is variation between boards, to which the cabinet secretary alluded in her first answer. The Mental Welfare Commission said:

"It concerns us that in Greater Glasgow and Clyde, the area with the highest use of emergency detention in Scotland ... the proportion of EDCs with consent is even lower this year (28%) than last year (37%)."

We should remember that emergency detention certificates tend to be used more in deprived areas. When 72 per cent of people are not getting an MHO, the matter requires fairly urgent

attention. I understand from the cabinet secretary's first answer that the commission will have a close look at that issue.

**Shona Robison:** Yes. A number of local authorities responded to inquiries, which were in newspaper reports at the weekend, about their number of MHOs and how their services are organised. Richard Simpson is right to highlight the particular concern about local authorities in the NHS Greater Glasgow and Clyde area, which is why the Mental Welfare Commission plans to meet the board to consider what lies behind the figures and, more important, what action can be taken to overcome some of the concerns that he raised. I will be happy to keep Richard Simpson informed of the discussions and, more important, their outcome.

**Mary Scanlon (Highlands and Islands) (Con):** The shortage of mental health officers has been an increasing problem for some time. It is not a legal requirement for a mental health officer to be present for a patient to be sectioned, but it is an important safeguard and best practice. Will the Government consider making input and support from a mental health officer a legal requirement to ensure that there is such input when a patient is sectioned? Will it ensure that the number of fully trained and suitably qualified officers is increased to fill the gap?

**Shona Robison:** I understand Mary Scanlon's concern. On the shortage of mental health officers, there are issues around the requirements in relation to skill level and qualifications that immediately reduce the pool of people who are available. There are some issues there with the ability to recruit mental health officers. We need to look at that, and I am keen to look at what more can be done to expand the interest in that career.

We have to be cautious about the legislative suggestion that Mary Scanlon made because, as I set out in my original answer, where there is immediate, serious or life-threatening danger to the patient or others around them, it would be wrong to have to wait for a mental health officer's involvement. In such a situation there are immediate concerns about welfare and safety and we can understand that, sometimes, things have to move quickly. However, it is best practice to involve a mental health officer. It is about getting the right balance so that we do not restrict action from being taken that is required for the immediate safety of the patient and, potentially, others around them, but we encourage the best practice of involving a mental health officer.

Again, I am happy to keep Mary Scanlon informed about the discussions that will be taken forward with the Mental Welfare Commission and the chief social work adviser.

## Glasgow to Edinburgh High-speed Rail Link

**2. Willie Rennie (Mid Scotland and Fife) (LD):** To ask the Scottish Government what its response is to reports that plans for a high-speed rail link between Glasgow and Edinburgh have been shelved. (S4T-01281)

**The Minister for Transport and Islands (Derek Mackay):** The plans have not been shelved. I refer the member to my recent written answer to a question on the issue from Tavish Scott, in which I made it clear that it is not possible to progress planning for a high-speed rail link between Edinburgh and Glasgow further until a cross-border high-speed route is identified. Once that happens, we can consider the integration of plans.

The Cabinet Secretary for Infrastructure, Investment and Cities has made it clear—in public at the high-speed rail conference in Glasgow last September and in the chamber in response to a direct question from Willie Rennie on 24 February 2015—that connecting Edinburgh and Glasgow with a high-speed rail link is inextricably linked to the route options that come from the south. The joint work that is being undertaken with the Department for Transport to identify route options for extending high-speed rail into Scotland is nearing completion and the cabinet secretary fully expects to be in a position to share the findings in the coming months.

**Willie Rennie:** The Scottish Government grandly told us that the high-speed rail link between Glasgow and Edinburgh was not dependent on the United Kingdom scheme. It said that the link, with journey times of just 30 minutes between Glasgow and Edinburgh, could be built independently by 2024, 10 years ahead of any UK plans. Nicola Sturgeon said that Scotland would “fire ahead” and would “not wait” for Westminster. When was the minister planning to tell us that the Scottish Government is waiting after all? Glasgow to Edinburgh journey times will not be 30 minutes by 2024, will they?

**Derek Mackay:** On the sharing of information with Parliament, I have answered a parliamentary question, but even before that, there have been a couple of debates. One was in committee with Keith Brown, who was then the Minister for Transport and Veterans, in answer to Alex Johnstone on 5 February 2014, which explained the position. There is also investment in the Edinburgh to Glasgow improvement programme, which is very much under way, and Keith Brown explained the position in answer to Willie Rennie on 24 February 2015. The position has been shared in the chamber and in an answer to a parliamentary question.

The infrastructure investment plan says in a number of sections that we still have the ambition for high-speed rail, but I have said that it makes sense to see what is proposed on high-speed rail coming from the south. That work is being undertaken in partnership with the UK Government and, as I have said, the cabinet secretary will say more in the coming months about how we are working with the UK Government on high speed 2.

When the position was outlined in 2012, there was no commitment from the UK Government—there was not even a suggestion—that high-speed rail would come to Scotland. In fact, the commitment was simply to take high-speed rail from London to Birmingham, Manchester and Leeds by 2032. With its partners and stakeholders, the Scottish Government advocated the case for bringing high-speed rail to Scotland, and we have worked in partnership with the UK Government to progress that. There is now an opportunity to integrate our stated ambitions and aspirations in a sensible approach that requires working in partnership.

**Willie Rennie:** I do not understand why the then Deputy First Minister, who is now the First Minister, announced at Glasgow central station that in just 12 years the journey time between Glasgow and Edinburgh would be cut to less than half an hour. We now know that that was simply overblown hyperbole and rhetoric in the extreme. We need to know why the scheme has been cancelled or shelved. The minister had the business plan back in September 2014—will he now publish it?

**Derek Mackay:** I have said that the cabinet secretary will over the coming months outline the findings of our joint study and our work. Our work with the UK Government should not be pre-empted. As I said, our aspirations for high-speed rail to connect Glasgow and Edinburgh can be integrated with the proposals that are coming from the south. That is a sensible approach, and the cabinet secretary will outline the findings from the work on that.

We still have aspirations for high-speed rail, and I have covered how the issues have been discussed in Parliament before—in response to Willie Rennie in the chamber and in response to Alex Johnstone in committee. I am happy to share the notes that I have on the approach that the Government is taking. It is not news and it really is not new.

As for on-going investment in rail, Willie Rennie will be aware of the Edinburgh to Glasgow improvement programme, which has received more than £700 million of investment for the whole package. It will improve journey times as well as investing in new rolling stock and new stations.

The Scottish Government is investing in rail, particularly between the cities of Glasgow and Edinburgh, but there is more to come in terms of high-speed rail from our working in partnership with the UK Government through the Department for Transport. I would have thought that Willie Rennie would appreciate that kind of partnership working, given that he is a constructive and consensual figure. The cabinet secretary will say more about high-speed rail in the next few months.

**Alex Johnstone (North East Scotland) (Con):** Regardless of where the high-speed link crosses the border—whether that is on the east coast or on the west coast—surely a high-speed link between Edinburgh and Glasgow will be integral to completing the system. Is it too difficult to go ahead with that project earlier instead of waiting to see where the high-speed link comes in?

**Derek Mackay:** It is interesting that both members who have been given answers before are back to express surprise at the answers now. When he was the relevant minister, Keith Brown said that it makes sense to consider both proposals. If there are options to connect high-speed rail to Edinburgh and Glasgow, or to one city and then to connect both cities, surely it is right that we assess our proposals for Edinburgh and Glasgow in that light and that we integrate them with what is proposed for high-speed rail that comes from the south. That is a sensible and fair rationale for spending public money and it will mean that we make the right assumptions and take the right options.

As I said, once the cabinet secretary is in a position to report to the chamber following the completion of the work that we are doing with the UK Government, we will see a sensible way forward. Our aspirations to bring high-speed rail to Scotland have not changed, and we will continue to invest in rail and the high-speed connections. That is clearly expressed in the infrastructure investment plan.



## Apologies (Scotland) Bill: Stage 3

14:19

**The Deputy Presiding Officer (Elaine Smith):** The next item of business is stage 3 proceedings on the Apologies (Scotland) Bill. Members should have the bill as amended at stage 2, the marshalled list of amendments and the groupings of amendments. The division bell will sound and proceedings will be suspended for five minutes for the first division of the afternoon, and the period of voting for the first division will be 30 seconds. Members who wish to speak in the debate should press their request-to-speak buttons as soon as possible after I call the group. I would be grateful if members could now refer to the marshalled list of amendments.

### Section 2—Legal proceedings covered

**The Deputy Presiding Officer:** Group 1 is on the power to modify the legal proceedings that are covered by the bill. Amendment 1, in the name of the minister, is grouped with amendment 2.

**The Minister for Community Safety and Legal Affairs (Paul Wheelhouse):** I will speak briefly to amendments 1 and 2.

Under section 2(3) of the bill, the Scottish ministers have the power to modify the exceptions in sections 2(1) and 2(1A) by way of regulations. The two proposed amendments are technical in nature and are intended to provide clarity and certainty as to the Scottish ministers' power to make regulations. As our proposed amendments relate to the power to make subordinate legislation, we have written to the Delegated Powers and Law Reform Committee to explain them.

Amendment 1 simply clarifies the power that the Scottish ministers have to modify the exceptions to the legal proceedings that are covered by the bill in section 2 by way of regulations. It makes it absolutely clear, for the avoidance of doubt, that the Scottish ministers' regulation-making power includes the ability to add to, remove or amend the exceptions in sections 2(1) and 2(1A). It does not extend the power of the Scottish ministers under section 2(3); it merely clarifies the scope of the power, as agreed between me and Ms Mitchell.

The effect of amendment 2 will be that, when the Scottish ministers make exceptions under section 2(3), they may make transitional, transitory or saving provision to cover situations in which proceedings have begun before an exception is created by regulations or, if an existing exemption is removed by regulations, to allow proceedings that have begun before the exception is removed to continue to apply the law that was in force at the

time that they began. The purpose of the amendment is therefore to provide legal certainty and flexibility.

I move amendment 1.

**Elaine Murray (Dumfriesshire) (Lab):** I thank the minister for lodging amendments 1 and 2.

Amendment 1 does indeed clarify the purpose of an exception. Obviously, as legislation is passed in the future, the list of exceptions may need to be varied—exceptions may need to be added or removed.

We also support amendment 2, but could we have a little more clarification of the difference between a transitional and a transitory provision? Perhaps the minister could give some examples of when a provision would be transitional as opposed to transitory.

**Margaret Mitchell (Central Scotland) (Con):** I again take the opportunity to thank the minister and his officials for working constructively with me to reach the stage at which I believe that we will have an amended bill that should meet both our broad aims.

I have little to add to what the minister said about the two amendments. They are technical in nature and aim to provide greater clarity and certainty about the subordinate legislation powers that are set out in section 2. Amendment 1 relates to the power to modify the exceptions and clarifies that the term “modify” covers adding to, removing or amending the exceptions in section 2(1). I am happy to support amendment 1.

Amendment 2 seeks to extend the scope of the regulation-making powers in section 2(3) to allow any such regulations to include transitional, transitory or saving provision. I think that there is an issue about the situation before the bill is passed and once it has been passed, which the minister might clarify.

Under the bill as it stands, a transitional, transitory or saving provision could be made only as part of a commencement order under section 5(4). That is fine if a change to the list of exceptions were to be made before the bill as a whole comes into force, but there might also be a need for a transitional, transitory or saving provision if the exceptions are modified at a later stage, once the bill as enacted is fully in force and the power to make commencement orders is no longer available. Amendment 2 therefore covers an important gap.

I have always considered it important to ensure that the legislation can be developed over the longer term. I hope that at some point in the future, as the legislation beds in and proves its worth, it will be possible to reduce the number of exceptions, so it is important that ministers have

sufficient flexibility and power to modify the exceptions whenever the need for such changes arises.

**The Deputy Presiding Officer:** I have had two slightly late bids from members who wish to speak, so I will call those members before I call the minister.

**Annabel Goldie (West Scotland) (Con):** This is de minimis; it is just a point for clarification. In relation to section 2, I presume that in the fourth line from the end where the word “proceeding” occurs it should be in the plural and be “proceedings”. Can the minister confirm that that is the case?

**The Deputy Presiding Officer:** The other member no longer wishes to speak, so I call the minister to wind up.

**Paul Wheelhouse:** With regard to the reference in amendment 2 to transitional, transitory or saving provision, an act of the Scottish Parliament that amends a law in most cases also requires to make provision for the transition from the pre-existing law to the new law when it is fully in force—for example, to deal with cases that are under way when the new law is commenced. The purpose of such a transitional provision is to facilitate the change from one statutory regime to another. The purpose of a saving provision is to narrow and exclude the application of a new law so as to preserve the effect of a pre-existing legal rule in certain cases or circumstances. I hope that that makes clear at least what the transitional arrangement is for.

With regard to Annabel Goldie’s point about the word “proceeding”, I believe that she is correct, but I will check that with officials and respond in due course.

*Amendment 1 agreed to.*

*Amendment 2 moved—[Paul Wheelhouse]—and agreed to.*

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

## Apologies (Scotland) Bill

**The Deputy Presiding Officer (Elaine Smith):** The next item of business is a debate on motion S4M-15144, in the name of Margaret Mitchell, on the Apologies (Scotland) Bill.

14:26

**Margaret Mitchell (Central Scotland) (Con):** It is with great pleasure that I open today’s debate on the Apologies (Scotland) Bill. The bill was introduced almost a year ago, on 3 March 2015, but the idea for it came about as far back as April 2010, when Professor Miller came to speak to the cross-party group on adult survivors of childhood sexual abuse and told its members about apologies legislation that ensured that an apology could be given without fear of it being used as a basis for establishing legal liability.

After doing some research on legislation from other countries, I remember meeting with the bill team in 2012 and waving the one-page British Columbia bill, saying, “This should be pretty straightforward.” Four years later here we are: finally and hopefully at the finishing line.

Stage 1 consideration of the bill was completed on 27 October 2015 after a positive debate, with agreement on the bill’s general principles but caveats from the Minister for Community Safety and Legal Affairs, the Justice Committee and other contributors about the necessity for amendments at stage 2. I express my sincere thanks to both the minister and his officials for their willingness to work with me in order to find common ground and a positive and constructive way to proceed. As a result of that, when the Justice Committee considered the bill at Stage 2 on 8 December, a number of amendments were lodged by both the minister and me, and were supported by the committee. I thank the Justice Committee for its considered scrutiny of the bill and I thank the Delegated Powers and Law Reform Committee for its consideration of the subordinate legislation powers. Others have worked to support me in making my case for the bill, and I will refer to and thank them in my closing remarks at the end of the debate.

The stage 2 amendments were critical to the bill’s passage. Before I focus on some of the key changes arising from stage 2, it will be useful to recap the bill’s objectives: first, to encourage the use of apologies by providing legal certainty that an apology in certain civil proceedings cannot be used prejudicially against the person who gives it; and, secondly, to encourage a change in attitudes towards apologising, and a cultural and social change in relation to giving apologies in an effort to give complainants closure.

Section 1 is “Effect of apology in legal proceedings” and provides that an apology will be inadmissible in certain legal proceedings, which are set out in section 2.

I wanted to keep the bill as straightforward as possible. Therefore, section 2 originally set out in the broadest possible terms that the bill would apply to all civil legal proceedings with two exceptions: defamation proceedings and fatal accident inquiries. However, during stage 1 it became apparent that witnesses and respondents considered that further types of procedures should be included as exceptions.

The first additional exception was in relation to inquiries held under the Inquiries Act 2005. Here the argument is similar to that which applies to fatal accident inquiries: as the inquiry’s purpose is to establish the full facts, an apology should be admissible as evidence.

I also sought and received the minister’s assurances that the new exception would not affect the historical child abuse inquiry, which has no power to determine liability. Instead, that is “a fact-finding exercise”, which seeks to establish a comprehensive picture of the events, to address public concern and to help restore public confidence in systems or services by making recommendations to prevent their recurrence. As such, it is in the public interest for that evidence to be heard.

The minister lodged a further amendment to allow apologies in proceedings under the Children’s Hearings (Scotland) Act 2011 to be relied upon as evidence in proceedings before a children’s hearings panel and the court. Having had discussions with representatives from the Scottish Children’s Reporter Administration, I recognised that those hearings are complex and may, in some instances, cover quasi-criminal issues and decide issues relating to appropriate measures of supervision and protection. I was therefore persuaded that court proceedings under the Children’s Hearings (Scotland) Act 2011 should be added to the exceptions to the bill’s application.

I will turn to the discussion surrounding the duty of candour procedure to be enacted via the Health (Tobacco, Nicotine etc and Care) (Scotland) Bill and the provisions in the Apologies (Scotland) Bill. An apology made under the duty of candour procedure in the Health (Tobacco, Nicotine etc and Care) (Scotland) Bill would not in itself amount to an admission of negligence or breach of statutory duty but would be admissible and could be founded on in legal proceedings.

It is, as the Justice Committee noted in its stage 1 report, difficult to see how my bill and the duty of candour provisions could co-exist without the form

of exception that the minister subsequently lodged an amendment on. Although I remain unconvinced about the effectiveness of the duty of candour, I recognise the Government’s intention to proceed with the provision, so I was content with the amendment.

Section 3 sets out the definition of an apology. It originally contained statements of fact and admissions of fault, which were included to encourage the fullest possible apology. However, I fully understood, recognised and accepted the concerns expressed by witnesses, including the minister, that the inclusion of statements of fact could potentially prevent an individual from securing compensation where a statement of fact within an apology was the only evidence available.

An admission of fault is not the same as an admission of liability. However, I ultimately recognised that as a technical, legal argument and that, at this stage in the introduction of apology legislation, it was regarded as a step too far. Therefore, I was content with the Scottish Government’s amendments removing statements of fact and fault at stage 2 in an effort to allay concerns that the bill as originally drafted could result in unintended consequences, potentially resulting in an injustice to some pursuers.

The bill as finally amended provides that, in certain civil proceedings, an apology that expresses sorrow or regret about

“an act, omission or outcome”

and which may contain

“an undertaking to look into the circumstances”—

leading—

“to the act, omission or outcome”

will be inadmissible as evidence of liability. The commitment by the apologisee to carry out a lessons-learned exercise is crucial to give closure.

