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Scottish Parliament

Tuesday 9 May 2017

[The Presiding Officer opened the meeting at 14:01]

Time for Reflection

The Presiding Officer (Ken Macintosh): Good afternoon. Our first item of business is time for reflection, for which our leader is Jemma Skelding, who is a pupil at Falkirk high school and a British Sign Language user.

Jemma Skelding: *(simultaneous interpretation from British Sign Language)* Presiding Officer and members of the Scottish Parliament, thank you very much for your kind invitation. My name is Jemma Skelding. I am 12 years old and I am profoundly deaf. As you can see, I use British Sign Language, and Mary McDevitt will translate into English for you all.

I am especially happy to be here for time for reflection today because next week is deaf awareness week, which will run from 15 to 21 May.

My mum and dad are both deaf and I have an older sister who is deaf and has special needs. At home, I grew up using sign language. In fact, I thought that everyone could sign. It was not until I went to Olivebank nursery that I met people who could not sign. At the nursery, people used gesture, which was fine.

I then went to Wallyford nursery, where for half a day every week everyone learned some sign language. That was a really happy time for me. I was with my friends and I just felt like everyone else. We joked and we laughed a lot. We even had special sign names for each other. When the time came, we all moved on to Wallyford primary school together.

It was not until I was in primary 3 that I noticed things change. My friends would all talk with each other, but I felt left out. I do not think that that was because they did not like me; I think that it was just too difficult for them to communicate with me. I remember one girl in my class having a birthday party, and all my friends were invited. However, I did not get an invite. The girl's mum had said that she would not know what to do with a deaf girl in her house overnight. By primary 4, I was really unhappy and I was very lonely.

My mum and dad could see that that was really hard for me and how sad I was. It had been completely different for them, as they both went to a deaf school and had lots of friends. That is when they decided that I should go and live with my dad.

That was in 2014. I moved to Windsor Park school and I met other deaf children. When I got there, all the teachers and children could sign. I was really pleased to meet them, and that is where I met my best friend.

I now go to Falkirk high school, which has full-time communication support workers, and I enjoy school very much. We did a project on the Scottish Parliament and even came for a visit.

Thank you for reflecting on my school experiences.

Business Motion

14:05

The Presiding Officer (Ken Macintosh): The next item of business is consideration of business motion S5M-05508, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a revised business programme for today.

Motion moved,

That the Parliament agrees to the following revision to the programme of business for Tuesday 9 May 2017—

after

followed by Ministerial Statement: Forensic Examination

insert

followed by Ministerial Statement: Improving Literacy in Scottish Education

delete

5.00 pm Decision Time

and insert

5.30 pm Decision Time—*[Joe FitzPatrick.]*

Motion agreed to.

Topical Question Time

14:06

Water (Recreational Activity)

1. **Clare Adamson (Motherwell and Wishaw) (SNP):** To ask the Scottish Government how it promotes safe recreational water activity. (S5T-00537)

The Minister for Public Health and Sport (Aileen Campbell): Before I answer, let me extend on behalf of the Scottish Government heartfelt sympathies to the families and friends of the three men—Sandy Hamilton, Kevin James McKinlay and Stuart McLevy—who lost their lives in the recent tragic accidents off Dumfries and Galloway and on Loch Lomond.

The Scottish Government takes the issue of safety in and around water very seriously indeed. Although there have been a number of high-profile tragedies and near misses in recent days, we know that there are many other people who have enjoyed Scotland's inshore and offshore waters safely and without incident. However, we are not complacent. Sportscotland, the national agency for sport, contributes to promoting safe recreational water activity through its national centres at Cumbrae and Glenmore by developing future coaches and offering skills development in a wide range of water sports.

We also support the aims of the Royal Society for the Prevention of Accidents water safety Scotland group, and will provide £104,000 this year to its annual home and water safety programme. In addition, water safety Scotland is developing a Scotland-specific response to the National Water Safety Forum's "The UK Drowning Prevention Strategy 2016-2026", which aims to reduce accidental drowning rates in the UK by 50 per cent by 2026. Water safety Scotland is currently consulting on a draft response to that strategy document, and I encourage anyone who has an interest in water safety and recreational water activity to respond to the consultation.

Clare Adamson: I thank the minister for her response and I extend my condolences to the families who have been affected by last week's tragedies.

There is to be a Scottish response to the national drowning prevention strategy specifically because of Scotland's geography. We know that of the 79 drowning deaths in the UK last year, 50 occurred in Scotland, so we have a disproportionate problem in Scotland, in that regard. As chair of the cross-party group in the Scottish Parliament on accident prevention and safety awareness, I work very closely with

ROSPA, the Royal National Lifeboat Institution, the Royal Life Saving Society UK and other organisations that are involved in water safety in Scotland. Would the minister like to visit the CPG and meet its members to discuss the final stages of the response to the strategy?