Section 5 of the original bill set out that the act would come into force at a fixed period of six months after royal assent. The minister’s stage 2 amendment changed the commencement of the act from a fixed period to commencement by way of regulations. I sought and received a commitment from him that that additional flexibility was not intended to and would not result in a significant delay in commencement.

It is important to stress that the bill does not prevent anyone from pursuing legal redress, but it should help those for whom an apology in itself is the desired outcome avoid having to take legal action or make a formal complaint in order to get an apology. By clarifying the legal status of an apology as defined in the bill, the bill aims to encourage the use of apologies at an earlier stage.

Although legislation alone will not break down the barriers to making apologies, it can help to change the culture of reluctance to give an apology for fear of litigation and encourage timely, appropriate, meaningful and sincere apologies.

In conclusion, I very much hope that the Scottish Government will take on board the need for guidance on implementation of the legislation and the importance of training for front-line staff in public and private organisations in particular, and that that can be taken forward as part of its preparation for commencement of the legislation.

I thank all those who were involved in the scrutiny of the bill.

I move,

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

14:36

**The Minister for Community Safety and Legal Affairs (Paul Wheelhouse):** I thank Margaret Mitchell for introducing the bill, all the hard work that she has put into it, and the dedication that she has shown throughout the process. I know that taking forward a member's bill can seem a daunting task, and I hope that Ms Mitchell and her team will ultimately take satisfaction from her having achieved a positive outcome. Although we have at times viewed the issues from different perspectives, we have always agreed on the value of giving and receiving apologies and the importance of promoting a social and cultural change in attitudes to apologising, particularly in the context of public service provision. I am pleased to be at a point at which I can confirm the Scottish Government's continued support for the bill.

I thank members of the Justice Committee for their hard work and careful scrutiny of the bill, the organisations and individuals who provided oral and written evidence to the committee, and those who provided briefings for parliamentary colleagues or engaged in the bill process in other ways. In particular, I sincerely thank, as Margaret Mitchell did, the survivors of historical child abuse who shared their thoughts on the bill. I also thank the Scottish Human Rights Commission and Professor Alan Miller. I know that Ms Mitchell worked very closely with him during the process.

It has been made very clear during the bill's passage through the parliamentary process that apologies have the great value of acknowledging that something has gone wrong and demonstrating that lessons have been learned. We all know that mistakes happen—that is a sad fact of life—and that they can often have tragic and long-lasting consequences. However, it is how we deal with those mistakes that makes the

difference. An apology can be a way of showing acknowledgement of and respect and empathy for another person. Although it cannot undo past actions, if it is made sincerely and effectively it could provide some form of redress and perhaps give closure to those affected.

It is clear that legislation alone cannot remove social barriers to apologising, but the bill is an important step in changing attitudes to apologies.

Survivors of historical child abuse have been at the heart of the development of the bill. We have heard from many survivors about the importance to them of hearing an apology. The Scottish Human Rights Commission recognised that in its "Action Plan on Justice for Victims of Historic Abuse of Children in Care", and full consideration of the merits of an apology law was one of the commitments that came out of that action plan.

It is important to note, as the Scottish Human Rights Commission has pointed out, that the bill is only one of a number of measures to support survivors of historical child abuse in Scotland. The Scottish Government has demonstrated its commitment in that area by establishing the inquiry into historical child abuse, which Margaret Mitchell referred to, and making clear our intention to remove the three-year limitation period for cases of historical child abuse that took place after 26 September 1964, with earlier cases being affected by the law of prescription.

At stage 1 of the parliamentary process, there were particular concerns about the definition of an apology in the bill when it was introduced. Margaret Mitchell alluded to that. It became clear that the wide definition, which included statements of fact and admissions of fault, could end up disadvantaging pursuers, who would be unable to draw on potentially important evidence. Concerns were also raised regarding certain civil proceedings where the apologies bill would not work effectively. Margaret Mitchell has covered many of those.

Because of those serious concerns, I initially saw benefit in an alternative approach that would put the common law in Scotland on a statutory footing along the lines of section 2 of the Compensation Act 2006, which applies in England and Wales.

Having discussed the issue further with the member and reflected on the evidence at stage 1, however, my officials and I undertook additional work on the impact of the bill, in particular to try to ascertain whether removing fact and fault from the definition would alleviate concerns about any potential injustice to pursuers. I listened carefully to stakeholders and was persuaded that if the definition was amended to remove fact and fault,

the access to justice concerns could be addressed.

At stage 2, therefore, I lodged an amendment to remove fault from the definition, alongside Ms Mitchell's own amendment to remove fact. Those amendments, as well as some amendments for further exceptions and some technical amendments, were agreed to in the Justice Committee at stage 2 on 8 December 2015.

The two amendments lodged and agreed to at stage 3, as we just heard, will clarify the Scottish ministers' powers to make regulations under section 2(3) and provide flexibility as to the application of the exceptions by means of "transitional, transitory or saving provision".

I mentioned earlier concerns that were raised at stage 1 regarding the effect of the bill on regulators of health professionals such as the General Medical Council and the Nursing and Midwifery Council. The committee heard from those regulators about the potential unintended consequences of preventing apologies being used as evidence in their fitness-to-practise proceedings, which could impact on their ability to assess the risk that a doctor or nurse might pose to the public in future.

My officials have been working closely with the NMC and the GMC to find a solution to their concerns. It is clear from those discussions that an exception for civil proceedings undertaken by health professional regulatory bodies is needed. However, more work is still required to establish exactly what form such an exception should take. I would therefore like to take this opportunity to state my intention to use the powers of the Scottish ministers as outlined in section 2(3) of the bill to add an exception for proceedings held by health professional regulators once that additional work has been concluded.

I reiterate my sincere thanks to Margaret Mitchell for introducing the bill and for working very constructively with the Government and my team on it. I am pleased to be at a point today where I believe that we have a bill that can make a difference to attitudes to apologising in Scotland and can deliver the culture change that the member seeks. I commend the bill to Parliament.

14:42

**Elaine Murray (Dumfriesshire) (Lab):** There is probably not a great deal more to say about this short bill at this stage that has not already been said, so I apologise for any repetition.

Margaret Mitchell is to be congratulated on bringing her member's bill to this final stage—shortly, I am sure, to become law. That is an achievement for any member who undertakes all

the additional work that a member's bill requires. Margaret is also to be congratulated on being prepared to listen to and take on board concerns and suggestions made during the stage 1 process. She and the Scottish ministers have worked together to overcome those issues and produce a final bill that I think has cross-party support.

Margaret Mitchell has described to us what motivated her to introduce the bill as convener of the cross-party group on adult survivors of childhood sexual abuse. The process that she has described in turning matters discussed by a CPG into legislation that is likely to be passed today testifies to the importance of procedures in this Parliament that enable the concerns of citizens of Scotland to result in legislation. We hear a lot of criticism about the committees of this Parliament, so it is worth noting when our procedures work well and produce good legislation.

I am sure that we have all had experience of constituents who have suffered some form of misfortune at the hands of public or private sector organisations and have felt aggrieved that they have not received so much as an apology for the distress caused to them. Sometimes an apology is all that the aggrieved person requires; on other occasions, they need to know that action will be taken to prevent the mistake from occurring again so that others will not have to go through what they have experienced. A meaningful apology for harm done can be of great psychological and emotional benefit, and it may sometimes be more helpful than any other action taken.

Despite this being a short bill and its intention being widely welcomed, the bill as drafted at stage 1 raised a number of concerns. There was a general consensus that removing the fear of civil action would be valuable, but many witnesses were concerned by the wide scope of the definition and the way in which it would work. We have heard about how it interacted with the GMC's standards and the duty of candour in the Health (Tobacco, Nicotine etc and Care) (Scotland) Bill.

Concerns were also expressed that the bill could have had the unintended consequence of disallowing consideration of information that was relevant to subsequent civil action and thereby depriving victims of compensation.

The fairly small number of amendments that were unanimously agreed at stage 2 removed those concerns by narrowing the definition of an apology. That may have been disappointing to the member in charge, who I know wanted the fullest possible definition of an apology, but an apology is now defined as a statement indicating that a person is sorry about or regrets an omission or outcome and undertakes to look at the circumstances that gave rise to the matter for

which the apology is being given, with the intention of preventing recurrence.

As a result of the stage 1 evidence, certain legal procedures were removed from the scope of the bill. Fatal accident inquiries are now exempted, as those are concerned not with liability but with understanding what has happened, with the sheriff making recommendations about how the death could have been prevented. An apology may be an important piece of information in understanding the cause of death and therefore it should be admissible as evidence to an FAI. A similar argument applies to public inquiries that are set up under the Inquiries Act 2005, which are also held to establish the facts and restore public confidence.

Proceedings under the Children's Hearings (Scotland) Act 2011, whether before a court or a children's hearing, were also exempted from the definition. That was strongly advised in written evidence from the Scottish Children's Reporter Administration, which felt that there could be serious implications for child protection and youth justice if apologies could not be considered in the children's hearings system. For example, an apology for harm done to a child might well be relevant to the actions that need to be taken to protect that child, so it is important that those are not exempted.

The minister made two further minor amendments today. One enables the Scottish ministers to vary or remove exceptions as well as to add to them, and the other clarifies that ministers can regulate on transitional, transitory or saving provisions. The minister explained to me what a transitional provision is, but he did not tell me what a transitory provision is, so I will remain consumed with curiosity as to that. I was tempted to say that we were not going to support those amendments at stage 3 so that we could buy ourselves another five minutes, but that would have been a little silly and I am sure that you would not have agreed to it, Presiding Officer.

At stage 1, the Association of Personal Injury Lawyers and the Forum of Insurance Lawyers gave evidence that we do not have a particularly litigious culture, which is a good thing. As Margaret Mitchell observed, an apology could reduce the number of complaints that are made to organisations such as the Scottish Public Services Ombudsman, which would be a benefit not just to the SPSO, in terms of effort and time, but to the organisations that are complained about and the complainer.

I thank the committee clerks, the Scottish Parliament information centre and the witnesses who gave evidence on the bill. I again congratulate Margaret Mitchell on piloting the bill through Parliament, and I thank the Scottish Government

for its assistance with the modifications of the bill. I wish the bill well when it is enacted.

14:47

**Gavin Brown (Lothian) (Con):** I, too, congratulate Margaret Mitchell on the bill. I thank the minister, the Justice Committee and all those who gave evidence for getting us to where we are today.

A couple of months ago, I was not convinced that we would end up with the bill that we have ended up with. When the driven passion of Margaret Mitchell met the caution of the minister, I had a fear—albeit a minor one—that we could end up with a bill that was utterly toothless and not worth the name, or with a situation in which both parties walked away and, after all that work, we ended up with literally nothing.

However, the actions of the member promoting the bill and the Scottish Government have to be praised in the highest order. They have met regularly, talked through issues and carefully explained the positions that they have taken and why they have taken them. Both sides have been pretty consensual in trying to ensure that we end up with something that the Parliament can be genuinely proud of.

We had a useful debate at stage 1 and helpful amendments at stage 2. That consensual approach typified the approach all the way through the debate and the stages of the bill, to the extent that at stage 3 we ended up with a mere two amendments, neither of which prompted any genuine debate or was opposed. I suspect and hope that that will be the case when we decide on the bill as a whole at decision time.

I noted the minister's approach. He listened carefully. He lodged an amendment at stage 2 that in my view might have diluted the clarity slightly, but he listened to arguments from a number of committee members and decided not to move that amendment. That typified the approach of all parties towards the bill.

The bill that we have ended up with is not hugely different from the bill at stage 2, but it is different from at stage 1. First, we have some more exceptions to it. Inquiries under the Inquiries Act 2005 have been excluded, as have children's hearings and apologies under the duty of candour. There are good and sensible reasons behind each of those exclusions, particularly the last one, as it was obvious that the duty could not have coexisted with the bill. The interaction had to be considered carefully, and we had to be absolutely clear that there were no unintended consequences. We are probably comfortably at that stage now.

I note that, in its short report to members in advance of the debate, the Law Society accepts the general principles of the bill and does not raise any additional issues. That is pleasing. We have struck the balance between promoting apologies and minimising unintended consequences.

We have already heard about the other major changes. There was a slight narrowing of the definition of apology. Margaret Mitchell initially wanted it to be as wide as was feasible, but she listened carefully and we have rightly removed statements of fact and admissions of fault from the definition.

The Justice Committee considered the matter over a period of months and stated clearly in its report that the definition of apologies must be reconsidered. The member in charge of the bill made it clear as early as stage 1 that she was perfectly prepared to do that. Had we stuck with the original definition, we would probably have ended up going much further than comparable apologies legislation, so we have probably ended up at the right place. We did not want to disadvantage or prejudice any potential pursuers.

Today will mark the end of the legislative process, but what happens after that is even more important. It is all well and good to pass legislation, but if that legislation does not achieve the cultural change that we all want, its value is greatly diminished.

As a number of members mentioned, we will have to ensure that the right training is provided so that people who are at the front line can do their jobs correctly. We need to publish the right amount of guidance so that we make it easy for people who are at the front line to be aware of the legislation and know how they ought to act. If we do that, when we look back in a couple of years, we will all say that we passed the right legislation, it made a difference and we achieved what we wanted to achieve right at the beginning.

14:53

**Roderick Campbell (North East Fife) (SNP):** I declare an interest as a member of the Faculty of Advocates.

Charles I is reported to have said:

“Never make a defence or apology before you be accused.”

Of course, he had an unfortunate fate. Perhaps he made his apology a little too late. Perhaps we should follow the lead of the cyclist Greg LeMond who, in difficult circumstances, is reported to have said:

“More people should apologize, and more people should accept apologies when sincerely made.”

Whatever the merits of an apology, we should recognise that the bill—which follows in the footsteps of legislation in other jurisdictions—is a step forward. As many people have said, it is not about changing the law; it is about changing the perception that we cannot say sorry.

Many individuals who suffer some calamity in their lives, often in what could be described as issues of minor injury or distress, are looking only for an apology. The failure to provide one simply inflames matters. Therefore, changing the culture is to be commended.

Margaret Mitchell is to be congratulated on listening to the views of others, not least those of the Scottish Government, on ways in which the bill could be improved, the need to remove the reference to statements of fact and excluding fault. She is also to be congratulated on recognising the need to provide an exclusion for the duty of candour that is proposed in the Health (Tobacco, Nicotine etc and Care) (Scotland) Bill.

We heard a lot of evidence at stage 1 of the Apologies (Scotland) Bill, some of which was memorable. For example, on the inclusion of a statement of fact in the bill as introduced, Mr Stephenson of the Faculty of Advocates said:

“why include ‘a statement of fact’? ... A husband writes a letter to his wife: ‘Dear Senga, I’m sorry I broke your nose last night and beat the kids on the way out. Genghis.’”—*[Official Report, Justice Committee, 9 June 2015; c 16.]*

However, as Mr Stephenson said, no one would seriously argue that such a comment should be inadmissible in legal proceedings relating to the matrimonial situation, the care of the children and the protection of that woman from her husband.

Issues in relation to the interaction with pre-action protocols and the insurance industry were raised, and I am pleased that we have got to the point where those issues will no longer cause potential difficulties. As the committee recognised, there are proceedings, such as defamation and fatal accident proceedings, in relation to which it would be wholly inappropriate to seek to exclude an apology.

Of course it would be fair to recognise that there were some—in particular the SHRC—who favoured the broad definition of apology as originally drafted, not the rather more limited version that we now have in the bill. However, as Bruce Adamson of the SHRC said in evidence,

“Although we can have discussions about whether to have a limited or more robust definition of apology, what matters in the end is whether the individual victim can have an effective remedy.”

He also said:

“Apology is very much one tool among many.”—*[Official Report, Justice Committee, 9 June 2015; c 29.]*

I agree.

With regard to certain issues in relation to sexual abuse, I accept that the bill might not provide all the answers that are being sought. However, we should be mindful that the O'Brien inquiry will, hopefully, provide for at least some answers and public recognition of that abuse, which have been sought for a very long time.

What impact will the bill have? We shall just have to wait and see. It seems most unlikely that it will be any form of magic wand. We know, of course, that it was the view of Professor Robyn Carroll, an Australian academic, that the little data that exists on the shift in behaviour from the field of medical practice tells us that such legislation has been relatively ineffective. Nor can it really be said that Scotland has a compensation culture that is comparable to that of other jurisdictions. However, we should not prejudge the matter. Instead, we should approach the passing of the bill with a positive spirit, wish it well and thank the member for her passion, for her efforts in steering the bill through its passage and for dealing with the caution of the minister.

14:57

**Margaret McDougall (West Scotland) (Lab):** I, too, congratulate Margaret Mitchell on bringing this bill to Parliament.

When I spoke in the stage 1 debate on the bill, I highlighted a number of concerns that I had with the bill. However, during the stage 2 discussions, the bill was amended. Those amendments dealt directly with the concerns that I had, so I am happy to support the bill today.

The stage 2 amendments focused primarily on tackling the bill's unintended consequences. In doing so, they have made sure that inquiries under the Inquiries Act 2005 are no longer covered by the bill. The reason why that is important is that inquiries are primarily fact-finding exercises and they might find that apologies are in the public interest—that is for each inquiry to decide. If inquiries were not exempt, their independence would be brought into question, so the amendment to the bill is a welcome improvement.

I also welcome the fact that the Children's Hearings (Scotland) Act 2011 has been exempted from the bill. Concerns were raised that, had the act been included, cases of child abuse might not see the light of day, or children might not get properly referred as there would be insufficient evidence to establish grounds for that. The amendment was necessary. If it had not been made, I could not have supported the bill.

The stage 2 proceedings also offered much-needed clarity on the definition of the word

"apology" in the bill. Amendments 1 and 10 were in response to evidence taken by the committee that the definition of an apology needed to be reconsidered. The relevant set of amendments removed the references to "admissions of fault" and "statements of fact". That helped to alleviate concerns that were raised about access to justice being blocked if those admissions and statements could not be used in court to determine liability in actions for damages.

Although my concerns regarding unintended consequences have been tackled, I am still unsure whether the bill will deal with the issue that is highlighted in the policy memorandum, which states:

"There appears to be an entrenched culture in Scotland and elsewhere that offering an apology when something has gone wrong is perceived as a sign of weakness."

I am aware of such circumstances, but I am unsure whether this piece of legislation will be strong enough to bring about the required cultural change that it has been designed to make. That said, the bill is a step in the right direction and, if it promotes a cultural shift, that would be welcomed. Obviously, it is difficult to predict the social effects of the bill until we see its consequences in practice.

I argued in the stage 1 debate that

"there needs to be a better balance in the bill"

to

"ensure, while remaining relevant, that there are no unintended consequences for victims."—[*Official Report*, 27 October 2015; c 49.]

The changes that were made at stage 2 have addressed my concerns about the bill. As such, the bill has struck a much better balance between promoting a cultural shift and protecting rather than excluding those who are seeking justice. Once again, I congratulate Margaret Mitchell on introducing the bill.

15:00

**Alison McInnes (North East Scotland) (LD):** I, too, congratulate Margaret Mitchell on bringing the bill to Parliament. Since stage 1, there have been some changes to it that, in my view, improve it. The bill now offers a slightly different definition of apology. The new definition still includes the important aspects of an apology—expression of regret and a promise to look into the matter with a view to preventing something similar from happening again—but the removal of admissions of fault and factual statements ensure that we avoid the risk of causing unintended consequences.

As others have said, the bill also now exempts proceedings under the Children's Hearings



(Scotland) Act 2011 from its scope. That had caused me serious concern during stage 1 proceedings, because the bill as introduced could have meant that children's panels would not have been able to do their job effectively. That was because, currently, apologies outwith proceedings may sometimes be used to establish grounds for referral to the hearings system. The bill as introduced could have had the potential to leave some children and young people behind, so I welcome the change to it.

In relation to protecting children and young people, I turn to an area that has not been discussed as much. During stage 1 proceedings, the Government argued that the bill would add further barriers to justice for the survivors of historical child abuse. At the same time, the Scottish Human Rights Commission and Margaret Mitchell said that the bill had the potential to help survivors.

I took the time to contact a number of survivor groups to gain a better understanding of where they stood on the issue. The response that I received was that, in general, survivors support the bill. One representative stated:

"many survivors of abuse do not wish to pursue legal redress but closure is important to them to ensure ongoing recovery. Survivors felt let down by those who should have offered them care and were deeply affected by their experiences. An apology does not put right what happened but it acknowledges the pain and distress caused and gives some comfort that lessons will be learned for the future."

For many of the survivors, the issue is the time bar rather than the ability to use an apology in legal proceedings. The response I quoted is a clear example of the way in which an apology can have an important role to play in the healing process. It shows how an apology can enable people to move on with their lives.

During stage 1, I also raised concerns about the potential clash of the bill with the duty of candour provision in the Health (Tobacco, Nicotine etc and Care) (Scotland) Bill. I am pleased that that clash has been resolved. However, I note that the recent briefing from the Nursing and Midwifery Council states that the bill, as it stands, would prevent the NMC's fitness-to-practise panels from relying on evidence that is currently admitted. I am therefore grateful for the minister's assurances this afternoon that it is his intention that he will use the powers in the bill to add a further exemption. That is welcome clarification.

Finally, while I am still not entirely convinced that the bill will create the much-needed cultural change to make apologies more acceptable—which, in large part, was the purpose of the bill—I hope that it will be a good first step. Cultural and attitudinal shifts take time to happen. It is important that along with this legislation come

appropriate education, training and guidance that further encourage that shift. We need organisations to encourage, not discourage, admissions of fault and apologies. We need to work together with the insurance industry to dissuade it from barring its customers from making apologies for fear of having their policies invalidated. The Scottish Liberal Democrats intend to support the bill at decision time.

I commend the member in charge of the bill, Margaret Mitchell, for her determination to pursue the issue and her willingness to negotiate with the Government to ensure that the bill could progress to this stage. I thank her for doing that and I hope that the bill brings about the cultural change that she hopes for.

15:04

**Gil Paterson (Clydebank and Milngavie) (SNP):** I thank Margaret Mitchell for her determination and the way in which she has chaperoned her bill through Parliament. She has been a good listener and made changes, and all that is to her credit.

The aim of the bill is to provide that an expression of apology is inadmissible as evidence for the purposes of civil legal proceedings, excluding defamation proceedings and fatal accident inquiries. As drafted, the bill makes provision for expressions of sympathy or regret, and any admission of fault or undertakings does not amount to an admission of liability. Apologies have the great value of acknowledging that something has gone wrong and demonstrating that lessons have been learned.

In the not-too-distant past, it was common in everyday life for people to make full apologies. It was considered to be basic good manners and it happened everywhere: in workplaces; at play, whether that was in the school playground or among older people at play; and in the home. However, even in those days, people could fall out for the simple reason that an apology was not given. It might have been through pig-headedness, but someone not saying could sometimes mean losing friends for life or starting a feud.

Having said that, I note that it was much easier in the past. I fear for the Americanisation of our culture because it has changed it for the worse. We now have an industry based around ambulance chasing and no-win, no-fee cases. When something happens within a company or officialdom, they are less likely to say that they are sorry, because they are worried about claims. We need to get back to where we were, and the bill will help us to achieve a more polite and non-confrontational society. I know that it will not be

easy because we are looking for a cultural change.

Margaret Mitchell is to be congratulated on listening to the witnesses, but I should not forget to mention the Government, which has also played its part in making the change happen. The bill gets the balance right, and it will help to achieve the change in attitude that we are looking for.

Scotland is not the first jurisdiction to have such legislation. It is in force in the USA, Canada and Australia. Although the laws are not identical, they all seek the same outcome. An apology does not mean that litigation does not happen, but saying sorry does not mean that it will, and that is what everyone is trying to achieve. Under the legislation, a simple apology is just a simple apology. A simple “Sorry” can be said without fear of an admission of guilt. The bill gives space for an apology to be given without the fear of litigation.

For many people in everyday life, a simple apology still happens. However, even in serious circumstances, such as historical child abuse, victims crave an apology. That is not to say that victims of historical abuse, sexual or otherwise, would not want their case to be pursued in the courts, but, for many people, an apology is an enormous step forward in their lives. It could mean them moving forward for the very first time. A simple apology in itself can make a difference.

In general terms, as I explained, attitudes have hardened, and we need to find a way to overcome that with a simple apology. That could help society to change. Margaret Mitchell’s bill can change things for the better. She has been diligent in what she has tried to achieve, and I thank her for that.

15:10

**Gavin Brown:** It has been a short but useful debate, in which we have had references to everything from Charles I to something that still amuses me slightly: Margaret Mitchell saying, back in 2012, “This should be pretty straightforward.”

The passage of the bill is an example of how legislation ought to work. The original bill is drafted pretty well, and the broad principles are in the right ball park. Over the course of committee discussions and debates, the risks are removed one by one and sections are strengthened, so that at stage 3 we end up with a good bill with which it is difficult to disagree.

Apart from members’ business debates, this is one of the first debates that I have taken part in—in many years in this Parliament—in which there has not been an intervention on any of the speakers.

There have been some useful contributions to the debate. I was interested to hear that Alison McInnes has personally contacted groups and individuals representing survivors of historical abuse, and it was comforting to hear that they are strongly in favour of the bill. That ties in exactly with comments that Margaret Mitchell made to me over the past couple of weeks. Given the genesis of the bill and where it came from, it is absolutely vital that those groups are still 100 per cent behind it. I am very comforted to hear that that is the case.

I enjoyed Gil Paterson’s contribution, as I always do. He said that, back in the day, apologies, for whatever reason, tended to happen much more regularly than they do today. Like many of us, he hopes that the bill will be a vital first step in ensuring that we go back to where we were.

A number of members have touched on—and no doubt the Government, in closing, will touch on—the fact that this is just the first step. As we know, training will be required to ensure that those on the front line are able to get things right. In particular, they will need to be given careful training on exactly what is included in and excluded from the scope of the bill, given that there are a number of exceptions. Those people must be absolutely crystal clear about what they are able to do and not do. We have heard that guidance will be required, and I am sure that the Government will want to involve Margaret Mitchell and those on the Justice Committee in ensuring that the guidance is as good as it can be, so that it has the impact that we all want it to have.

Ultimately, the legislative change will be of great value only if it leads to cultural change. That is what we all want to see. We want to end the perception that we cannot say sorry and that somehow that is a sign of weakness, and we want to calm the fears of litigation. Roderick Campbell was right: we are not as prolific in terms of litigation as some jurisdictions, but from listening to the evidence there can be no doubt that some witnesses have a genuine fear of it, and many people give that genuine reason for not giving an apology.

We do not know for sure exactly what impact the bill will have, but I was particularly taken by the part of the committee report that said that, although legislation is not a magic formula, it has “a role to play” even if it does not have a dramatic effect. As long as it has some form of effect, it has a role to play. Given the guidance and training that we all want to see and which we will push for, I am hopeful that it can have more than a minor effect.

Alison McInnes put it well. Although she said that she was not sure what effect the bill will have, she described it as a vital first step. She is

absolutely right: this is a vital first step that we all hope will have the impact that we desire. What we can say for certain is that, if we did not take this vital first step, we could almost guarantee that we would not see the cultural change that we all want to see. The bill is the first step; I am very hopeful that it will have the impact that we want to see; and I look forward to voting in favour of it at decision time.

15:14

**Graeme Pearson (South Scotland) (Lab):**

Many members around the chamber have quite properly acknowledged Margaret Mitchell's hard work and persistence in following through with the bill: introducing it, shepherding it through committee and having negotiations on it with the Government. Her compromise at key moments has also been touched on, when commonsense responses were not in any way a betrayal of her original intentions with the bill. We should also acknowledge Paul Wheelhouse's sensible responses on behalf the Government in bringing us to where we are today—the birth of a new piece of legislation, subject to the vote after the debate.

Members have also acknowledged that the Justice Committee and the clerks who service that committee have done a great deal of background work. That has brought us to a position that, although not perfect—as a number of members reflected when they said that this is a first stage—is a declaration of intention on behalf of the Parliament that there should be a different culture or approach as we go forward.

The Scottish Human Rights Commission, in supporting the approach that Margaret Mitchell developed in her cross-party working group, helped to provide the kernel that formed not only part of the policy memorandum, but part of the bill that we will vote on tonight.

The policy memorandum indicates that obstacles to apologising exist in Scotland. It argues that there is

“an entrenched culture in Scotland and elsewhere that offering an apology when something has gone wrong is perceived as a sign of weakness.”

It also refers to:

“a fear that an acknowledgement of fault can ... lead to litigation.”

I would add a third point—that there is also an individual fear, in a professional situation, that offering an apology offers a threat to future opportunities for career advancement, which sometimes silences people and stops them saying the right thing at the right time.

Margaret McDougall, Gavin Brown and other members indicated that there is no compensation culture in Scotland. However, as an example, compensation payments made by the national health service in Scotland through clinical negligence and other risk indemnity schemes have risen from £1.6 million in 2000-01 to £58.24 million in 2010-11. I do not think that I will be alone in the chamber in having dealt with constituents who began a complaint journey merely wanting an apology, an explanation and the confidence that the circumstances would not be repeated. That pertains not only to health service complaints, but to the complaints that we receive across the board.

The policy memorandum argues that in many cases people complain about a particular situation simply to achieve a sincere apology and an assurance that the situation will improve for the future. To that extent, I think that the change in culture that is flagged up by the bill is to be welcomed. It is an open door and an opportunity for those who act on our behalf in public services to offer an apology in the right circumstances. It is also an opportunity to leave a complainer in no doubt at an early stage that what they have said has been heard, understood and believed, that the evidence supports the fact that an apology is due and that the apology is offered sincerely, with a view to repairing the situation for the future.

The bill proposed by Margaret Mitchell, and now agreed between her and the Government, goes a long way towards providing the circumstances that will make life better for the general public in the future.

The bill will apply to all civil proceedings—apart from those that many members mentioned—and it is not retrospective in effect. Some members said that they are unsure whether it will achieve what it set out to achieve, but unless we take a step into the unknown by agreeing to pass it this evening, no change in culture can be achieved.

I welcome the bill. Like the Government, we will support it when it comes to the vote.

15:20

**Paul Wheelhouse:** I thank all members for their speeches, as I am sure that Margaret Mitchell will do, and for their interest in promoting a culture change in relation to apologies. It is clear that the bill touches on an issue that is close to many people's hearts.

Like Graeme Pearson and other members, I think that we have all met individuals who started a journey wanting nothing more than an apology and recognition that they were right to be concerned about what had happened to them, so

that they could move on, only for the issue to snowball and become something more significant.

I am grateful for the widespread support that Margaret Mitchell has had for the bill. That broad support has made the process easier for the Government as well as for her. I was struck, as I was at stage 1, by her description of the bill's importance and its origins—securing her aim today will be particularly poignant for her. I thank members for their engagement on the bill and with my team throughout the parliamentary process.

I thank Gavin Brown for his kind remarks. He pointed out, very appropriately, that the process has been a testament to the Parliament's procedures. We had a constructive debate at stage 1, all parties worked constructively at stage 2, and at stage 3 I think that we have secured a bill that meets the concerns that Margaret Mitchell set out at the start of the process and allays any concerns about it on the part of the Government and members of other parties.

I thank Christine Grahame, the convener of the Justice Committee, and all the committee members for their detailed and careful consideration, which helped to shape the bill. I also thank individuals and organisations who engaged with the bill process.

On Elaine Murray's point about the difference between a transitional and a transitory provision, I thank her for not making an issue of the matter during our consideration of amendments. I understand that a transitory provision is similar in nature to a transitional provision but might cover the gap between new legislation coming into force and old provisions being dropped by the Parliament, and that a fixed date is usually associated with such a provision. However, I will be happy to get chapter and verse on that to Elaine Murray in due course.

I was struck by what Gil Paterson said about how in the past it was a matter of good manners to apologise. As Gavin Brown said, it is to be regretted that society has changed to such a degree. I hope that Margaret Mitchell's bill will move us a little way towards the return of good manners and the making of apologies where they are warranted.

Margaret McDougall helpfully set out, for her interest and for the benefit of members, how concerns were addressed at stage 2. It is helpful when parliamentarians explain our procedures to the public, and she eloquently described how her concerns about the Children's Hearings (Scotland) Act 2011 and other areas were addressed during the passage of the bill, which again demonstrates the merits of the process.

Rod Campbell referred to the insurance industry. The bill makes provision for the effect of

an apology in certain legal proceedings but does not change the law in relation to the insurance industry, which is reserved. There is no requirement for an individual to make an apology. However, by voting for the bill the Parliament will send an important message about the value of apologies and the need to encourage a culture in which apologies are more freely offered, and I hope that the insurance industry will take note of that message. Nonetheless, in future, individuals might also wish to consider the terms of their insurance contracts in that regard. It is important to make that point.

A number of members referred in the debate to survivors of historical child abuse who took time to consider the bill and share their thoughts on it. I reiterate my thanks to the people who engaged with me personally and to those who engaged with other members. Alison McInnes referred to them. It would have been wrong of us not to acknowledge today the origins of the bill and the particular group that may be impacted positively by it.

On the points that Alison McInnes and others made about education, training and guidance, I fully accept that we need to try to support as best we can the process to educate those in the public services in particular, but also wider society, on the benefits of the legislation and the advantages that there may be to them. Many individuals who work in the public sector have said to me that they have wished that they could give an apology but they were fearful of litigation. This is not to excuse that, but I think that we can all understand the pressures on them. I hope that, as Graeme Pearson suggested, the bill will lead to a significant step forward in that respect.

I thank the non-Government bills unit in the Scottish Parliament, which has worked closely with Margaret Mitchell as well as with Scottish Government officials throughout the process and supported our constructive discussions. As I outlined, my main concern about the bill's original wording was that there was potential for the unintended consequence of restricting access to justice for pursuers who want to make a fair claim. Based on discussions that we had involving the non-Government bills unit and Margaret Mitchell and on further engagement with stakeholders—not least Professor Alan Miller—we concluded that it was possible to find a suitable compromise that would keep the essence of the bill but minimise the unintended consequences. I believe that we have achieved that today and I hope that the bill will be agreed to at decision time.

I reiterate my thanks to Margaret Mitchell for proposing the bill. I am grateful to her for the work that she has done and for working with the Government. As I said, I hope that the outcome of

the bill process will send an important message about the value of apologies that has the potential to change attitudes in Scotland. I am pleased that we have reached this point today and can support the bill.

15:26

**Margaret Mitchell:** In closing the debate, I want to thank some of the individuals without whom the bill would not have reached this stage. I start with Mary Dinsdale, Andrew Mylne and Neil Ross from the non-Government bills unit, who have been a tremendous support and a source of wise advice throughout the process. Their hard work, research and counsel have been invaluable, as was their encouragement when even introducing the bill was less than straightforward.

A good deal of research was carried out initially, before the proposition for the bill was even mooted with the NGBU, and again as the bill progressed. I thank Kate Wane and Greig Lamont for the huge amount of work that they carried out to get the bill off the ground and for presenting a case for its introduction. Before the draft bill was produced, further research was required, and Douglas Maxwell's research and involvement were a tremendous help.

I give particular thanks to my parliamentary researcher Felicity Hollands for her continuous support and advice, and I also thank Maureen Morrison, who helped to smooth the bill through its passage prior to stage 2.

It would be remiss of me not to acknowledge the sound guidance on the bill's competence from the Law Society of Scotland's Michael Clancy. With analytical precision, he established that the bill was competent as it merely clarifies the law of evidence in civil proceedings.

I owe a huge debt of gratitude to Professor Prue Vines, who is based in the faculty of law at the University of New South Wales. As well as being a visiting professor at the University of Strathclyde, she is the recognised academic expert on apologies legislation. Her world-renowned research on apologies and the effect of the New South Wales apologies legislation significantly informed the bill as introduced. She gave me excellent advice based on her research on what constitutes an effective apology, and she responded immediately when the bill appeared to be floundering, by helping to tease out the problem and giving her comments on a proposed way forward. I know that she will derive a huge amount of pleasure if the Parliament passes the bill tonight.

John Sturrock QC also provided much-appreciated support and suggestions throughout the bill's introduction and passage. In particular, I

thank him for organising an event in the Parliament with Ken Cloke, the mediator and internationally acclaimed writer on conflict resolution. Ken's powerful testimonies highlighting the effectiveness of an apology in his own work as a mediator reminded me of and confirmed how important it was to press ahead with the bill secure in the knowledge that aiding a culture of apologising to flourish in Scotland benefits both those who have been harmed and those who are responsible for the harm that has been caused.