Aileen Campbell: Yes—I am certainly happy to come to the CPG at an appropriate time when we can fully discuss future actions as a result of the consultation exercise that water safety Scotland is currently carrying out. I encourage the CPG and other interested members to contribute to the consultation exercise, which is on an issue that is pertinent as we come to the—I hope—hot summer weather in Scotland, when people are more likely to engage in water sports across the country.

It is important that we send out a message that ensures that people are aware of the risks, but also enjoy safely the many opportunities that Scotland's waters and water sports can offer. We already undertake a great deal of work with the Scottish Tourism Alliance on a wide range of industry-related matters, and we will certainly ensure that we explore with it other ways in which we can ensure that safety messages can be shared with visitors who take part in activities across the country. We also have our national parks website and other communications that include extensive advice about people staying safe when enjoying Loch Lomond's fantastic facilities, which is of course backed up by our emergency services, including Police Scotland.

Clare Adamson: One of the key hopes of water safety Scotland is that it will be able to cut deaths in Scotland's waters by half by 2026. Every tragedy is terrible for the families involved, but the truth is that the people who are most in danger in this respect are older men aged 60 to 69. Would the minister consider how to work with pensioner organisations and others that represent that age group on how they might get across a better water safety message?

Aileen Campbell: The consultation exercise gives us an opportunity to make sure that we have fully explored with any interested group or organisation how to ensure age-appropriate messaging—in particular, for the more vulnerable age group that Clare Adamson described.

There is also real recognition that we probably need to be better at understanding information and data. I understand that National Records of Scotland data shows that, in 2015, 35 people died in Scotland due to drowning or submersion. However, there are difficulties: data can be ascribed to misdescribed locations for drowning deaths, there can be inconsistency in information that is captured on death registration forms, there can be lack of information on the forms and there is the complexity of international coding systems.

Also, the figure does not include suicide by drowning.

We now have an opportunity to delve deeply into the situation and make sure that we use information appropriately. We also have to make sure that we use existing partners and existing structures to ensure that we get the best possible safety messages out across the country to people who might have greater vulnerabilities.

Brian Whittle (South Scotland) (Con): Does the Scottish Government consider that its decision to cut the funding of free swimming lessons for all primary school children, resulting in 40 per cent of children being unable to swim by the time they reach secondary school, promotes or hinders safety in recreational water activity?

Aileen Campbell: I think that it is important not to conflate the two issues. The ability to swim has not necessarily been a factor in some of the matters that we have been discussing in response to Clare Adamson's question.

It is also important to recognise that the latest funding for sportscotland allocated over £5 million to Scottish Swimming for the past four years—the largest funding settlement for any of the Commonwealth games sports. Scottish Swimming is actively working in partnership with local authorities and leisure trusts to implement and embed the national swimming framework to support the development of swimming across the country. It is also incumbent on us and Scottish Swimming to include and work with local authorities, which are responsible for deciding what subjects are offered in their schools, taking into account local needs and resources. I will continue to engage with Brian Whittle on the points that he makes and, with that investment, I will certainly make sure that young people get the opportunities that they would like.

Examination Papers

2. **Ross Greer (West Scotland) (Green):** To ask the Scottish Government what its response is to the decision by the Scottish Qualifications Authority to restrict teachers' access to exam papers after the exam has been taken to prevent "inappropriate postings" on social media. (S5T-00536)

The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney): The Scottish Qualifications Authority has taken that decision in response to concerns that social media posts that included answers to questions were being viewed by candidates immediately after exams had concluded, which caused additional stress for candidates. The intervening period afforded by the new arrangements is intended to reduce that potential

negative impact on candidates. As it does with all operational changes, the SQA will review how the new arrangements have worked over the course of the 2017 exam diet. In consultation with stakeholders, it will then consider whether any changes are necessary for the 2018 diet.

Ross Greer: To be clear, the SQA's rationale for restricting access to the paper after the exam has taken place is about nothing more than avoiding negative press over any errors that it has made—errors that have, unfortunately, become an annual occurrence. The reality is that the period immediately after an exam is often one of the most anxious for pupils. The opportunity to seek reassurance, or at least clarity, from their teachers while the exam is fresh in their minds is invaluable. What effect does the Scottish Government believe that this decision will have on the levels of stress and anxiety that pupils feel during the exam season?

John Swinney: As I indicated in my original response to Ross Greer, the SQA's decision has been taken directly for the reasons that I have publicly put on record: to reduce additional stress for candidates as a consequence of some of the practice that has taken place. When I looked into the matter, I looked at correspondence from parents giving their views and their experiences of social media posts—not posts about the accuracy of examination papers but posts about the presentation of answers, which caused immediate stress for candidates in the immediate aftermath of the examination. It is for that reason that the SQA has taken the decision that it has.

From the exchanges that we have had at the Education and Skills Committee, Mr Greer will know that I have made clear—I have made this clear in the chamber as well as at the committee—the necessity of accuracy in SQA examination papers, which must be maintained at all times. I have written to the chief executive of the SQA to make that point to her.

Those are two very separate issues. As I indicated in my answer, the SQA will look at this particular operational decision in the light of experience in 2017 and in consultation with stakeholders.

Ross Greer: The reality is that exam papers will be discussed immediately after the exam. The difference now is that they will be discussed in the first 24 hours without accuracy and without teachers being able to reassure their pupils.

As the Government is aware, in January the Education and Skills Committee published a report, which was agreed by consensus, that was nothing short of damning of the SQA. The evidence that was received from teachers in particular was, in the convener's words,

“nothing less than eye opening”.

It is quite clear that teachers' trust in the SQA has broken down. The Educational Institute of Scotland has said that that shows that the SQA lacks trust in teachers. What effect does the Scottish Government believe that that message—that the SQA does not trust teachers—will have on teachers' trust in the exam authority?

John Swinney: I have to say that I do not see it that way at all. As a country, we need a trusted and respected examination authority, not to satisfy me but to ensure that candidates have reliable certification of their achievements. I am determined to ensure that the SQA carries that respect among candidates and among teachers. I want to ensure that the SQA works in that fashion, and I have seen first hand a sustained effort by the SQA to ensure that it does so. The reason why we must ensure that it is successful is that confidence in and the credibility of examination certification, on which thousands and thousands of young people in our country depend every year, must be assured at all times.

Jeremy Balfour (Lothian) (Con): What confuses me is why the period is 24 hours. If the cabinet secretary's answer is correct, surely there should be no posting on Facebook until the results are announced. Why the 24-hour period, which seems completely arbitrary? How was that figure reached?

John Swinney: The SQA's rationale, as it has been explained to me, is that delaying the availability of papers until the following day provides for a period in the aftermath of the examination for views and experiences to settle, and for more considered advice to be given and more dialogue to take place with teachers. That is the rationale for the change that the SQA has made.

I should also make it clear—this is an important point about my relationship with the SQA—that the SQA is an independent examination certification body that must be able to take operational decisions that it judges within its remit to be appropriate. It is not for a minister to dictate decisions on the proper operational functions of the SQA.

I will reiterate to Jeremy Balfour the point that I made to Ross Greer in my earlier responses: the SQA will review the arrangements, to determine what their effect has been on candidates and their experiences during the 2017 diet.

Forensic Examination

The Presiding Officer (Ken Macintosh): We move on to a statement by Michael Matheson on forensic examination. The Cabinet Secretary for Justice will take questions at the end of his statement, so there should be no interventions or interruptions.

14:19

The Cabinet Secretary for Justice (Michael Matheson): First, I acknowledge all those in the chamber and outside it who have raised awareness of concerns about the provision of forensic examination services to victims of sexual crime. Rape and sexual assault are the most horrendous crimes. Such crimes can rob victims of their self-esteem and dignity, and the effects last long after the original offence has been committed. The need to treat victims of crime sensitively is never more acute or important than with those who are victims of a sexual offence.

Last year, I had the privilege of meeting the author of “A Woman’s Story”. Members will be aware that “A Woman’s Story” is a powerful narrative of one woman’s traumatic personal journey through each step of the justice process after she had been raped. It is vital for me as the Cabinet Secretary for Justice to hear at first hand how an individual can be made to feel when they come into contact with the criminal justice system. That meeting with a very brave woman and the observations that she made have stayed with me.

Official statistics show an increase in reported sexual crimes in recent years. That is consistent with increasing confidence on the part of victims to report crimes and a robust approach by police and prosecutors to bringing perpetrators to justice. However, although the number of convictions for sexual crimes is at an all-time high, it is critical that we understand that a successful prosecution is not the only outcome that matters. Many victims will be on a long journey of recovery that continues well beyond the conclusion of a court case. It is therefore crucial for the healthcare response to be equipped to deliver the services that they need. Often, that begins with the forensic medical examination.

As a Government, we have committed to driving forward improvements for victims in this parliamentary session. The 2016 Scottish National Party manifesto included an undertaking to review how forensic examinations are carried out, to ensure that they are done appropriately and sensitively.

We know, for example, that the majority of victims would prefer to be examined by a female doctor, but the gender balance among doctors

who have the necessary training does not offer that choice. A course designed by NHS Education for Scotland for the Scottish legal system exists, but its uptake by female doctors is low.

Only 19 female forensic physicians are working in Scotland. In partnership with NHS Education for Scotland, we undertook work to understand why that is the case. The work included a national survey of doctors, which was issued in February, to gather information about the perceived barriers to working in that area. More than 800 responses were received and more than half the respondents said that they would, in principle, be interested in working to provide forensic examinations for victims of sexual crime. Seventeen doctors followed up the survey by requesting further information about how they could get involved. That is a positive outcome, and discussions with NHS Education for Scotland and health boards will inform further actions to address the issue more sustainably.

In addition, also in February, we announced the commissioning of national standards, which Healthcare Improvement Scotland will develop. They will be the first published national standards for forensic examinations for victims of sexual assault. They will put beyond doubt what is expected of national health service boards in delivering care for victims and will build consistency of practice throughout the country.