I have referred to the role that was played by Professor Alan Miller, the chair of the Scottish Human Rights Commission, in making me aware of apologies legislation in the first place when he visited the cross-party group on adult survivors of childhood sexual abuse. His conviction, and that of Prue Vines, that a protected apology is essential for apologies legislation to be truly effective has been crucial to my understanding that the apology must be inadmissible in civil proceedings. When it was suggested, at stage 1, that the bill should follow the wording of the Compensation Act 2006, which allows an apology to be admissible, Professor Miller succinctly explained the adverse consequences that would follow. He said:

"Adopting a similar model to that of the Compensation Act 2006 would not achieve the aims of the Bill and would not meet the expectations of survivors of historic child abuse in Scotland."

His views, as well as the experience of the cross-party group on the adult survivors of childhood sexual abuse, proved to be pivotal in helping to ensure that the inadmissibility provision remained.

I pay tribute to the members of the cross-party group for their contributions and their consistent and continued support during the scrutiny process. It is worth reiterating the views of a representative of one of the survivor organisations on the CPG, who confirmed that, for many survivors, it is not legal actions or compensation that are important. What they want above all else is closure and to move on with their lives, as that helps the healing process. The acknowledgement of what happened also gives them hope that they can perhaps prevent the same fate from befalling someone else.

The first recognised apologies legislation was enacted in Massachusetts, in the United States, in 1986, after a young girl named Claire Saltonstall was hit and killed by a car while she was riding her bicycle near her family home and the driver who struck her never apologised. Her father, William L. Saltonstall, who was a state senator, was angry that the driver had not expressed contrition. He was told that the driver dared not risk apologising because it could have constituted an admission in the litigation surrounding the girl's death. Upon his retirement, the senator and his successor

presented the legislature with a bill that was designed to create a safe harbour for would-be apologisers. As was stated at stage 1, that was the first tentative step, which has since resulted in more than 35 US states and many nations around the world, including Australia, Canada and New Zealand, introducing apologies legislation.

In the consultation that went out prior to my bill's introduction, I cited a scenario that every member will recognise. A constituent comes to them and outlines an adverse experience, whether it involves a local authority, the police, a utility or retail company or a quango. The constituent then goes on to say that they do not want to take legal action; they want an acknowledgement that the adverse experience has occurred, an apology and, above all, to ensure that the same thing does not happen to anyone else. However, we all know that, more often than not, fear of litigation prevents their receiving that apology. I am hugely gratified that, while the duty of candour will apply to the health service, the Apologies (Scotland) Bill, addresses and resolves the problem of fear of litigation elsewhere in both the public and private sectors, which has positive and significant implications for early resolution, preventative spend and savings.

If the bill is passed this evening, I will be immensely proud that Scotland is leading the way on apologies legislation in the UK.

## Public Petitions Process Review

### **The Deputy Presiding Officer (John Scott):**

The next item of business is a debate on motion S4M-15343, in the name of Michael McMahon, on a review of the public petitions process. I call Michael McMahon to speak to and move the motion on behalf of the Public Petitions Committee.

15:35

### **Michael McMahon (Uddingston and Bellshill)**

**(Lab):** I am pleased to open this debate on the review of the petitions process. This is the fourth debate that we have had on the Parliament's petitions process since 1999 and the second such debate in which I have spoken as convener of the Public Petitions Committee. The petitions process has, of course, developed since 1999. A number of changes have been made over that time, but what remains constant is the importance of the process in enabling people to get issues that concern them on to the Parliament's agenda.

Before I talk about the most recent findings on the process, I will say a few words of thanks. The research that we are discussing was commissioned before I became convener. John Pentland was the convener at the time, and it is right to recognise his contribution. Indeed, it is right to recognise the contribution of all members who have served on the committee during the parliamentary session, including that of its other former convener, David Stewart.

The research was carried out for the committee by Gareth James. I am pleased that he is attending the debate, as that enables me to thank him on the committee's behalf. His work has provided the committee with evidence and analysis that increase our knowledge and deepen our understanding of how the process is seen.

Finally and most important, I offer the committee's thanks to the petitioners who contributed to the research, either through responding to a survey or in more detailed interviews. Their willingness to share their experiences is invaluable in allowing the committee to understand the perceptions and expectations that people have of the Parliament's petitions process.

I turn to what the research tells us about the process. The research had four purposes. It was intended to monitor progress against the most recent review in 2009; to benchmark our process against processes in other legislatures; to capture socioeconomic data about petitioners; and to ask petitioners about their expectations and experiences.

The research found that the recommendations of the 2009 review have all, to some extent, been taken forward. It is interesting to see how the development of digital technologies has possibly overtaken some of those recommendations. For example, the system for supporting petitions via SMS messaging was implemented but has not been used. That will be worth bearing in mind for future developments of the system.

Benchmarking of our process shows that there are a number of similarities with processes that are in place in other legislatures. The Scottish process seems to have the fewest restrictions in relation to signatures and support, given that a petition requires only one signature and does not need the support of an elected member. In other ways, it might be said that our process places more of an expectation on petitioners. For example, they are required to tell us what they have done to try to resolve the issue that is of concern to them. The Scottish process also differs from that in legislatures where petitions processes include an element of an ombudsman function.

The socioeconomic data that is captured in the research appears to tell us two things. First, the demographic profile of petitioners does not appear to have changed from the profile that was found in work that was carried out 10 years ago. Secondly, the profile of petitioners does not reflect the diversity of the general population of Scotland. Put simply, the sociodemographic profile skews towards older white men who are relatively affluent and who have been educated to degree level.

Having been told those things by the research, the committee sets out in its report its initial responses. It does so under two broad headings: engagement and transparency. The committee's final responses and recommendations will be set out in our legacy paper. Those recommendations will be informed by this debate and by a workshop that we will hold next month.

The committee considers that undertaking engagement events more frequently should be a target for the next session. Such events should be a combination of formal committee meetings and more informal workshops or visits. However, the amount of engagement is only one consideration. Of at least equal importance is the quality of engagement. Attendees at the committee's external meeting in Inveraray last September commented that they would have welcomed the opportunity to contribute to and participate in that meeting.

The committee recognises that active participation is a key part of engagement. Opportunities for it must therefore be considered in the design of future engagement events.

The committee recognises that improvements can be made to the transparency of the petitions process. As members will be aware, there have been criticisms of the number of petition proposals that were received but did not go on to be lodged as petitions. I am pleased that a more detailed analysis of those numbers has been included in the research. That analysis gives the reasons for proposed petitions not going on to be lodged and shows that, when broken down, the figures for Scotland are broadly comparable with those for other jurisdictions.

Such information, which clearly helps in understanding the process, has not routinely been available. The committee has therefore agreed that a system should be established to record and publish information about proposed petitions that are not eventually lodged.

I have commented on the findings about the demographic profile of petitioners. That information is valuable to assist us to know who petitioners are and which groups or communities are underrepresented. However, demographic data is not routinely captured. We have set out our intention to suggest in our legacy paper ways in which that information could be captured, and we would welcome any thoughts that members might have on that.

The final area that I will mention is the consideration that the committee gives to petitions and how clearly our decisions are understood. That is the part of the petitions process that respondents to the survey were least satisfied with. We place a great deal of importance on hearing petitioners' views throughout our consideration of petitions. Whenever we receive submissions on a petition, the petitioner is given the opportunity to submit their views and to request further actions that the committee could take. That process happens before the committee looks at the submissions.

The committee also considers requests from petitioners to give additional oral evidence. However, the opportunity to give additional evidence always needs to be balanced against the opportunity for the committee to hear from petitioners on the first occasion when a petition is considered. The research tells us that we need to reflect on how we can communicate our decisions more effectively. For trust to be maintained, it is vital that petitioners and others with an interest in the petitions system can understand how decisions are reached.

I look forward to hearing members' contributions to the debate. The research concludes that petitioners are able to feel more engaged in politics as a result of the petitions process. However, there are areas where we can and should improve to deliver a world-leading system.

Any ideas that are put forward in the debate will be considered for inclusion in the committee's legacy paper. We hope that it will form the basis of further development of the process in the next session and beyond.

I move,

That the Parliament notes the findings and recommendations contained in the Public Petitions Committee's 2nd Report, 2015 (Session 4): *Review of the Petitions Process* (SP Paper 859).

15:43

**The Minister for Parliamentary Business (Joe FitzPatrick):** It is right and proper that the Parliament regularly reviews its procedures. That allows the Parliament to examine what has worked well and what it can do better, with the aim of making this Parliament the best that it can be for the people of Scotland.

One of the measures of the Parliament's success is how open and accessible it is to the people whom it represents. A key element of that is ensuring that the petitions system is effective. The system permits people from all strands of civic society to put on the parliamentary agenda issues that are important to them and to ask responsible bodies, including the Government of the day, to act on them.

Before we look at how the system might improve, we should note some of the successful petitions that have secured change. In 2000, a petition that called for the reinstatement of railway services to the Scottish Borders attracted more than 17,000 signatures and was a significant step towards the introduction of the Waverley Railway (Scotland) Bill to rebuild a section of the line in the Borders. That culminated in the building of the longest section of new railway in the United Kingdom for about 100 years, which has proved highly popular since its opening last September.

In 2014, a petition was lodged to have the Tinkers' Heart of Argyll recognised, restored and listed as a monument of national historic significance. That is the only monument that the Scottish Gypsy Travelling community has. The site did not initially meet the criteria set out by Historic Scotland, but the petition impressed that organisation to such an extent that it led to a fresh evaluation of the circumstances and a public consultation. The site was reassessed and it is now recognised as a site of high cultural significance to Travellers and the whole of Scotland.

The Parliament should seek to build on those successes. I look forward to hearing members' thoughts and suggestions during the debate.

15:45

**David Stewart (Highlands and Islands) (Lab):** I am pleased to speak today as one of the Public Petitions Committee's ex-convener. I spent a very happy four years there, and I see familiar faces in the chamber who were members when I was convener.

Members may know that we have a long tradition of petitions in Scotland. In fact, to give members a little history lesson, if they look back through the mists of time, they will see that David II in the 14th century arguably invented the first petitions system in the world when he gave every subject a right to petition the king. The advent of the Scottish Parliament 700 years later provided an ideal opportunity to resurrect the petitions tradition.

We should not forget that the previous Scottish Parliament, which ended in 1707, also had a petitions system. I asked the Scottish Parliament information centre to give me information about that system. It found an interesting test case in 1605 when a Church of Scotland minister in St Andrews, who wished to move his charge from St Andrews to Edinburgh, petitioned the Scottish Parliament and was awarded a change of charge at £5 a year. I am therefore able to pre-date the Minister for Parliamentary Business's examples of best practice.

As we all know, the Parliament was founded on four guiding principles, which underpin all areas of its work and not just that of the Public Petitions Committee. Those principles are important to address. We sometimes forget the principle of power sharing between the Parliament, the Scottish Government and the people of Scotland. The other principles are accessibility, openness and participation, accountability and equal opportunities.

I, too, will give examples of successful petitions. They all happen to come from my time as convener, but I stress that I am not trying to take any credit for them. When I considered the difference that can be made, four petitions jumped out at me. Irrespective of who is in power, ministers are required to be chased and departmental chiefs' heads need to be banged together to get common sense. A petitions committee can do that.

I was most struck by the petition on pain relief; Jackson Carlaw was on the committee when it was considered. We had a pile of constituents and petitioners who had problems with chronic pain. At the time, the only pain relief centre in the United Kingdom was in Bath. I think that Alex Neil was the then health secretary. Following representations on the petition, he agreed that



there would be pain relief centres in health boards throughout Scotland. That was a great success.

Another petition that struck me was the one on mesh devices. A series of women turned up to Parliament in wheelchairs. In my nine years in the Parliament and during my previous period in another Parliament, that has probably been the most emotionally charged day that I have ever had, when women explained at first hand their absolutely dreadful experiences with mesh devices. At the committee, the deputy chief medical officer said that women could take legal action if the faults in the mesh devices had caused health problems. However, at that time, a person needed to know the reference number of the mesh device to do that. How bureaucratic can something be? I am glad that, following the great work also done by *The Mail on Sunday*, which ran a tremendous campaign, a huge success was achieved.

A petition that Chic Brodie—he is not in the chamber—and I were particularly interested in was on a register of interests of the judiciary. Members will recall that we had a fight about whether we could cite the then Lord President to appear before the committee. Chic Brodie, who was the deputy convener, and I managed, with the committee's support, to meet the Lord President and achieve what I consider to be a breakthrough. That might not fully be the case in the minds of the petitioners, but it is now possible to get a register of sheriffs and judges who have recused—excused—themselves in a court procedure, which did not happen before.

I know that I do not have much time, so my final example is about the petition on democratic and employment rights for young footballers. As a football fan—I declare my interest in Inverness Caley Thistle, who will need all the support that they can get this week, particularly when they play in the Scottish cup tonight—I was appalled to find out about the terrible employment conditions that young footballers had to sign up to. We had the whole football hierarchy in front of us, which I believe achieved some change as well.

Such examples make a difference. The review was excellent, and I agree with every word that my colleague Michael McMahon said.

When I spoke as the committee's convener in various exotic climes, such as Johannesburg, Belgrade, the National Assembly for Wales and Westminster, I often said that I was an evangelist for the committee. I would like to think that I am still an evangelist for it. However, although we are excellent at representing accountants in Bearsden, we are perhaps not quite as good at representing artisans in Easterhouse. We need to get out and about more and go round disadvantaged estates. That said, the committee is tremendous, and it

takes pride in all the work that it has done for the Parliament.

15:50

**Jackson Carlaw (West Scotland) (Con):** I am very happy to contribute to the debate, and I do so as an unreserved fan of the Scottish Parliament's petitions process.

Towards the end of my first session in 2011, I produced my own report on why I thought that in many other respects the Parliament's procedures unnecessarily straitjacketed the spontaneity that there might otherwise be. There is the hideous process by which we have to submit parliamentary questions well in advance to notify ministers of our intent, which very often means that the questions no longer have any topicality by the time that we ask them, and the dismal and pedestrian nature of many of our debates, in which contributions are weighted by parliamentary representation rather than by any interest or knowledge of the subject about which we are having a conversation.

I exempt the parliamentary petitions process from that. I went on the Public Petitions Committee more or less by accident. My colleague Nanette Milne sat on it, and I was on the Health and Sport Committee. It was felt that Nanette Milne would lead on a bill, and I offered to swap with her. When I got to the Public Petitions Committee, I found that I had no wish to leave it, because members of the committee come free of any party whip and they usually have a completely objective and open mind on the subjects that will be discussed. Members have pursued with great credit—this is the critical issue—not just how petitions came to the committee, but what the committee should do with them.

I have been impressed that members of the committee, who have changed in the time that I have been a member of it, have been prepared to pursue issues without fear or favour. Ministers who come to the committee to give evidence know that they cannot just smile at friends and hope that all will be well; they have to come and answer questions on the detail of the petition in hand.

**Nigel Don (Angus North and Mearns) (SNP):** I cannot help reflecting that all that I have heard so far suggests that that has been the case in this session. I confirm that exactly the same prevailed in the previous session, when I sat on the committee. I think that that makes Mr Carlaw's point.

**Jackson Carlaw:** I am happy to agree on the golden age of Nigel Don on petitions, equally as much as I am on the golden age of petitions with David Stewart. I accept that that is my point. The committee has always been prepared to do that. It

is therefore an extremely interesting and rewarding committee on which to sit.

Before my time on the committee, a petition was submitted by Mike Gray and Tina McGeever on access to new medicines. I think that that led to a completely transformational way in which end-of-life medicines were made available to the wider Scottish public.

In this session, the petition on vaginal mesh implants, which Mr Stewart mentioned, has been one of the most extraordinary petitions that we have heard evidence on. There have, of course, been ramifications across the whole world as a result of the interrogation of that issue in Scotland. Scotland was the first to act at a Government level with dramatic intent and to bring about a potential change in the wellbeing of those affected.

I am not indifferent to our need to broaden access, but what matters to me more is the substance of the petitions that come before us. I would like to see that enhanced. On access, my particular contribution in respect of the recommendations in the early report, before we consider the evidence of the debate elsewhere, is that it is now the custom and practice of all members to issue annual parliamentary reports. If we are going to harness the Parliament's capability to promote the petitions process to the widest possible body of people, it would be useful to have an advertisement from the Parliament about the parliamentary petitions process within those annual reports and an offer by the member issuing the leaflet to help facilitate the petitions that some of their constituents might be interested in raising.

That approach would allow the petitions process to be advertised to the widest possible community and it would enable those who might feel slightly intimidated about the potential process to feel that they had a link beyond the very helpful clerks to help with implementing the petition.

The Public Petitions Committee is an extraordinary committee; it stands head and shoulders above many parliamentary petitions committees the world over. One signature on one petition can ensure that an important issue is heard in this Parliament and that action can follow. We should be very proud of that.

15:56

**Kenny MacAskill (Edinburgh Eastern) (SNP):** I heartily endorse the comments that were made initially by the current committee convener, which have been endorsed by every member across the chamber who has spoken so far. To some extent, the chamber seems to be echoing the committee, where we tend to operate by consensus, which is a good thing.

I was not aware of the precise history of petitions and I am grateful to David Stewart for his input on that. However, I remember that when I first came into this Parliament in 1999, the consultative steering group was taking pride in bringing in new aspects and the openness that was going to be created here. Part of that approach involved the Public Petitions Committee, how it would operate and how we would interact, not just through the committee but in our daily lives, with the people we are privileged to represent.

The Parliament has always rightly taken pride in the petitions process. Jackson Carlaw was right to make points about that. Others have learnt from us—even here in the city of Edinburgh, the council has mirrored the process. Its process is slightly different but it builds upon what we have here. There are aspects that the committee has learnt about from elsewhere and conveners have travelled far and wide to make sure that we not only impart what we believe we can contribute but learn from others. That is a good thing.