We want to ensure that a victim who reports a rape is given the best care no matter where in the country they are. It is also important for victims to be made aware of the standards and to understand that forensic examination is only one part of a much wider package of healthcare to which they are entitled. The national standards for forensic examinations will be consulted on during the summer and published by the end of the year.

Members will have read the recent report on forensic examination services from Her Majesty’s inspectorate of constabulary in Scotland, which points clearly to improvements that we need to make. HMICS found significant variations in the provision of forensic medical services, recommended that a better balance should be achieved between the justice and health responses to appropriately address patients’ immediate healthcare needs and future recovery, and reported that some victims still require to attend a police building to undergo an examination, which is completely unacceptable.

A general theme of the report was the lack of strategic leadership and governance over the provision of forensic medical services. On 30 March—the day when the report was published—the Scottish Government announced that the chief medical officer would lead a group of key individuals to galvanise the necessary leadership

in health and justice services to transform healthcare responses to victims of sexual crime. On 27 April, I addressed the first meeting of the task force for the improvement of services for victims of rape and sexual assault.

The task force has a clear mandate from the Scottish ministers: it is to provide national strategic governance and to take decisions that will make a tangible difference for victims. It has a strong membership that includes Police Scotland, the Crown Office and Procurator Fiscal Service, Rape Crisis Scotland and the chief social work adviser, as well as representation from NHS chief executives, the Royal College of Paediatrics and Child Health's child protection committee and NHS chairs. The task force has identified five working groups to sit under it. Chairs have been nominated for each group, under the following headings: workforce planning, regional delivery of services, clinical pathways, quality improvement, and premises and infrastructure.

Members should be in no doubt that the Scottish ministers have empowered the task force, through the CMO's leadership, to be bold and to deliver. Working groups have been tasked to agree their remits and priorities for the next task force meeting in June, and the Scottish ministers will receive regular progress reports. The chief medical officer will publish the task force's work plan over the summer to clearly communicate how work will be driven forward.

Before I finish, I will refer to particular concerns about the provision of forensic examinations in rural and island communities. I met Liam McArthur and Tavish Scott in March to discuss the provision of forensic examinations in Orkney and Shetland, where no local services currently operate for victims. I share the concerns that have been raised about the current provision of forensic examinations for victims of sexual assault in island communities, and I give an assurance now, as I did in March, that the Scottish Government is committed to making meaningful changes to rectify the situation. Since the discussion, I am pleased that NHS Shetland has announced plans for a local, victim-centred service to provide forensic examinations and compassionate medical healthcare on the island. That is an encouraging development.

We are aware that much more requires to be done and that the challenges are many. I know that members will recognise that the issues require effective planning and appropriate training of staff over the coming period. I have confidence that the task force is the best place for the challenges to be considered, and I look forward to receiving its recommendations in the coming months.

The Presiding Officer: We move to questions. I call Donald Cameron—[*Interruption.*] I beg your pardon; we start with Douglas Ross.

Douglas Ross (Highlands and Islands) (Con): I have no problem being confused with Donald Cameron.

Like the cabinet secretary, I acknowledge the work of those who rightly seek to improve the provision of forensic examination services to victims of sexual crime. The HMICS report on forensic medical services for victims of sexual crimes highlighted a catalogue of failures. I thank the cabinet secretary for the advance copy of his statement responding to the report.

HMICS made it clear that the provision of services in some areas is not only unacceptable, but that Scotland as a whole is well behind the rest of the UK. Although I note the developments that the cabinet secretary mentioned in Shetland, I ask him to give more information on what is happening in Orkney and when victims on both of those islands can expect to receive the victim-centred service on-island. What does the cabinet secretary expect to change so that we can see the level of service in Scotland at least match that in other parts of the United Kingdom?

Finally, the Scottish Government accepts that not enough female doctors are coming forward to provide forensic examinations for female victims. Has the Government tried to understand why, although more than 400 people responded positively to the national survey in February and said that they would in principle be interested in providing forensic examinations, only 17 have proactively followed that up?

Michael Matheson: I turn to the issues that were highlighted in the HMICS report, which was a valuable report that helps us to understand the extent of the challenges that we face across the country.

The minimum standards that were set in 2013, which should have been taken forward by health boards, have not been implemented effectively across the country. There are areas where there is simply not the necessary strategic leadership within health boards to make sure that those minimum standards are being applied. There is also a suggestion and some evidence that some health boards have interpreted the minimum standards as being the baseline of good practice that should be applied in the way in which those services are delivered. That is why I took the decision to appoint Healthcare Improvement Scotland to look at establishing national standards, so that there is no question about what standards should be delivered at a local level. All health boards are well aware of what that national standard should be and what is expected of them.

The national standards will give us greater clarity and will help to deliver greater consistency.