Until late 2014, I had not experienced the petitions process other than when I occasionally contributed points on behalf of constituents and supported them with their petitions. I also picked up vibes from all those who operated in the committee, either as parliamentarians or as members of the public. It reminded me of my days as a lawyer and of judicial review, which is an outlet when no other option is available. To some extent, the committee is about that. It is not about overt political power. It is not necessarily about moving a direct motion. It is about allowing people to have their say—to have their voice heard—as members have said, on what can sometimes be deeply serious, quite moving issues that are indeed quite stressful for the committee, too. The strain can be etched upon the faces of those who contribute. Sometimes the issues are perhaps more flippant and light-hearted but individuals are entitled to raise them because they feel quite passionate about them.

There are obviously points that have to be learned. There are points that will be put in the legacy paper but some points remain universal. The point has already been made about the benefit of external visits. I have participated in those visits and they were enjoyable. However, we need to think about how we can maximise the benefit for the communities that we visit. I believe that the visits have worked well, but that does not mean that they cannot work better. Again, we have to get the balance right between going around the country and ensuring that we are here for those who wish to petition us. There is a significant volume of such people.

As a committee, we have recently been challenged not simply by the right of people to lodge their petitions but the need to take on board the rights and feelings of others who might be affected. That can be challenging because we have had to consider and work through petitions as a committee so that we do not seem to prejudge any aspect of the petitions but take on board that there could be interference in and an effect upon people's lives.

Equally, we have to get the balance right between holding inquiries—as has been mentioned, the committee's inquiries have been remarkably successful and were definitely necessary—and just ensuring that we allow people to give their evidence and have their say, either by lodging a petition and doing what they wish thereafter or by coming to the committee and having their voice heard.

It has been a pleasure to serve on the committee. I believe that we need to build on what was established in the Parliament in 1999. The consensus rightly continues. There are things that can be learned but, equally, there is an awful lot that we just have to maintain.

16:00

**Hanzala Malik (Glasgow) (Lab):** It is a pleasure to speak on the review of the public petitions process in the Scottish Parliament. The public petitions system and the Public Petitions Committee are an important element in engaging with the people we serve, to try to shape what the Parliament does for them. In general, the system is viewed as positive.

I want to share some of the feelings that I have had during my period on the committee. I have seen farmers coming to the committee claiming that their human rights had been violated. I actually agreed with them. We knew that there was a case to be answered and that they could not afford to pay to go through the legal system to advance their cause. However, the Government let them down. For the first time ever, I felt that, as a nation, we had let our people down. The committee provided a good democratic way of reaching a consensus. It was important that I at least shared my feelings with the petitioners, because I wanted them to feel that we care.

We have engaged with many other people through the committee. Another issue that touched my heart was that of single parents' rights. People face huge challenges and difficulties. Sometimes, when a relationship breaks down, parents can be so difficult with each other that they forget how their children are being affected. The children sometimes lose out because the parents are too busy fighting each other. That issue is still going

through the process. I hope that we will be able to do justice to both sides because, at the end of the day, we want to ensure that the children no longer suffer. That type of issue normally does not go through the court system or through other parts of our system. The Public Petitions Committee is probably the right vehicle for people to raise that issue. In fact, two petitions have almost come together to try to resolve it.

I sit on the committee and I am proud that we have a system in which ordinary people can bring their cases to us. Sometimes, they are issues that deeply affect people's everyday lives. Petitioners can come to the committee and speak to people who they perceive to have power and who can engage with others who can try to resolve the issues or, more importantly, consider legislation. A petition can sometimes give the Government another opportunity to look at the legislation that is in place and consider whether it is effective or ineffective. The committee gives people an opportunity to make their point at a very high level, which is important.

I come on to the most important aspect. The review suggests that there will not be a lot of change in the type of cases that come to the committee. It also suggests that most petitions are brought forward by a certain element of the community, with a certain academic background and the ability to research and write down petitions. That is all well and good, but one thing that is missing from the committee is engagement with our minority communities. Very few minority communities have had the opportunity to engage with the committee. We need to do some work on that. That is not in any way meant as a criticism of anybody; it just means that there is an element that we need to engage with.

I am happy and proud to serve on the committee, which does a wonderful job. Everybody who is involved in it is trying very hard. I hope that we all continue to serve the people of Scotland and ensure that their hopes and aspirations are met.

16:04

**Angus MacDonald (Falkirk East) (SNP):** I am pleased to contribute to the debate, especially as there has been some negative coverage of the Public Petitions Committee in the media in recent months. It is heartening to know that the review of the public petitions process found that people who petition the Scottish Parliament find it to be a positive experience. However, as the report suggests, there is always room for improvement.

The committee's report highlights that more can be done to further strengthen the reputation of the petitions process through greater transparency

and engagement. Therefore, the committee already plans to increase engagement with the public at a pilot event next month, where it will try to understand why certain demographics are under-represented by asking people for their views about the system and whether it represents, or is seen to present, a barrier to their participation.

I am sure we are all keen to ensure that the Parliament remains open and accessible to the people whom it represents. The public petitions process was intended to be one of the main mechanisms for achieving that, and we must continue to ensure that the system remains effective.

Other legislatures have contacted the Parliament to find out how we conduct the petitions process, but there is of course an opportunity for us to look at how it is done elsewhere. For example, the National Assembly for Wales and the UK Parliament publish information about proposals that are received but do not go on to be lodged as petitions. Of course, there have been calls for such information to be made public in Scotland in recent months.

Our process for progressing petitions remains relatively simple when compared to processes in other Parliaments in the UK, Europe and elsewhere. According to the review, the stipulation in other Parliaments that petitions must include the names and e-mail addresses of a certain number of supporters or obtain a set number of signatures before they become admissible, such as in Canada, or eligible for a Government response or debate, such as in the UK, creates a barrier to participation that, I am thankful to say, does not exist in Scotland. We should be proud of that fact. However, the report also shows a much higher percentage of inadmissible petitions in Scotland than in Wales and Ireland, so there is a strong argument that suggests measures should be introduced to increase transparency in the decision-making process.

That said, there have been successes among the petitions that were admissible. Some have already been mentioned. The one that sticks in my mind as the most helpful was the petition on, and our subsequent inquiry into, tackling child sexual exploitation in Scotland, which resulted in the Scottish Government announcing a strategic national action plan. We also had a petition that called for stronger national health service support for chronic pain sufferers, which led to the Scottish Government's announcement of a new centre for chronic pain last year. The former convener, David Stewart, mentioned that.

The minister referred to the successful petition to recognise, restore and list the Tinkers' Heart in Argyll as a monument of national historic significance, despite significant resistance at the

beginning from the landowner and Historic Scotland.

There was also a petition by school pupils to have wi-fi on all CalMac ferries. That one has been only partially successful: no CalMac ferry on which I travelled in the past few months had wi-fi. However, I believe that the ferry that the petitioners use between Oban and Barra has wi-fi; those school students must have a feeling of empowerment, having secured wi-fi at least for the ferry users from their local community.

Other petitions have resulted in successes such as bringing about better access to cancer drugs, lifting the cap on discretionary housing payments for people affected by the bedroom tax and even designating the Scots pine as Scotland's national tree.

Although the committee has had a number of successes, the report makes it clear that more can be done to further strengthen the reputation of the petitions process through greater transparency and engagement, which I and other members of the committee will ensure is set out in the committee's legacy paper.

We have a petitions process of which we can be proud. Let us ensure that it stays that way.

16:09

**John Wilson (Central Scotland) (Ind):** I, too, take great pleasure in speaking in the debate. I think that I am currently the longest-serving member of the Public Petitions Committee, with almost eight and a half years' membership. Some people would say that that was a punishment, but it has been a pleasure to serve on the committee. I have done so under five conveners, starting with Frank McAveety in 2007. Rhona Brankin took over, then, in this session of the Parliament, David Stewart, John Pentland and, latterly, Michael McMahon.

It has been interesting to see the petitions that come forward and the issues that we are faced with on an almost fortnightly basis.

This report follows on from previous reports that have been presented to the committee. There was one in 2006, by Christopher Carman, and another in 2009, which made a number of recommendations to the committee about how we should take forward our work. The report that has been produced by Gareth James, which we are discussing today, also helps our consideration of how the committee is moving forward.

Other members have referred to the petitions that we have dealt with, some successful, others less so. The drugs policy petitions come to mind. Members have mentioned the mesh implant petition, which has been successful in highlighting

that issue to many women in Scotland, and the petition on the register of interests for members of the Scottish judiciary, which still rumbles on and which we hope to conclude fairly soon. Other interesting petitions include the one about funding for St Margaret's hospice. Those petitions have been supported by local members and other MSPs who have come to the committee to speak on behalf of the petitioners. One of the valuable things about the committee is that members feel confident about coming along to contribute. Their contributions to the debates in the committee are welcomed, because they help us understand the local issues and some issues that the petitioners might not be able to express. With regard to the petition on the Tinkers' Heart of Argyll, I am sure that Michael Russell would like to take some credit in relation to not only his support for Jess Smith's petition, but the work that he did behind the scenes.

Most of the petitioners whose petitions we have dealt with have said that they have been satisfied with the process. However, there is a difficulty around those petitions that have not been heard in this session of Parliament. Last summer, an investigative journalist—who is also a former member of the Scottish Parliament and the Public Petitions Committee—identified, via a freedom of information request, that nearly two thirds of the petitions that were submitted to Parliament were not heard by the committee.

**Michael McMahon:** I want to clarify what Mr Wilson just said. It did not require an FOI request to get that information. There was a simple request by someone who had an interest in the subject. It is wrong to try to create the impression that someone had to dig in to what the Public Petitions Committee does via an FOI when, in fact, the clerks made the information readily available following a simple request.

**John Wilson:** Mr McMahon was not a member of the committee at the time when the issue was raised. The committee discussed the matter at the time and surprise was expressed by the majority of members about the number of submissions that did not formally go forward to be heard by the committee.

It will be important to consider the socioeconomic demographics of those who make submissions to the committee, not only those whose petitions are heard by the committee. That will enable us to determine what level of support and assistance is required by people who want to make that important submission to the Parliament. Support seems to have been provided to petitioners in the past but does not seem to be currently available.

I wish the Public Petitions Committee every success and hope that future members of the

Scottish Parliament recognise the role and the value of the Public Petitions Committee and continue to support it in every way that they can.

16:14

**Stewart Stevenson (Banffshire and Buchan Coast) (SNP):** I congratulate the minister on his brevity, which allows much more time for the backbenchers to express their views on a committee that is, in essence, a creature of the backbenchers. It is not attached to a particular minister; it represents the people whom we represent in a way and to an extent that no other committee does.

I have been a member of the Scottish Parliament since 2001 and, from the very outset, I have found myself engaged with the Public Petitions Committee, sitting alongside many of my constituents. I cannot think that a single one of them who has come here has been other than delighted with the opportunity to put their case to Parliament, if not always equally delighted with the outcome. When the Public Petitions Committee gets a case, the odds are that it is a hard case. Everything else has been tried and the petitioner has come to Parliament as a last resort. That is not universally true, but it is certainly true of many of the cases that come before the committee.

Jackson Carlaw talked about debates in Parliament being pedestrian. A quick look at the dictionary shows that one could apply 41 alternative descriptions. We beat ourselves up an awful lot. In the Public Petitions Committee, there is lively debate and discussion, often initiated by the people who bring their concerns to that committee. We should look at that as a model of what we can do.

It is one way, but not the only way in which our constituents can engage with us. We are not typical of the people of Scotland. We are captured and held hostage in Edinburgh for three days a week, 36 weeks a year—about a third of the year—so we are, to some extent, disconnected from the day-to-day concerns that constituents and others bring to the Public Petitions Committee and to us in our surgeries, our correspondence, on our websites, in our Twitter feeds and so on.

Today's debate has focused on the people who submit petitions. That is good, because there is always a danger, when we are looking at our processes, that we will focus on our internal view of how successful they are in a parliamentary context, whereas the reality is that we should look at such processes from an external point of view and ask, "How does this serve the people of Scotland?" In relation to the population of our country, the number of petitions is infinitesimal. It

is 3 per cent of 1 per cent of the population—a tiny wee fraction.

When, having exhausted all options, I say to my constituents, “Why don’t we think about a petition to Parliament?”—I did that only on Friday, at a surgery—they have never heard of the petitions system. I think that that will be true of the overwhelming majority of people in Scotland. We will have to be more cute about how we open the doors of Parliament and make people realise that the doors are open. The role of weekly newspapers and the national daily press is much diminished, compared to what it used to be. Perhaps there should be a weekly slot on one of the television programmes, even if it is one of the local TV stations that are popping up all over Scotland. We should bid to get some space on there to tell people what goes on.

There is much that we could say about the committee. However, I end by saying one particular thing, about which there has been some reference, which is the role of clerks. We cannot overestimate the value of the clerks in helping people who approach the committee with an idea for a petition. The clerks help to turn those ideas into something that enables a petitioner to come before the committee and speak to their petition with confidence, knowing that it is properly constructed and proposes something that the Parliament can do. It is entirely appropriate that we thank the clerks, on behalf of the people of Scotland, for the superb work that they do. This is the most valuable committee in Parliament. Abolish Parliament if you wish, but keep this committee.

16:18

**Jackson Carlaw:** I would like to develop the point that I made in my earlier contribution about the way in which we might more effectively advertise the parliamentary petitions process to the wider community through members’ newsletters. I find it interesting that the members of Parliament who are most enthusiastic about the Public Petitions Committee and the petitions process are invariably those members who have sat on the Public Petitions Committee at some point and had first-hand experience of the work that it can do.

Members queue up to have members’ business debates in this Parliament on the three occasions each week that those debates take place. However, they perhaps do not fully appreciate the opportunity that is open to them, through the parliamentary petitions process, to represent an equally important issue, in conjunction with a constituent. They may not realise that they can do so in a way that would allow that petition or issue to be developed in more detail, through the

evidence session that would take place and the opportunities that are open to the committee thereafter to pursue the issue with ministers and other external bodies on the petitioner’s behalf. Members have not yet realised that there is huge benefit in associating themselves more directly with the opportunity presented by the parliamentary petitions process to represent constituents.

In the time that I have been on the committee, we have had some external meetings, with mixed success. We had a successful session in Inveraray on a lovely sunny afternoon—lots of people came. I remember a wet day in Dumfries that was perhaps slightly less rewarding in terms of public engagement. I tootled up to Oban on the train—it took most of the day—to attend a workshop that 15 people were scheduled to attend but which six actually did. I know that that speaks volumes about my draw for the public on the ballot. It is easy to say that the committee and the Parliament should do more to promote the process. It is, however, interesting to me that when we have done so, we have not seen the engagement that we might have desired.

The definition of success with a petition is not necessarily that everything the petitioner wants is achieved. In many cases, the issue is picked up by ministers or other agencies and the petitioner continues to be engaged with it as it is taken forward, long after the petition has been closed. Joe FitzPatrick mentioned the Tinkers’ Heart petition; David Stewart mentioned the chronic pain petition; Hanzala Malik mentioned Mr and Mrs Mundell and the farming petition; and Angus MacDonald spoke about the child sexual exploitation petition.

Several members also referred to Lord Gill. I do not know whether David Stewart is aware that Lord Gill generously deigned to grace us with his noble presence—eventually. He came before the committee and, by way of explanation or justification, offered his view of the matter that we had tried so long and hard to encourage him to give.

It is not just that the ultimate aim of the petition is achieved but that the underlying issues go on to be pursued in a way that would not otherwise happen. That is a great credit to Parliament. I say to members who are elected for the next parliamentary session that they should understand the potential of the Public Petitions Committee and how it offers them more of an opportunity to represent their constituents’ best interests than the floor of the chamber or the other, more traditional committees.

16:22

**David Stewart:** This has been an excellent debate with lots of consensus. I am grateful for Jackson Carlaw's update on Lord Gill. I had missed the fact that he came before the committee. Obviously it was something I said that meant he did not wish to come when I was convener. In fairness, I met him with another member—I just want to put that on the record.

To summarise Jackson Carlaw's argument, he is very much a champion of the Public Petitions Committee; indeed, everyone who has spoken today has also been a champion of the committee, irrespective of whether they are still a member of the committee. In theory, all committees exist to keep the Executive in check, but the Public Petitions Committee has done that particularly well.

I put on the record my particular thanks to Nigel Don, who intervened earlier in the debate. When I was convener, Mr Don was like an honorary member of the committee because he appeared before it so often to talk about a memorable junction in Aberdeenshire. I wish him every success with getting that through Transport Scotland.

Kenny MacAskill, the ex-cabinet secretary, is an important and effective member of the Public Petitions Committee. He talked about the important role of consensus.

A point that no one else has mentioned is that local authorities have picked up on the great work that the petitions system has carried out. It is also interesting to note that national Governments and Parliaments from across the world have visited our Parliament to see how the system operates. For example, the Welsh Assembly, which has taken an innovative approach, learned quite a lot from the way in which we operate.

Kenny MacAskill made the important point that many petitioners see the Public Petitions Committee as an operator of last resort, and we should always remember that. He also made a point about balancing meetings in the Parliament, on the committee's fortnightly cycle, with getting out to disadvantaged communities. As John Wilson said, reports have picked up on the fact that the committee needs to do more outreach work.

I make an honourable mention of the Presiding Officer's innovative Parliament day approach. My experience of the committee's visit to the Western Isles was that it was a great success. We spent three or four days in advance of Parliament day ensuring that we had a petition on wi-fi on CalMac, which Angus MacDonald mentioned. That ensured that there was demand, which meant that Parliament day worked. Afterwards, we had a

reception that more than 200 people—a cross-section of the community—turned up to. That is an extremely good example of best practice.

Hanzala Malik made an important point about the case of milk quotas in Argyll and Bute, which I whole-heartedly support, as I was heavily involved in it. He also made an important point about the need for more engagement with minority communities. In effect, Angus MacDonald made the same point, because he said that we must look carefully at underrepresented groups and ensure that the Parliament's principles of openness and accessibility apply to the committee as well.

I forgot—and I am glad that Angus MacDonald reminded us—about the excellent work of Barnardo's, which asked us to do a major inquiry into child sexual exploitation, the recommendations of which the Government by and large picked up. That was a lot of work for all the committees. Predecessor Public Petitions Committees have done fantastic work since 1999, but all committees should all carefully consider doing major inquiries.

John Wilson gets the Parliament's long-service award, for being the longest-serving committee member to date. He made some interesting points about admissibility and socioeconomic appraisal of prospective petitioners.

I think that I am running out of time, Presiding Officer, but I always like to mention Stewart Stevenson. He talked about the committee being a creature of back benchers and about how we need a TV slot to advertise what we are doing. I echo his comments about the great work that the committee clerks carry out.

**The Deputy Presiding Officer:** You still have a minute and a half, if you want.

**David Stewart:** This has been an interesting debate. I endorse the conclusions of the independent review of the petitions process. The committee is excellent and should keep up the good work. I fully endorse the comments that have been made today.

**The Deputy Presiding Officer:** Given that I sat on the first Public Petitions Committee, it is important for me to remember the spirit of John McAllion, who was its convener. His pioneering spirit certainly took the committee forward.

Anyway, enough of my self-indulgence. I call David Torrance to wind up the debate on behalf of the committee.

16:27

**David Torrance (Kirkcaldy) (SNP):** I am pleased to close the debate on behalf of the committee. The importance of the petitions

process is accepted across the chamber. It is a core part of meeting our founding principles, and interest in our process extends across the world. A willingness to learn from our experience of the operation of the process will keep that process at the forefront of good practice. The insights that we gain through reviewing the system will ensure that we do not lose sight of the wider picture and the value of the process to the public in Scotland.

The Public Petitions Committee is unique in the Parliament in terms of the variety of subjects that it considers and because those subjects are determined by members of the public. The reasons for petitions being brought forward are similarly varied. What each petition and petitioner have in common is an interest in the design or delivery of public services in Scotland.

Petitions can stem from the most tragic of circumstances. People are willing to come forward with sometimes deeply personal stories and a commitment to ensure that others do not face the same difficulties that they have faced. We must have an equal commitment to hearing those stories and carrying out the scrutiny that can help to find solutions.

Petitioners who were interviewed for the review's research were asked for their view of the purpose of the petitions process. One petitioner, Beth Morrison, said that she thought it was

"To give the ordinary person a voice ... to me this has given me, my child, and the other families that I represent, a voice, a legitimate voice, because it's out there in the Parliament, it's out there, it's public information. It's given me an outlet, and, hopefully, it will bring about real change."

The research notes that

"as long as people are treated fairly, or perceive that they have been treated fairly, the more trust they will have for political institutions, such as the Scottish Parliament, and the more willing they will be to accept political decisions, including those of the Committee."

It is important to recognise that point, because the petitions process cannot guarantee the outcomes that petitioners may desire, and it would be misleading to suggest otherwise. What we can guarantee is that every petition that is lodged will be given consideration by the Parliament, petitioners' views will be taken into account at every stage of consideration and petitioners will be informed of progress throughout the process.

The report recognises the areas where we can do more. Actions that can be taken include better promotion of the process so that people know that it is there for them to use and that the Parliament will listen when they do.

Looking to the future, the collection and use of high-quality data will help us to maintain a robust process, demonstrate fairness and know that all voices are being heard. There is a range of

options for doing that and our successor committee will have to adopt and test new practices. If the experience and knowledge that we have gained in this session can be shared and used, I am confident that we will have an even stronger process in the years to come.

Speaking for the current committee, I am grateful to members for their contributions to the debate and glad that they have taken the opportunity to debate and discuss the matter in a meaningful way, to enable us to take forward their recommendations into the next session of Parliament.

**Hanzala Malik:** I want to run something past Mr Torrance, because he has more experience than I have. What about the petitioners who have been unsuccessful? Is there room for their petitions to go through either members' business or perhaps even through parliamentary motions? That might help the process.

**David Torrance:** I agree with Hanzala Malik on that point. Petitioners who have brought petitions forward to the committee that have not been successful should have another route through the Parliament.

I thank my fellow committee members, both past and present. Thanks must also be given to the committee's support staff for their hard work and advice, which have been invaluable to members in the many varied tasks that they undertake.

David Stewart, Jackson Carlaw and John Wilson all mentioned the success of the mesh petition. The evidence session was one of the most emotional that I have sat through, not only for the petitioners but for those of us who were there on the day.

Hanzala Malik spoke about engagement with ethnic minorities—or rather, the lack of such engagement by the Parliament and the Public Petitions Committee. We need to look at that to see whether we can increase engagement with groups out there that we cannot reach.

I congratulate John Wilson on being the longest-serving member of the committee.

Stewart Stevenson came up with the really novel idea that we could go out and engage with the general public by advertising on TV to see whether we could reach more of them. That is perhaps an idea that the Public Petitions Committee could take on.

Angus MacDonald and Joe FitzPatrick mentioned the Tinkers' Heart, which I will come to in a moment. Michael McMahon talked about the quality of the engagement during the committee's visit to Inveraray. Anyone who was there will know that it was one of those meetings at which the



public engaged with the committee. It is that to which I will turn now.

The meeting of the Public Petitions Committee that took place in Inveraray in September 2015 was an excellent example of how engagement between local communities and the Scottish Parliament can be beneficial. Such engagement allows people to feel not only that they are an integral part of the petitions process, but that their contributions will be taken into account in determining a final outcome.

It was heartening to see that the 14th Public Petitions Committee meeting in 2015, which was held on a glorious day in Inveraray, was well attended by members of the public. The reaction of Jess Smith, following her submission on and successful conclusion to the Tinkers' Heart petition, was indicative of just how important it is to members of the public to feel that they are a part of the whole process.

During the question-and-answer session, Alan Reid, the former MP for Argyll and Bute, not only thanked the committee for coming to Inveraray, but commented on the Westminster parliamentary committee system and how it could learn from the Scottish Parliament.

The reaction of the public involved to that meeting serves to illustrate how advantageous such a process is in providing a positive experience for many communities and making them feel that their voice is being heard and that their opinions are valued. It also showed the openness and willingness of the Scottish Parliament to engage with the public in their own backyard on issues that are important to them and will impact on their lives in some way.

The debate has highlighted the importance of the petitions process in raising issues of concern and acting as a gateway to wider engagement with the Parliament. It seems appropriate to close the debate not with my words but with the words of a petitioner, who wrote:

"I have always been very engaged with Parliament, but I definitely felt more enthused by Parliament. I feel it's a very good organisation. I didn't doubt it in the first place, but I just feel it's a really good organisation we've got ... I haven't written to my MSPs on any issues for a while, but I definitely feel more confident about writing to parliamentarians."

## National Galleries of Scotland Bill: Final Stage

### The Deputy Presiding Officer (John Scott):

The next item of business is a debate on motion S4M-15281, in the name of Anne McTaggart, on the National Galleries of Scotland Bill. I invite Ms McTaggart to speak to and move the motion on behalf of the National Galleries of Scotland Bill Committee.

16:35

**Anne McTaggart (Glasgow) (Lab):** I am pleased to open the final stage debate on the National Galleries of Scotland Bill. Before I talk about the bill, I pay tribute on behalf of the National Galleries of Scotland Bill Committee to Gareth Hoskins, the architect in charge of the galleries project, who, I am sad to say, passed away on 9 January. Committee members were fortunate enough to meet him on our site visit to the Scottish national gallery last September. We were most impressed with his expertise and his enthusiasm for the project. If the bill is passed today, the extended gallery will be a fitting tribute to his work and vision. Our thoughts are with his family at such a sad time.

I thank the committee clerks for their hard work and my committee colleagues Fiona McLeod and Jean Urquhart, who helped to scrutinise the bill. I also thank everyone who gave evidence on the bill.

Members will be aware that the bill's purpose is to enable the building of an extension to the Scottish national gallery building on to a small area of land that currently forms part of Princes Street gardens. The project includes a plan for a new, landscaped, accessible public pathway and terrace at garden level, which is aimed at improving access between the gallery, the gardens, Princes Street, the Playfair steps and the old town. The new accessible pathway is to be particularly welcomed, as it will not only improve disabled access but help to ease congestion on a busy pedestrian route.

The extension is required by the bill's promoter, which is the board of trustees of the National Galleries of Scotland. The board wants to expand and improve the Scottish national gallery's design and house the Scottish art collection in a more appropriate and accessible location. That collection is currently housed down two flights of stairs, in a basement.

When the bill was discussed at its preliminary stage debate, the cabinet secretary said that visitor numbers to the galleries have increased by 30 per cent in the past 10 years and there was

record attendance in 2014, with almost 2 million visitors. However, less than 20 per cent of visitors to the national gallery get down to where the Scottish collection is situated. That is a great pity, given that the collection houses pieces of art by celebrated Scottish artists such as Sir Henry Raeburn and Sir David Wilkie, and given that the National Galleries of Scotland looks after one of the world's finest collections of western art.

Refurbishment of the gallery will create three times the space that is currently devoted to the Scottish collection and will improve circulation throughout the building. The extension will enable Scottish art to be showcased more prominently, in specially designed spaces that have natural daylight and stunning views across the city.

It is estimated that the refurbishment could attract an additional 400,000 visitors every year. As Liz Smith pointed out in the preliminary stage debate, there is potential for significant benefits to the economy, which will in turn give the National Galleries of Scotland the ability to preserve the collections and the galleries for generations to come.

The committee fully supports the promoter's aim of improving access to the Scottish art collection. The proposed improvements to the gallery space and the surrounding area will give Scottish art the prominence that it deserves and enable it to be enjoyed by a wider audience.

I move,

That the Parliament agrees that the National Galleries of Scotland Bill be passed.

16:40

**The Cabinet Secretary for Culture, Europe and External Affairs (Fiona Hyslop):** It is only a few weeks since we previously met in the chamber to discuss the National Galleries of Scotland Bill, but I again express my thanks, as I did at the preliminary stage, to Anne McTaggart, convener of the National Galleries of Scotland Bill Committee, and the other members of the committee, Fiona McLeod and Jean Urquhart, for the work that they did in examining this private bill. I also thank the National Galleries of Scotland and the City of Edinburgh Council for their valuable contributions, which have supported the process, and I thank other members for their input.

I visited the Scottish national gallery earlier this afternoon to see the annual display of Turner watercolours, which I strongly recommend. The works, which were bequeathed to the gallery by collector Henry Vaughan, span Turner's career from his early topographical wash drawings to the atmospheric sketches of continental Europe from the 1830s and 1840s.

The display is a wonderful example of the quality exhibitions that the national galleries present, and I strongly recommend that members visit it, if they can. Our Cabinet meeting finished slightly early and I was delighted that John Swinney and Richard Lochhead were able to visit the exhibition. It is important that all our politicians, whether they are ministers or back benchers, support and visit our galleries. I was particularly struck by "Heidelberg" and the fantastic representation of Skye, which is very small but which absolutely captures the grandeur and the atmosphere of Scotland. While we enjoy magnificent exhibitions such as the Turner exhibition at present, we can look forward to the wonderful transformation that the national gallery project will deliver.

I hope that the Presiding Officer agrees that, as Anne McTaggart said, it is appropriate that we remember the architect for the project, Gareth Hoskins, who died suddenly on 9 January at the young age of 48. My thoughts are with his family at this sad time. With his passing, Scotland has lost one of its leading architects. His reputation is worldwide and his contribution to Scottish architecture was exceptional.

Following the 2011 transformation of the national museum of Scotland by Gareth Hoskins's firm, visitor numbers more than doubled and it became the most visited tourist attraction in the United Kingdom outside London. His work on the national museum demonstrates the great potential economic benefits of good design as a local and national tourist draw and its power to deliver immense cultural benefits. The Bridge arts centre in Glasgow and the Culloden visitor centre are just two other examples of his natural talent and carefully honed expertise as a designer.

Scotland continues to benefit from Gareth Hoskins's talent through the legacy of the outstanding contribution that he made to our built environment and culture. He designed the new home for the National Theatre of Scotland, which is being built in Glasgow as we speak and, as one of his final projects, the transformation of the national gallery will undoubtedly be a further fitting reminder of the man and his talent.

The bill process has established that the bill is necessary to allow the transfer of land to the National Galleries of Scotland for the development at the Mound to take place. In the debate on 3 December, we rehearsed the effect on the building and on external public space of the transfer to the galleries of the 5m-wide strip of land in Princes Street gardens.

In the past 10 years, visitor numbers to the national galleries have nearly doubled, and 2015 was the first year in which the galleries achieved

more than 2 million visitors. The galleries count among the most popular museums in Europe.

The newly refurbished galleries will attract an estimated 400,000 additional visitors and 770,000 additional audience interactions every year, with a tripling of the gallery space that is available to show Scotland's national school. They will present not just the great historical figures but 20th century art, including the Scottish colourists. The impact that will come from using the space intelligently to showcase the Scottish collection is striking.

In passing the bill, we will help the National Galleries of Scotland to continue to deliver an international-class visitor experience, bring benefit to Scotland and show Scottish art in the high-quality setting that the collection deserves. For those reasons, I am pleased to support the committee's recommendation that the bill be passed.

16:45

**Claire Baker (Mid Scotland and Fife) (Lab):**

The debate is brief but important, as the bill will enable the National Galleries of Scotland to move ahead with its proposals to extend the Scottish national gallery's exhibition space, which will make it much more accessible and improve the diversity of its offer. I am pleased to speak in the debate, and I thank the committee members for their work, as well as the National Galleries of Scotland and the City of Edinburgh Council. I associate myself and Scottish Labour with the tributes to Gareth Hoskins and the cabinet secretary's remarks on his career and legacy.

The preliminary stage debate was brief, but it allowed us to reflect on the importance of the national collections not just for Edinburgh and Scotland but for our international reputation and attractiveness. National collections are important because they reflect the significance of art to a country. They are part of the cultural fabric of a nation and are a showcase to the world.

The Scottish national gallery holds an impressive collection of renaissance paintings and work up to the 1900s. It is part of the National Galleries of Scotland group, which includes the national portrait gallery and the modern art gallery. The galleries have made many acquisitions over the years. The most recent is a portrait of the 18th century Scottish merchant David Scott, which is being displayed in the national portrait gallery after undergoing cleaning and conservation work. As well as being a piece of art, it is a piece of history that helps to tell the story of Scotland's long-standing links with India.

The Scottish national gallery contributes much to Edinburgh. It is situated in the heart of the city and is frequently used by people who live, study

and work here. This is an appropriate time of the year to discuss the national gallery, as its unique Turner exhibition is on display. The National Galleries of Scotland is also expanding its online offer, as more of the collection is now available to view online along with resource materials.

Last year, BBC Scotland presented "The Story of Scottish Art", which explored the key works and artists that have shaped Scottish art over the centuries. If the new development progresses as planned, it will give the gallery an opportunity to provide access to more of its collection. The gallery hosts the world's largest collection of Scottish art, including works by David Wilkie, Allan Ramsay, William McTaggart, James Guthrie and Henry Raeburn.

As I said in the previous debate, I hope that more can be done to present women artists. I very much welcome the modern Scottish women exhibition that is showing at the modern art gallery, although an entrance fee is charged for it. I hope that the extension of the national gallery space will allow a greater opportunity to display the work of women artists and make them more accessible.

The extension of the national gallery will triple the space that is available for the Scottish collection, and I welcome the gallery's efforts to explore ways to offer greater access to Scottish art. Importantly, the additional space will also create opportunities for research and conservation work. The National Galleries of Scotland has a duty of care for its collections and employs a team of conservationists. The national gallery's collection also includes important archives and libraries that are used by staff and visiting researchers.

The national gallery first extended its footprint in 2004, when the Playfair project was completed. Princes Street gardens are integral to Edinburgh and need to be protected, but the proposed developments appear to be sensitive, and improving the landscape around the gallery and providing more connectivity between Princes Street and the Royal Mile will bring benefits for visitors to the gallery and the centre of Edinburgh. I wish the project well in its development.

16:49

**Liz Smith (Mid Scotland and Fife) (Con):** I immediately associate myself with previous speakers' remarks about Gareth Hoskins. As a governor of George Watson's college, I knew Gareth very well. The cabinet secretary rightly said how much of a loss he will be in the field of architecture, as he will be in so many areas of culture. The legacy of the national gallery's refurbishment and extension will be a fitting tribute

to somebody who was a real inspiration in Scotland.

As other members have done, I thank the committee and the clerks for all their work on the bill, and I reiterate that, as at stage 1, the Conservatives will be firmly in support of it at decision time.

It is hard to believe that it is just 10 years since the completion of the National Galleries of Scotland's Playfair project, which was a significant development that transformed NGS's presence on the Mound and demonstrated its commitment to the preservation and enhancement of access to art and culture. The fact that, more than a decade later, NGS should again lodge a private bill that seeks to triple the size of the gallery to showcase Scottish art displays its continued commitment to those aims, and we can all hope that Edinburgh will soon have an exhibition of Scotland's national art to compete with the national collections in many other international cities, including London, Paris and New York.

We should not forget the other benefits of the project. Although, as the cabinet secretary said, NGS has already managed to increase visitor numbers, a further expansion will bring discrete economic, social and tourism benefits. In addition, there will be better access—including better disabled access, which is very important—to Princes Street gardens, and the landscaping around the area where the gardens and the gallery meet will ensure that we continue to be privileged in our busy capital city to have that excellent green space.

One of the bill's successes lies in getting round what might have been a very difficult legal issue if we had had to use the City of Edinburgh District Council Order Confirmation Act 1991. That could have led to unnecessary complexity and great difficulty, so we should give credit to the Scottish Government, the City of Edinburgh Council and the National Galleries of Scotland, because they have managed to bring forward a bill that will make it much easier for the project to be successful. That process has brought everybody together so that we can celebrate and take pride in a development that will be extremely important for future generations.

I compliment all the stakeholders who have been involved in the bill process, and I greatly look forward to the completion of the project in 2018. In the meantime, I look forward to seeing the Turner exhibition, which I have heard so much about. It sounds really special.

I am very happy to pledge the Conservatives' support for the bill.

16:52

**Jean Urquhart (Highlands and Islands) (Ind):**

I, too, am pleased to speak in the debate, and I endorse everything that has been said so far. Often, alarm bells ring when any mention is made of a transfer of public land, but on this occasion public land is very definitely being transferred in the public interest.

Every speaker has made reference to the better access that will be provided to the national gallery's Scottish collection of art and paintings. Although I welcome that, it is important that we recognise that the proposed development will extend the gallery and enable it to provide better access to some of its spaces. There has been much mention of the Scottish collection, which I, too, love, but it has been in the basement of our country's national gallery for a very long time, and I hope that, at some point in the future, another collection might be housed in the basement and that we will see the Scottish paintings hanging in the main hall in our national gallery.