Douglas Ross referred to the progress that has been made in Shetland as a result of doctors in the island proactively choosing to participate in a programme to train them to carry out forensic examinations. Liam McArthur met me, and his colleague Tavish Scott, to discuss his Orkney constituency and his concerns about the approach that is being taken there. I assure him that there are on-going discussions about how to improve the services in Orkney and meet the challenges faced in our island communities. That is demonstrated by the approach that has been taken in the Western Isles, where they have been able to sustain and develop a service around forensic medical examinations, including being able to provide a female doctor. I am confident that we will be able to take that forward with the work that the task force is undertaking and with the new national standards that will be applied on how the services will be delivered in our island communities as well as in our mainland communities.

Douglas Ross asked what we can expect to change and about the approach that has been taken in other parts of the UK, in particular the sexual assault crisis service approach that has been used in England and Wales. The principles of the SACS are well-founded, but I am not convinced that it is an appropriate model for Scotland. The reason is that it is a joint health-justice commission model, while what we want is a health-led model that focuses on the needs of the victim, with the forensic examination being just a component of that. Wraparound healthcare for the victim is the key that we require for the approach that we will implement. We need to take a flexible approach, because the number of cases that will be dealt with in the central belt will be markedly different from that in our island communities. We need a model that reflects the different geographical population base in Scotland and one that is focused on the healthcare needs of the victim. I have no doubt that the task force will focus on that and that the chief medical officer will ensure that we have a sustainable model.

With regard to the 800 doctors who responded to the survey, that work is still being undertaken and the results analysed. The 17 who have proactively said that they want to participate in the training programme are individuals who have done that off their own bat. Many have expressed an interest in further information, and that will be pursued. The encouraging thing is that the vast majority of those who responded to the survey are female doctors. I have no doubt that we will be able to increase the number of female doctors who are able to carry out forensic medical examinations.

Claire Baker (Mid Scotland and Fife) (Lab): I welcome the cabinet secretary's statement. It is right that the Government has come to the chamber with a response to what was a fairly damning HMICS report, which showed that some victims of sexual assault have been failed by the provision and that there is a need for drastic improvement.

Sadly, the failings that were identified are not new. Minimum standards of service delivery were accepted by ministers in 2013, when they recognised that improvements needed to be made. However, over the past four years there has been a lack of leadership, investment and delivery. I very much welcome the cabinet secretary's focus, but I stress that this is a live issue and that there are victims who are still experiencing many of the failings.

When does the cabinet secretary expect the working group to conclude its work and the improvements to be implemented? In the future, how will services be audited and inspected to ensure that standards do not fall behind?

In its report, HMICS reported that there is a gap in provision for victims who need support and medical attention but who do not wish to report the attack to the police. What action is being taken to ensure that those victims will be able to get the support that they need?

Michael Matheson: I want to pick up on the point about the timeframe for the completion of the task force's work. The task force has highlighted that the working groups will focus on key areas and, in addressing those, it is important that we deliver a model that is health focused and sensitive, that delivers the necessary forensic medical examinations and that recognises the on-going healthcare needs of the women who access the service. We must ensure that that model is sustainable. It is not a case of finding a way of quickly fixing the problem. We must have a steady flow of clinicians—female clinicians in particular—into training to become qualified in carrying out forensic medical examinations.

I will not set an arbitrary timeframe for the task force to complete its work, because I want to make sure that the approach that is taken is sustainable and that it delivers the level of change—the transformation—that we want to be implemented in how forensic medical examinations are carried out for victims of sexual crime. However, I can assure the member that the task force—under the leadership of the CMO—recognises the urgency that is necessary in making progress on the matter. That is why we have given it the ability to be bold and ambitious in its approach.

The task force will do detailed work over the coming months and we will receive regular

updates on its progress. In addition, it will publish how it plans to take forward its work programme. I expect to see improvements starting to be made as that work is carried out. I do not expect health boards to wait until the task force has finished all its work before they start to make progress on the matter; I expect them to start to make progress on it now and as the task force proceeds with its work.

On the specific issue of self-referral, there are some health board areas where self-referral is not possible at present. A key issue that the task force will look at is how we can make sure that there is scope for self-referral. In taking a health-based approach, we must give consideration to the fact that self-referral has some legal implications that we need to bottom out. We want to make sure that women who choose to go along for a forensic medical examination and for healthcare support and who do not report a crime to the police can access a service that is delivered in a way that is appropriate to their needs and sensitive to their circumstances, and that is one of the issues that the task force will address in its work in the coming months.

The Presiding Officer: Cabinet secretary, I am conscious that we have taken nine and a half minutes to get through the first two questions. I know that it is a very sensitive subject, but I would be grateful if you could try to be slightly briefer in your responses.

Fulton MacGregor (Coatbridge and Chryston) (SNP): Given the urgency of addressing the issue that the cabinet secretary described, what are the task force's immediate steps?

Michael Matheson: As I set out in my statement, the chairs of the five working groups that will sit underneath the task force have been appointed. They will now be responsible for setting out their remits and priorities, which they will report to the task force at its June meeting.

During the summer, a consultation will take place on the new national standards, on which Healthcare Improvement Scotland is leading. We expect the task force to publish its forward work programme by the end of the summer and we will receive regular updates from it following that publication.

Donald Cameron (Highlands and Islands) (Con): The stress on rural and island communities, especially Orkney and Shetland, has been mentioned. I note from the recent HMICS report, however, that there is currently nowhere in Argyll and Bute for victims to receive a forensic examination. They have to travel to the Archway in Glasgow, which can involve some very long distances. What assurances can the cabinet

secretary make to women in Argyll and Bute that, following the review, such a service might be available in their region?

Michael Matheson: If the member had listened to the comments that I made in my statement, he would have heard that that is one of the issues that the task force will look at. It will consider how best we can deliver services regionally to provide the level of clinical support that is necessary for women around the country. For some women in the Argyll and Bute area, Inverness is easier to access so, at the present time, the health board uses the facilities in NHS Highland as well as the Archway in Glasgow.

We need to make sure that the service not only meets healthcare and forensic needs, but is sustainable, so that women in more remote areas can access a service that is appropriate for meeting their on-going healthcare needs. I have no doubt that the task force will look at what the best model is for delivering that in not just Argyll and Bute, but other rural parts of Scotland.

Mairi Evans (Angus North and Mearns) (SNP): Does the cabinet secretary recognise that, without the support of third sector organisations such as Rape Crisis Scotland, many victims could not engage with the demands of the criminal justice system? Will he make a commitment to continuing to support those vital and valued organisations?

Michael Matheson: Third sector organisations such as Rape Crisis Scotland play an invaluable role in supporting victims of rape and sexual crime from a very early stage in the criminal justice process and beyond. The value of that is recognised by the actions of this Government, which provided an extra £1.85 million to Rape Crisis Scotland to provide a greater range of services across the country on the mainland and, for the first time, in Orkney and Shetland, where Rape Crisis Scotland services are now available. Some of that has helped to demonstrate the areas where there are gaps in existing services that need to be addressed.

We recognise the invaluable role that third sector organisations play, which is why they are on our task force. We are committed to continuing to work with them to make sure that we meet the needs of women who experience sexual violence in Scottish communities.

Mary Fee (West Scotland) (Lab): The HMICS report that was referred to in the cabinet secretary's statement found that

"sustaining sufficient numbers of paediatricians with the relevant experience is a challenge"

and that

“Due to the lack of availability of paediatric services in some areas, children who have been sexually abused are having to travel significant distances to be medically examined.”

Further, it stated that

“Adolescents can fall between adult and child services and, in the West of the country when Archway is unavailable, forensic medical examinations can be delayed.”

Can the cabinet secretary explain how he and the task force will address the issues that have been identified by the inspectorate that relate specifically to children and young people?

Michael Matheson: Mary Fee has raised a very important point about the way in which forensic medical examinations are conducted for children and young people. At present, a person under the age of 16 is covered by paediatric standards, which are currently in draft form and are being taken forward by the managed clinical network for paediatric forensic medical examinations. The regional partners are now considering how that will be taken forward.

Part of the challenge is in ensuring that we have sufficient paediatricians who have had the required training in conducting forensic medical examinations. Mary Fee will recognise that the HMICS report acknowledges that they are—broadly—working well across the country at present, but she has raised an important point about the travelling distance for some parts of the country, which is largely down to the availability of paediatricians to conduct such medical examinations.

On the standards that are being taken forward by the regional planning groups, we will work with the groups, through the task force, to consider how we can align the new national standards with the paediatric standards to ensure consistency of approach in respect of how services are delivered. That is one of the areas that the task force will take forward; there is a member of the managed clinical network on the task force to support that work, as we develop the new national standards for adults who have experienced sexual violence.

Ben Macpherson (Edinburgh Northern and Leith) (SNP): As the cabinet secretary has stated, the right to choose the gender of the person who conducts medical examinations is key to ensuring an appropriate and sensitive approach to victims of rape and sexual assault. Given that, how has analysis of the survey of female doctors informed next steps for increasing the number of female doctors who carry out such examinations?

Michael Matheson: The purpose of the survey was to try to identify barriers to female doctors participating in training in conducting forensic medical examinations, which is available through NHS Education for Scotland. We are very

encouraged by the 800 responses that we have received, almost three quarters of which are from female doctors. Analysis of that work is on-going; once we have completed it we will be able to identify whether any further measures are needed to encourage more female physicians to participate in the forensic medical examination programme. Once we have completed that work, we will be able to look at how we can address that within individual board areas.

I assure Ben Macpherson that it is clear that there is a level of clinical interest in undertaking the work. We need to harness that and make sure that we increase the number of females who are qualified to carry out forensic medical examinations. I have no doubt that, once we have analysed the survey work, we will be in a position to take immediate action to address areas of concern and to increase the number of female doctors who are qualified to carry out such examinations.