What is proposed will allow that to happen. The small extension has been beautifully designed by Gareth Hoskins, whose enthusiasm for the job was very evident when we met him, and I join other members in offering condolences to his family.

In addition to the improvements for the gallery, the better positioning of the memorial to those folk who went from Scotland to fight in the Spanish civil war, which at the moment is tucked away in the corner of the piece of ground in question, under the Playfair steps, will give it more prominence. There will be better access to the famous Playfair steps and a general improvement of the whole area around that part of Princes Street gardens.

The project involves a transfer of public land, the process for which has been fairly complicated. I thank the other two members of the National Galleries of Scotland Bill Committee. I have been pleased to be part of the process, which has been a very interesting exercise. Nothing but positive comments have been made about the proposal, and I look forward to seeing the work being completed.

**The Presiding Officer (Tricia Marwick):** I now call Fiona McLeod to wind up the debate. I would appreciate it, Ms McLeod, if you could continue until 4.59.

16:54

**Fiona McLeod (Strathkelvin and Bearsden) (SNP):** Thank you, Presiding Officer.

In closing the debate as the deputy convener of the bill committee, I echo the convener's thanks to

our clerks, committee members and members of the whole Parliament for their generous involvement in the bill process. Parliament will remember that on 3 December 2015 we held the preliminary stage debate—I cannot forget that as it was my 58th birthday. However, on that day, Parliament agreed, following the committee's preliminary stage report that was published on 13 November, to the two points that it would agree at stage 1 of a public bill: it approved the general principles of the bill; and it agreed that the bill should proceed as a private bill. We had a very interesting debate that day, with contributions from across the chamber.

We then, of course, moved into the consideration stage of the bill, and the committee met on 15 December last year for that purpose. At the consideration stage, a private bill committee has to look at two main processes: whether there are any objections to the bill; and whether there are any amendments to the bill. On 15 December, there were no objections or amendments to the bill.

Perhaps it would be interesting for members to understand that aspect of a private bill. In looking for objections, we want to hear any views that the public have on the bill and any objections that they have to it. Therefore, we ensure for a private bill that we have allowed the public to be able to contribute their views and any objections that they have. The bill's promoters sent out a call for reviews and objections when they started to look at producing the bill; and, of course, once the bill was introduced to Parliament, the committee also sent out a call for views and objections.

I think that the National Galleries of Scotland Bill Committee went above and beyond the call of duty in that respect because we had a call out over 60 days during the summer recess for any views and objections. However, we received no objections at all, and the views that we received were in support of the bill as a private bill and in support of its general principles. Further to that, the committee took evidence on the bill at the preliminary stage, and in September we went on a site visit to the national gallery and met the architect, Gareth Hoskins. The members who have spoken in the debate have quite rightly paid tribute to his work, especially that on the extension to the national gallery.

When we visited the national gallery that day, we recorded a video in order to be able to show the public what the private bill was about in the hope that anybody who had views on the bill or objections to it would contribute to the bill process. Again, the only views that were expressed were views in support of the bill, and we found that there were no objections.

We find ourselves at the final stage of the private bill process. Today, we were due to consider any further amendments, but there were no such amendments. Given that, I thank again all the members who have taken part in today's debate and those who took part in the debate that we had on the bill on 3 December. It is invidious to pick out anybody, but I must mention Claire Baker, who talked about the opportunities that the extension will provide in terms of the archive, the research, the conservation and—what is of course important to me—the library that is housed in the national gallery.

At this point, it is for me to say, as the convener did, that I hope that tonight at decision time Parliament will agree that the National Galleries of Scotland Bill be passed.

**The Presiding Officer:** Thank you, Ms McLeod. I am sure that we were all grateful for the explanation of how private bills in general work and how the National Galleries of Scotland Bill has proceeded through the Parliament.

## Welfare Reform and Work Bill

16:59

**The Presiding Officer (Tricia Marwick):** The next item of business is consideration of motion S4M-15344, in the name of Alex Neil, on the Welfare Reform and Work Bill, which is United Kingdom legislation.

*Motion moved,*

That the Parliament agrees that the relevant provisions of the Welfare Reform and Work Bill, introduced in the House of Commons on 9 July 2015, relating to child poverty strategies and the Child Poverty and Social Mobility Commission, so far as these matters alter the executive competence of the Scottish Ministers or fall within the legislative competence of the Scottish Parliament, should be considered by the UK Parliament.—[*Alex Neil.*]

**The Presiding Officer:** The question on the motion will be put at decision time.

## Parliamentary Bureau Motion

16:59

**The Presiding Officer (Tricia Marwick):** The next item is consideration of a Parliamentary Bureau motion. I ask Joe FitzPatrick to move motion S4M-15350, on committee membership.

*Motion moved,*

That the Parliament agrees that—

Lesley Brennan be appointed to replace Richard Baker as a member of the Delegated Powers and Law Reform Committee; and

Lesley Brennan be appointed to replace Richard Baker as a member of the Finance Committee.—[*Joe FitzPatrick.*]

**The Presiding Officer:** The question on the motion will be put at decision time.

## Decision Time

17:00

**The Presiding Officer (Tricia Marwick):** There are five questions to be put as a result of today's business.

The first question is that motion S4M-15144, in the name of Margaret Mitchell, on the Apologies (Scotland) Bill, be agreed to.

*Motion agreed to,*

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

**The Presiding Officer:** The Apologies (Scotland) Bill is passed. [*Applause.*]

The next question is that motion S4M-15343, in the name of Michael McMahon, on a review of the public petitions process, be agreed to.

*Motion agreed to,*

That the Parliament notes the findings and recommendations contained in the Public Petitions Committee's 2nd Report, 2015 (Session 4): *Review of the Petitions Process* (SP Paper 859).

**The Presiding Officer:** The next question is that motion S4M-15281, in the name of Anne McTaggart, on the National Galleries of Scotland Bill, be agreed to.

*Motion agreed to,*

That the Parliament agrees that the National Galleries of Scotland Bill be passed.

**The Presiding Officer:** The National Galleries of Scotland Bill is passed. [*Applause.*]

The next question is that motion S4M-15344, in the name of Alex Neil, on the Welfare Reform and Work Bill, which is United Kingdom legislation, be agreed to.

*Motion agreed to,*

That the Parliament agrees that the relevant provisions of the Welfare Reform and Work Bill, introduced in the House of Commons on 9 July 2015, relating to child poverty strategies and the Child Poverty and Social Mobility Commission, so far as these matters alter the executive competence of the Scottish Ministers or fall within the legislative competence of the Scottish Parliament, should be considered by the UK Parliament.

**The Presiding Officer:** The next question is that motion S4M-15350, in the name of Joe FitzPatrick, on committee membership, be agreed to.

*Motion agreed to,*

That the Parliament agrees that—

Lesley Brennan be appointed to replace Richard Baker as a member of the Delegated Powers and Law Reform Committee; and

Lesley Brennan be appointed to replace Richard Baker as a member of the Finance Committee.

## HGV Driver Shortages

### **The Deputy Presiding Officer (Elaine Smith):**

The final item of business today is a members' business debate on motion S4M-14914, in the name of Chic Brodie, on heavy goods vehicle driver shortages in Scotland. The debate will be concluded without any question being put.

### *Motion debated,*

That the Parliament notes the statistics provided by the Road Haulage Association (RHA) and the Scottish Road Haulage Group regarding HGV driver shortages; notes the view that Skills Development Scotland, schools, colleges and employers should work together to increase recruitment in the industry; understands that the RHA has been working alongside Jobcentre Plus with the initiative, Driving Britain's Future, which gives unemployed people first-hand experience of the industry and aims to raise the profile of the participating companies and the sector to encourage more recruitment, and, with road haulage contributing a reported £5 billion to Scotland's economy, around 5% of GVA, welcomes initiatives to increase driver recruitment in South Scotland and across the country.

17:03

**Chic Brodie (South Scotland) (SNP):** I am pleased that we are having the debate this evening, and I thank all those members who have remained for it. I also thank three people in particular: Geoff Campbell, Martin Reid and Willie McArthur. Willie McArthur first raised the issue with me and Jim Eadie some 18 to 20 months ago.

The road haulage sector is a fundamental part of the Scottish economy. Its net contribution is more than £5 billion, and it contributes more than 5.5 per cent of the total Scottish gross value added. It is also a vital component in helping to deliver Scotland's exports which in themselves are a key component of Scotland's economic strategy: we are on track to double our exports over the period 2012 to 2017. The sector fuels the retail market, secures manufacturing output through the delivery of raw materials and components to industry and also harnesses indigenous industries such as farming and forestry.

There are an estimated 300,000 HGV drivers in the United Kingdom, of which Scotland has—or should have—approximately 30,000, but it is estimated that the driver shortage in Scotland may be as high as 11,000. As I said, this is not just a Scottish problem, but a fairly large one as far as we are concerned.

Data from a recent study by Manpower UK found that HGV driver roles are among the five hardest roles to fill in the job market, which compounds the shortage. Because of the demographics, 16 per cent of drivers are due to retire in the next four to five years and only 1 per cent of drivers are under the age of 25. That is

combined with an appallingly low recruitment rate. Approximately 1,500 drivers have to be recruited each year in Scotland to address the shortfall. That ticking economic time bomb exists. The fact that the sector is heavily dominated by men contributes to that. Only 1 per cent of drivers employed in the industry are women.

Those overall statistics are not new. The problem has not just sprung up; it has steadily worsened over the years. The sector skills council has estimated that, at times, there have been six vacancies for every one driver. There is no doubt that we have a serious driver shortage in Scotland.

We need to tackle three main areas. Again, I emphasise the support and information that I have received from the industry and those who live with the challenge day in, day out.

First, we need to ensure that our skills agencies understand the scale of the problem that the sector faces and have a skills strategy to tackle the issue. There are also many sectors within the HGV sector, such as the forestry, livestock and fuel movement sectors, all of which have unique skill sets and all of which contribute to the overall challenge.

All drivers now require the compulsory certificate of professional competence, and they also must carry a driver qualification card, which involves having 35 hours of periodic training every five years. CPC training can cost up to £3,000 a driver. Together, we need to ensure that those things are properly funded and that drivers remain and grow with the industry.

Following a specific meeting last month that followed months of prior discussions, Skills Development Scotland will carry out an extensive consultation with the sector to assess the scale of the problem, the skill sets that are required and the barriers to recruitment. The invitation to tender for that consultation is now on the public contracts Scotland portal. Believe it or not, that closes tomorrow. The consultation involves talking to the Scottish road haulage group, the Road Haulage Association and the Freight Transport Association; it also involves talking to the highly significant food and drink industry and other key sectors in Scotland. We should have that skills strategy by the end of March. Modern apprentice schemes, career development loan opportunities and working with existing training providers will all be principal features of it.

Secondly, we need to ensure that a pipeline of drivers is coming through into the industry. As I said, only 1 per cent of the industry is under the age of 25. The principles of the developing the young workforce strategy would be enshrined in the development of a logistics academy in Scotland. To that end, we will encourage

discussions to take place between the skills agencies, schools, colleges and the university sector to ensure that we have a robust pipeline of professional drivers. The driver training agencies and employers that I have met are very ready to play their part.

**Mark McDonald (Aberdeen Donside) (SNP):**

In discussions that I have had with hauliers in my constituency, one issue that they have highlighted is that it can often be more expensive for them to obtain insurance for drivers who are under the age of 25, despite the fact that they hold all the required qualifications. Does the member agree that insurance firms also need to be part of the discussion?

**Chic Brodie:** Mr McDonald is absolutely right about insurance firms being part of the conversation. I am sure that he will address that issue in his speech. The insurance companies have to be a bit more realistic in what they are trying to achieve in the long term.

The Road Haulage Association has been working alongside Jobcentre Plus in the driving Britain's future initiative, which gives unemployed people first-hand experience of the industry. However, we require a rash of such initiatives.

Finally, there are the barriers to recruitment. Addressing the issue of driver shortages will require a multifaceted approach. We have talked about the availability and funding of training and the development of a logistics academy. The urgent requirement to remove the barriers to entry to the industry underpins those. We need to ensure that funding for training allows people from other industries to be upskilled. Mr McDonald made a valid point about insurance requirements. In the current financial scenario and with restrictions across the board, the sector's general importance to all economic sectors should be acknowledged when it comes to funding.

One significant possibility might be that those leaving the army, the navy and the air force and who have appropriate skills might be upskilled. We will be looking to discuss those opportunities with the cabinet secretary with responsibility for veterans.

We need to ensure that women can enter the industry more easily. The development of a logistics academy could play a major part in that, as could flexibility around working and working hours for all drivers.

I wish to close by commending, as I did at the beginning, those in the industry. I have mentioned Geoff Campbell, Martin Reid and Willie McArthur and there are many more. I thank them for their part in raising and addressing the issue and for their guidance and knowledge, which has been



shared with me over the many meetings that I have held with them.

This is an issue that I am sure will be addressed fully over time. I am delighted that SDS will be producing a skills strategy by the end of March.

The road haulage industry is, without doubt, a major contributor to Scotland's economy and helps to drive forward our exports. We should, we must and we will support it.

17:10

**Angus MacDonald (Falkirk East) (SNP):** I apologise, as I will be unable to stay in the chamber for the whole debate. I have a meeting to attend and I am hosting the James Watt celebration in the garden lobby.

I am grateful to Chic Brodie for bringing the debate to the chamber, as it is important that this pressing issue remains on the Scottish Government's radar until we can see a steady stream of new entrants into the haulage industry.

I am also grateful to my colleague Christian Allard for lodging his motion in Parliament during the first national lorry week last October, which highlighted the "love the lorry" themed events, organised by the Road Haulage Association, which allowed pupils around the country to learn more about the haulage industry.

I have of course raised the issue in the chamber myself on a number of occasions in the past two or three months and I am grateful to the transport minister and the Cabinet Secretary for Fair Work, Skills and Training for their responses.

Local hauliers in my constituency have come to me to highlight their concerns regarding the very real problem of finding suitable drivers from home and even from abroad, with the RHA indicating that there is a shortage of 45,000 suitably qualified HGV licence holders in the UK.

Iain Mitchell, the managing director of John Mitchell Haulage in Grangemouth, employs more than 100 people and has a large fleet of trucks working around the clock. However he has highlighted to me the difficulty of attracting new drivers to the industry.

He came to me with a proposal that is now being actively discussed with Skills Development Scotland, in which he would be willing to pay half the costs of training around 12 young drivers a year if SDS matched the funding. I hope that something can come of that proposal, which seems a sensible way forward and an ideal way of helping to avoid a crisis.

The cost of training for a class 1 HGV/LGV licence is more than £3,000, which is prohibitive for any future drivers, particularly if they are paying

out of their own pocket, so a scheme that contributed a percentage of the costs of training drivers would, he believes, help to address the serious problem of declining numbers of drivers.

In addition to meeting Iain Mitchell, I also met local livestock haulier Stewarts of Bo'ness in my constituency, which is also experiencing significant difficulty in attracting new drivers into the industry.

Livestock haulage is specialised work and not everyone can drive a livestock transporter. Farmers and livestock hauliers have to be trained and pass tests to prove that they are competent. However, that has led to a shortage of qualified drivers, with the average age of livestock hauliers now believed to be 55. I think that that is the average age for the general haulage industry as well.

Despite high salaries, in some cases in excess of £40,000 a year to key men, more are leaving the industry than joining. They are being enticed to other haulage jobs by competitive salaries and a generally cleaner environment with non-livestock haulage, with none of the stress attached to moving livestock over long distances and trying to meet what many regard as impossible timetables. As we know, livestock hauliers are required to observe working time directive rules, which can be hard to do when working with auction marts, abattoirs and, of course, the animals. Livestock hauliers can only drive a maximum of 90 hours in a fortnight or run the risk of hefty fines. Of course, during the hectic autumn sale or back end season, there are not enough livestock hauliers to move all the animals in the limited number of driving hours that they are allowed.

Much as I hate to use the word, as I think that it is overused in this chamber, I feel that we are facing a crisis and that is the view throughout the haulage industry.

As I mentioned earlier, figures from the Road Haulage Association show that the UK is currently 45,000 drivers short and 35,000 drivers are due to retire in the next year, excluding those who have to leave for medical reasons or have found another job. Also, there are only 17,000 entering the industry annually.

The RHA has called for the United Kingdom Treasury to make £100 million available for industry funding through a targeted time-limited scheme. I hope that the UK Government is listening and will progress that. However, in the meantime, the Scottish Government can play its part. Before Christmas, I was encouraged to receive confirmation from the Minister for Transport and Islands that Skills Development Scotland is exploring a range of options to address the driver shortage.

**The Deputy Presiding Officer:** Could you draw to a close, please?

**Angus MacDonald:** Indeed.

We all recognise that the road freight industry is the lifeblood of Scotland's and the UK's economy, so we all must play our part in ensuring that we literally keep Scotland moving.

17:15

**David Stewart (Highlands and Islands) (Lab):** I congratulate Chic Brodie on securing this important debate. I share his conclusion that the shortage of HGV drivers poses a real and present threat to the Scottish and UK economies. I have a particular interest in the issue as I am a member of the Infrastructure and Capital Investment Committee, which has spent time taking evidence on freight and meeting a number of large hauliers. That is why I echo Chic Brodie's well-researched speech.

Looking round the chamber or the rest of the Parliament building, we find that most of what we can see—from the glass that is in my hand to the chairs—was delivered by a lorry for at least part of its journey here. In fact, more than 85 per cent of all goods that are bought in the UK are carried by a lorry at some stage in the supply chain. As members have rightly said, the Road Haulage Association, which represents more than 8,000 haulage companies, states that there is a shortage of 45,000 to 50,000 drivers in the UK. If we do not get those drivers, the industry will literally grind to a halt.

The statistics are stark. According to the Office for National Statistics labour force survey, 62 per cent of truck drivers are 45 or older and the average age in the sector is 53, with 13 per cent of drivers being over 60. The most worrying thing is that only 2 per cent of drivers are under 25. As we heard from Chic Brodie, that means that a fifth of the HGV driver workforce will reach retirement age in the next 10 years. That is combined with the fact that there has been a 45 per cent drop in the number of individuals obtaining an HGV licence in the past five years. In short, thousands of older drivers are leaving the industry and there are too many barriers to entering it.