John Finnie (Highlands and Islands) (Green):

I thank the cabinet secretary for early sight of his statement. He has talked about the survey; he will be aware that the issue is not just recruitment of forensic medical examiners, but retention. He will also be aware of the Justice Committee’s report on the Crown Office and Procurator Fiscal Service and specific evidence that we received on the subject from four forensic medical examiners, one of whom talked about being cited to attend court between five and 20 times a month but then being called in court

“only a handful of times a year.”

Will you encourage the Crown Office representative on the task force not to await a broader response to the Justice Committee’s report but to pursue action that will secure the retention of medical forensic examiners—not least, because the British Medical Association tells us that, faced with frustration, a number of clinicians are opting out of court service entirely? Perhaps there could be greater use of joint minutes of agreement, because the issue is about retention and not just recruitment.

Michael Matheson: John Finnie has raised an important and valid point. I referred earlier to the need to make sure that the model that we take forward is sustainable; it is about not just recruiting more doctors who can conduct forensic medical examinations, but making sure that we have a continuous flow of clinicians who are prepared to carry out that work on an on-going basis. That is why one of the task force’s subgroups is on workforce planning.

I am reluctant to give a date for when the task force will complete its work, because we need to undertake detailed work, not just within health

boards but with the Crown Office, the police and others. We need a sustainable model that delivers the necessary forensic medical examinations and does so in such a way that women get the right healthcare support and clinicians are comfortable with what is expected of them. That is why planning for that workforce development will be crucial to making sure that the model that we expect to see being taken forward, once the task force has completed its work, is sustainable and delivers the level of service and care that we would, in the circumstances, expect and deserve.

Liam McArthur (Orkney Islands) (LD): I, too, thank the cabinet secretary for early sight of his statement, and more particularly for his constructive engagement with Tavish Scott and me on the particular needs of the communities that we represent and the wholly unacceptable situation whereby victims of rape and sexual assault are required to get on a plane and travel south for examinations.

I have had further discussions with NHS Orkney and Zeldia Bradley from Rape Crisis Scotland in Orkney. Can the cabinet secretary give reassurance not just about developments in Shetland, but that the situation now in Orkney will ensure that no victim will be required to go off-island for examinations? What specific work will the task force do to address the particular issues that arise in Orkney? Like Shetland and the Western Isles, Orkney is an island setting, but it has different circumstances and different challenges to meet.

Michael Matheson: There is absolutely no doubt that the expectation that women have to wait to leave the island for the mainland in order to have a forensic medical examination completed is simply unacceptable. NHS Shetland has risen to the challenge, and clinicians on Shetland have committed to carrying out the necessary training in order to be able to provide the necessary services there. The service is already in place in the Western Isles; we now need the necessary clinical leadership in Orkney to ensure that there are clinicians with the necessary training to deliver the service there.

I assure Liam McArthur that we want a victim-centred and health-focused service that delivers the holistic care that is necessary for women who have experienced sexual assault or rape, and that we expect that service to be delivered across the country. The new national standards will allow us to ensure that, irrespective of whether a person is on Orkney or in Glasgow, the standards that should be expected of and delivered by the health board are the same.

I have no doubt that once we have the new national standards in place and with the work that is being taken forward with the task force, we will

be able to ensure that, in areas such as Orkney, there is expectation and delivery of the necessary services for women who may require to undergo a forensic medical examination. I give Liam McArthur an absolute assurance of our determination to ensure that the services that will be delivered in Shetland and which are currently being delivered in the Western Isles will also be delivered on Orkney. A key focus will be on ensuring that we deliver those services with a victim-centred approach; I have no doubt that the new national standards will support us in achieving that.

Ross Thomson (North East Scotland) (Con): The minister has said quite clearly that the task force for the improvement of services for victims of rape and sexual assault has “a clear mandate” and that it must deliver. Will he commit to return to Parliament to update us on the performance of the task force and its individual working groups, to ensure that it delivers on that mandate?

Michael Matheson: I am more than happy to return to Parliament with a statement once we have the finalised task force report with its recommendations.

The Presiding Officer: I apologise to the three members whom I was not able to call.

Literacy

The Deputy Presiding Officer (Linda Fabiani): The next item of business is a statement by John Swinney on improving literacy in Scottish education. The cabinet secretary will take questions at the end of his statement, so there should be no interventions or interruptions.

14:53

The Deputy First Minister and Cabinet Secretary for Education and Skills (John Swinney): The results of the latest Scottish survey of literacy and numeracy were published earlier today. The publication contains data on literacy performance in primary 4, P7 and secondary 2 in 2016, and it includes comparisons with 2012 and 2014 results. It also includes results from questionnaires for pupils and teachers. Although the results show a generally stable position in performance between 2014 and 2016, the statistics show a drop in writing performance for S2 pupils, which is of particular concern.