Mark McDonald was right to touch on the point about insurance when he intervened. That has certainly been put to me in the Highlands and Islands by the numerous haulage companies that have contacted me. That is a barrier that is preventing young people from replacing those who will retire.

We have to do something about those barriers. The biggest issue is getting truck driving on to the radar of school leavers. A Westminster equivalent

of one of our cross-party groups has described career guidance in relation to the logistics sector as "limited or non-existent". Back in 2009, the UK Government lowered the minimum age for driving a truck from 21 to 18, but in my experience, it seems that only family firms have taken advantage of that change, although I could be wrong about that. That is unsurprising, given that, as the Westminster group that I mentioned has said,

"Insurance is a major cost to the industry ... Prices are so high that companies are presented with a disincentive to invest in young people to become drivers and so are missing out on the formative years of a young person's career path."

I have spoken to Nithcree Training Services, which is a company based in Dumfries that provides HGV driver training. The manager of that training facility said that the whole situation is a catch 22. Funding is available for apprenticeships and is geared towards those of an appropriate age, but someone has to be employed by a company before they are eligible for it. What use is that for a young person who wants to enter the HGV driving profession but who is not employed? Where will they find the £3,000 that is required to fund themselves to go through the HGV driver training and test? My colleague Rhoda Grant mentioned to me that she had been in touch with a Western Isles company that does not want to be named but which raised exactly the same problem. That is a huge disincentive to taking on young people.

I highlight the good work of the Road Haulage Association, which is taking a lead on the issue. The motion mentions driving Britain's future, a new project with Jobcentre Plus, which is an excellent initiative. I again congratulate Chic Brodie on raising the issue, which is important for Scotland and the Parliament.

17:19

**Joan McAlpine (South Scotland) (SNP):** I welcome the opportunity to speak in the debate. I am grateful to my colleague Chic Brodie for bringing the debate to the chamber and congratulate him on doing so.

The value of the logistics industry to Scotland's economy has been highlighted. As our economy improves, driver shortages are likely to cause difficulties for Scotland's supply chains, so it is imperative that we address the skills gap now.

The sector is extremely important to my region. I take the opportunity to recognise two Dumfries-based companies—Nithcree Training Services, which has been mentioned, and Currie European Transport—for their efforts in encouraging more people to train as HGV drivers. I spoke to the leaders of both those companies in advance of the debate to get a first-hand view on the challenges

and how to overcome them. At Nithcree Training, I spoke to the director, Elizabeth Campbell, to find out more about the shortages. She highlighted the cost of HGV training, which can be prohibitive. In fact, she said that taking someone from scratch to being trained in every kind of HGV and load could cost around £5,000 in certificates and licences.

Members will know that, as the co-convener of the cross-party group on culture, I am a great supporter of the arts, but it would be remiss of me if I did not mention that Elizabeth Campbell at Nithcree Training was rather frustrated at hearing that a friend's relative who had embarked on a college course in photography was able to access £6,000 in bursaries and grants. There is absolutely nothing wrong with doing college courses in photography and it is great that the Government is focused on college courses that have outcomes, but there is a skills gap in the HGV industry, and Elizabeth Campbell was frustrated that it is possible to access such a package to train in photography but not to train as an HGV driver.

Currie European has an excellent apprenticeship scheme for young people. The company, which has a great relationship with the local schools, takes apprentices from school. Tom Barrie, its owner, said that, although it was and would remain absolutely committed to its apprenticeship scheme, the cost of insurance was prohibitive and the company was looking for any assistance that it could get on that.

Mr Barrie mentioned that a lot of Currie European's recruitment comes from people who are changing career. It should be mentioned that HGV driving is a good career. It suits many people, although not everybody, and is much more highly paid than the average. However, if somebody wants to move into that career, they have to take 18 weeks off as well as find the funding for the licence and the training.

In addition, Mr Barrie mentioned the burden of the CPC, which is a UK Government issue. It was also interesting that he mentioned that the UK Government has taken away tax breaks for drivers who are on overnight journeys. That does not involve a huge amount of money, but it makes a big difference to the career's attractiveness. He wanted more pressure to be put on the UK Government to address that issue.

As other members have said, the shortage of drivers is affecting the economy as a whole. Mr Barrie employs more than 300 people at Currie European but, because of the shortages, he has to turn work away. If he is doing that, it means that the companies that need to get goods to people are not getting them to those people on time.

Because the shortage affects the whole economy and not only the road haulage industry, I

am keen to highlight it in this important debate. I hope that we can all work together to find a solution for the industry and the economy as a whole.

17:24

**Jamie McGrigor (Highlands and Islands) (Con):** I, too, congratulate Chic Brodie on securing today's debate, which is an important one for my region—the Highlands and Islands—and, indeed, the whole of Scotland. I also acknowledge the good work that Chic Brodie and other members have done to raise the profile of this issue, and I am pleased that I have been able to work on the subject as well.

At the outset, I pay tribute to the first class efforts of those who are involved in the Scottish road haulage group, particularly Geoff Campbell and Willie McArthur, both of whom have vast practical experience working in the haulage sector and who have such a passion for the industry. They have helped brief interested MSPs, and I hope that they will continue to do so, along with the RHA, which has also done good work.

I commend all the HGV drivers who work hard to keep our shops, businesses, hospitals, schools, universities and all our other services supplied with goods. They transport agricultural livestock, timber and farmed fish, and they enable companies to get their products to market across Scotland, the UK and the world.

As a livestock farmer for many years, I relied heavily on the industry to move cattle and sheep to markets in often difficult conditions on small roads. The drivers used to help with the loading and unloading and then, at the end of the day, they had to clean the lorries. I know how hard these people work. Their job is unending, but they are often unsung heroes—which is the point. They are the lifeblood of whole economy in Scotland, and we often take them for granted. We should be grateful to them.

I know that the sector continues to face this winter's particular challenge of bad weather and flooding, which has caused transport disruption, and that the continuing ban on HGVs using the Forth road bridge is piling extra costs on hauliers. Further, the blocking by landslide of the A83 on the Rest and Be Thankful is causing extra problems for hauliers, especially those from Kintyre.

As Chic Brodie has said, the contribution of haulage to Scotland's economy is massive. However, the sector is facing significant problems in recruiting new drivers, which is vital to its long-term future. More than 38 per cent of drivers are aged 45 or over, so we need to be working to

address the challenge now and with great urgency.

On young new entrants, I support the industry's calls for a structure to be put in place to promote HGV driving to school pupils at secondary school before they are lost to other sectors. It is a great industry to come in to. There is the particular difficulty that youngsters have to be 18 before they can gain their HGV licence. How do we keep 16-year-old school leavers interested in the sector, and how can we support them in that period until they are 18 and can gain their licence? That is important.

Funding for skills and training must be flexible enough to support those in the 25-plus age group, too. Many hauliers are seeking to attract them as drivers, not least because employers' insurance premiums for them are less onerous than they are for younger drivers. That funding must include those who are currently self-employed and are seeking training to help upskill, retrain or transfer their skills. I want Skills Development Scotland to offer as much support as possible to the self-employed in these categories as well as those who are unemployed.

I am delighted that this debate is taking place, as the road haulage sector is intrinsically important to almost every aspect of the Scottish economy, and we must ensure that it is underpinned by a sustainable number of drivers. There is much work to be done to prevent a potential recruitment crisis, and I urge ministers to engage with the Scottish road haulage group and the RHA and to respond to the specific suggestions and ideas that they have about tackling the challenges that we have heard about this evening.

17:29

**Christian Allard (North East Scotland) (SNP):**

I congratulate Chic Brodie on getting cross-party support for his motion. I know that he got help from a lot of people, some of whom are here tonight.

The road haulage industry is one that is close to my heart. Yes, I came to this country 30 years ago to open a road haulage office in Blochairn Road in Glasgow, and I literally came here in a truck. I was more than an office manager then, as I took every opportunity to drive one of our 143 Scania lorries on the small Highland roads to collect farmed salmon for export. I was pleased to contribute to Scotland's export efforts.

You have to believe me, Presiding Officer—the Highlands look fantastic from aboard a truck pulling a 38-tonne load of fresh fish. I did not employ women drivers at the time. When we talk about recruitment, it is important that we concentrate on both genders. There are a lot of

women drivers on the road. Maybe we do not realise that a lot of women are driving a specific type of truck. If members do not believe me, next time they drive on Scotland's highways, they should have a look. Most, if not all, HGV horse boxes are driven by women. That kills the myth that women cannot drive trucks.

There are women truckers on television, too. I do not know whether members watch "Ice Road Truckers" on Channel 5. It is a reality television series that features Lisa Kelly, an American trucker. She was the only female trucker featured in the series until Maya Sieber joined in season 5. Prior to her appointment as an ice road trucker, Lisa Kelly worked as a school bus driver, and trained as a trucker because it "looked interesting". The industry is very appealing for women.

The conditions for driving close to the north pole are not ideal for any truck drivers. Lisa and Maya are living proof that driving HGVs can be easily mastered by women. More and more women HGV drivers are coming into the industry every day and choosing driving as a career. HGV driver training centres have noticed an influx of women entering the industry and wanting to train for category C and C+E licences.

The industry used to be mostly ruled by men, but it is changing and many women are now involved behind the desk and behind the wheel. Their number is rapidly increasing, given the number of opportunities in the industry at the moment. As Chic Brodie said, there are quite a lot of job vacancies in Scotland and across the UK. Attitudes are changing, too. Women are fully qualified and have completed the same training as their male counterparts, so they know what they are doing.

The RHA is set to launch a new campaign and resource centre to highlight the logistics work done by women and the opportunities available for women entering the sector. The campaign is called "She's RHA" and its primary aim is to encourage a national debate about the role of women in the sector. It will showcase a variety of successful women and encourage a forum within which female workers can swap experiences, information and achievements. She's RHA will be launched soon south of the border. I would like members and the minister to join me to encourage the Road Haulage Association to bring the she's RHA campaign to Scotland as soon as possible. I am sure that it will receive cross-party support in Parliament.

I was pleased to back the first ever national lorry week organised by the Road Haulage Association, which was mentioned by Angus MacDonald. My motion on the event, which received cross-party support, noted

“that the aim of National Lorry Week is to raise the profile of the haulage industry”.

At an event in Pittodrie in Aberdeen, as soon as somebody showed young school children how to work the horn, it was impossible to hear ourselves. It was quite a good event. There will be a “love the lorry” themed campaign again this year.

The voice of the industry needs to be heard. I thank Chic Brodie again for bringing the issue to our attention. This is an industry open to all genders—it is a vital industry and an industry for the future.

17:33

**Mark McDonald (Aberdeen Donside) (SNP):** I, too, congratulate my colleague Chic Brodie on securing the debate. Christian Allard spoke about media depictions of female lorry drivers. In thinking about the debate and the issue of female lorry drivers, I remembered watching the cartoon “Pigeon Street” when I was growing up, in which one of the main characters was a female long-distance lorry driver called Clara. Perhaps we need more media depictions of female drivers to encourage more women to consider driving lorries as a viable career choice that is open to them. More broadly, we need to ensure that any media portrayals of the haulage industry are positive. In the past, there have been negative portrayals, which can have an impact on whether people are attracted to the industry.

The first of the specific areas that I want to cover is the opportunities that can arise from difficulties in sectors. We know that the haulage industry is going through a difficult time—somewhere in the region of 1,500 drivers a year for the next 10 years are required to bridge the skills gap that has been identified.

In my and Christian Allard’s area, the oil and gas industry is experiencing a downturn, with a large number of individuals potentially facing redundancy. I have had a meeting with Jason Moir of Dyce Carriers and Bill Walker of William Walker Transport—both are based in my constituency—and, in light of those discussions, coupled with the issues facing the offshore sector, I have written to the First Minister to ask for the RHA to be considered for involvement in the energy jobs task force. Our first efforts should be to prevent redundancy in the offshore sector wherever possible, but if there are going to be redundancies, we should look at whether any opportunities might arise as a result that organisations such as the RHA and the haulage industry could capitalise on through people reskilling and retraining.

That brings me to training. I welcome the response that I received from the cabinet secretary, Roseanna Cunningham, who wrote to

me to advise that small businesses can apply for up to £5,000 towards employee training costs, with a refund of up to 50 per cent of the costs for each employee up to a maximum of £500. The difficulty that haulage firms are facing is that, if individuals are to obtain employment from those firms, they need first to have undertaken the training and passed their HGV test. That is an issue for the Scottish Government and the UK Government. We need to look at what can be put in place to support individuals, particularly those who are looking to reskill and move from another career into the haulage industry. The £5,000 to cover training is a substantial sum of money. That is particularly the case when an individual has faced redundancy or is looking to move from one career into another.

That brings me to insurance, which I raised earlier in the debate. Insurance firms absolutely have to be part of the conversation. If an individual is qualified as an HGV driver, it should not matter whether they are 21 or 31; there should be no age-based discrimination for insurance. If an individual who has the required qualifications runs the risk of losing out on a position because it would cost the company more to insure them, that needs to be addressed.

I welcome the debate that Chic Brodie has brought to the chamber and the action that he has highlighted is being taken. More needs to be done, perhaps, and some organisations need to be brought into the discussion. I am positive that the opportunities are out there; the question is whether they can be capitalised upon.

**The Deputy Presiding Officer:** Many thanks. Just before I call the minister to respond, and for the record, I must remind members that if they choose to participate in a members’ business debate, they should be available for the whole debate. In the rare circumstances when that is not possible, it is courteous to notify the Presiding Officer in advance. Furthermore, events in the building should not commence until the business of the Parliament is concluded.

17:38

**The Minister for Youth and Women’s Employment (Annabelle Ewing):** I welcome this evening’s debate and I am grateful to Chic Brodie for securing the parliamentary time to highlight such an important issue. I am also grateful to all members who have participated. A number of important, reflective and thoughtful contributions have been made.

I echo Jamie McGrigor’s praise for HGV drivers. It is important to make the point that they work very hard to keep Scotland’s economy moving.

Once again, we have heard about the hands-on experience of Christian Allard—this time in the

haulage sector, as in so many other sectors. He has had many former lives, but in one of them he was an HGV driver, which adds to the debate.

The Scottish Government recognises the important role of freight as an enabler of economic growth, so we must do what we can to match the available opportunities in the road haulage sector to those who are seeking employment. Supporting individuals and employers to develop the necessary skills is an important aspect of the equation, and we do that through Skills Development Scotland and programmes such as modern apprenticeships.

We can add value and help employers by contributing towards the cost of training. Members may be interested to know that freight logistics is the current MA framework for this area. A public contribution has been available for four pathways across all age groups at levels 2 and 3, from 2011-12 through to quarter 2 in 2015-16. There were a total of 6,041 of those MAs. An additional 1,171 MAs in driving goods vehicles, which was previously a standalone framework, can be added to that total. Importantly, the contribution was available to those aged over 25.

HGV licence acquisition and the European Union driver certificate of professional competence are matters that are reserved to Westminster, as members have said, so general provision of funding for them is not within our gift. Members will be aware that the functions of Jobcentre Plus in Scotland are also reserved. Notwithstanding those constraints, there is an important role here for SDS, working in collaboration with the industry, to establish the skills and training needs of the sector and to offer advice and guidance to individuals who are seeking to work in road haulage, as well as to employers who need to recruit.

I strongly encourage any employer—in this sector or in any other—to engage with SDS at the earliest possible stage to address their likely skills and training needs. SDS has worked with industry and partners to develop skills investment plans in a number of sectors. Those plans set out a clear statement of the sector's needs, highlight the key skills priorities and, importantly, include an action plan to address the identified skills issues and thereby ensure that education and training align with future skills needs.

As Chic Brodie mentioned, SDS is working with the Road Haulage Association to consider HGV drivers' skills needs and establish a sound evidence base. On 6 January, SDS issued an invitation to quote for research to gather the key information required, and it is hoped that a skills-focused plan of action will be in place by end of March. I hear in particular the pleas for the livestock haulage sector, which were made comprehensively, and I will ensure that tomorrow

they are brought to the attention of SDS, with regard to the work that it is doing in the area.

The shortage of skilled workers is not unique to the freight transport industry, hence employers who are looking to recruit HGV drivers are in competition with other industry employers. To be successful, employers must be proactive and have an attractive offering. I welcome recent activity by the two freight trade associations—the RHA and the Freight Transport Association—in their campaigns to increase the visibility of career opportunities in the industry among young people, particularly young women. As we heard, there is a poor gender balance in road haulage, so there is a real opportunity for the sector to consider how it can attract more women and widen the available pool of talent. I would, of course, be happy to meet Christian Allard to discuss the RHA campaign to which he referred. I am perhaps too old to have seen the cartoon to which Mark McDonald referred, but he has the genesis of a good idea. Cartoons are a means of communication, and how the message is communicated is very important.

Not long ago, I spoke to a large company that is involved in haulage. It felt that the fact that young people are not taken on quickly after finishing school is a problem, because they vote with their feet and choose to do something else—they look elsewhere to get their training while earning a wage. However, I recognise that, as members such as David Stewart and Mark McDonald said, insurance is a huge obstacle. It is a big outlay and work must be done with the insurance sector to see what reasonable steps can be taken in that regard.

There has been a lot of activity. The Scottish Government works well with the trade associations and the Scottish freight and logistics advisory group, with which much debate has taken place.

Chic Brodie referred to work to ensure that we do not lose what are in essence the transferable skills of our veterans in the area of HGV activity and in many other sectors. In December 2015, Keith Brown held a meeting with military representatives. It was recognised that our veterans have a range of key skills and experience and that the task at hand will be to identify both barriers and opportunities in facilitating access to employment for them, to ensure that their skill set is embraced and not lost to the Scottish economy.

In conclusion, I thank again everyone who has participated in the debate. The Scottish Government recognises the importance of a skilled workforce and its contribution to supporting economic growth. It is beyond doubt that the Scottish economy needs efficient, sustainable and robust freight transport in order to meet growing customer demands and to compete effectively in a global economy.

I am confident that through the Scottish Government's well-established partnership with freight stakeholders we can work collaboratively together, as Joan McAlpine stressed, to address the challenges that lie ahead and make Scotland a place where businesses can grow and flourish.

*Meeting closed at 17:46.*





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

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