The Scottish Government is committed to improving performance in education in Scotland. I therefore welcome the opportunity to make a statement to Parliament, to reflect on the results of the SSLN and to set out what I intend to do about the issues that they raise.

In order to understand the factors behind the results, I have looked at independent analysis of Scotland's education system that has been provided by the Organisation for Economic Co-operation and Development's 2015 review of Scottish education and Education Scotland's "Quality and improvement in Scottish education 2012-2016" report, which was published in March and summarises findings from inspections and other evaluation activities. I have also considered the information that is provided by the national improvement framework, which was developed in response to the latest SSLN literacy results.

Those sources highlight four key areas in which our education system needs to improve. First, we need to get better at tracking the progress of each individual pupil over the course of their school career, as we have not been as effective as we need to be in identifying where young people may need additional support.

Secondly, we need to be clearer about the standards that are expected in our classrooms, because teachers have not always been certain about what is required to meet each curriculum for excellence level in literacy and numeracy and across the curriculum areas.

Thirdly, too much well-meaning but overbearing guidance has been produced nationally and

locally, and sometimes in schools themselves. That has created too much clutter in the curriculum, and it can divert teachers' time from learning and teaching.

Fourthly, we need to ensure that literacy skills are fully embedded across the curriculum. Inspection evidence has shown that the potential impact of establishing literacy, numeracy and health and wellbeing as cross-cutting priorities for all teachers has not been fully realised.

When we published the SSLN literacy data in 2015, it became clear that we needed a broader and much deeper level of data to secure improvement for Scotland's children. To address that, we developed the national improvement framework, and we now have data that reflects the progress of all children at key points in curriculum for excellence.

We now have more data than ever on children's progress under curriculum for excellence, including the attainment levels in literacy and numeracy of every child in P1, P4, P7 and S3. Although the SSLN statistics are disappointing, data that we published in December 2016 that was based on teacher judgment demonstrated that 84 per cent of young people in Scotland achieve the appropriate curriculum for excellence level for writing by the end of S3.

The SSLN survey helps to identify emerging issues, but the national improvement framework provides us with the data that allows us to target improvement in specific parts of Scotland. National standardised assessments on literacy and numeracy will further support teacher judgment on where a pupil is doing well and where further support may be required.

In addition, we are already taking action in response to the specific areas for improvement that I have identified. In order to improve the tracking of each child's progress, through the national improvement framework we now have a clear line of sight between national, local authority and school-level data, thereby ensuring that we can all focus on where improvement needs to happen.

In order to clarify the standards that are expected, we published benchmarks for literacy and numeracy in August 2016. Benchmarks for other curricular areas were published earlier this year. To declutter the curriculum, we have significantly streamlined the volume of advice and guidance, and 85 per cent of the content that had been on the Education Scotland online service for the curriculum and for assessment has now been removed. The national improvement hub will be the key source of material for teachers as we move forward.

In September 2016, inspectors evaluated the workload demands that were placed on teachers in each of the 32 local authorities, and they continue to monitor progress, especially in areas where too much bureaucracy was identified.

To improve literacy across the curriculum, the literacy benchmarks make clear the standards that are expected across the curriculum, which apply to all teachers. A focus on raising attainment in literacy has been included in the new school inspection model that was introduced in September 2016.

Through the Scottish attainment challenge, we are funding and supporting the development of a range of new strategies in literacy to improve children's attainment and close the attainment gap. The most effective strategies from Scottish schools are being published in the interventions for equity framework on the national improvement hub. We have entered a new partnership with the Education Endowment Foundation, which will give Scottish teachers access to strategies that are proven to work and are based on global evidence.

Those actions are all part of a wider programme of comprehensive reforms that has been prompted by previous SSLN results and is based firmly on the independent findings of the 2015 OECD review of Scottish education. A number of significant developments in that area are worth highlighting. We are increasing investment and support in the early years through the significant expansion of early learning and childcare. That will help to address the gap in vocabulary at P1 between children from more deprived areas and those from less deprived circumstances. We are building the capacity of the teaching workforce by investing in the professional learning and recruitment of teachers and by introducing new programmes to train and develop headteachers.

In addition, we are developing targeted interventions for schools through the £750 million Scottish attainment challenge programme. The challenge will tackle the poverty-related attainment gap by targeting resources at those children, schools and communities that are most in need, focusing specifically on literacy along with numeracy and health and wellbeing. All schools now have access to attainment advisers and, from April this year, £120 million is being provided directly to headteachers for them to use for activities and interventions that will lead to improvements in literacy, numeracy and health and wellbeing in their schools.

The pupil equity fund demonstrates our clear commitment to putting schools and communities at the heart of the education system. Next month, we will publish the next steps in the review of governance. They will support the national improvement framework and ensure that the

education system puts children, parents, teachers and schools at the centre.

The reforms will provide teachers and schools with the necessary tools to improve literacy through the literacy benchmarks and the standardised assessments as well as the resources to do so through the Scottish attainment challenge and the pupil equity fund. They will ensure a relentless focus on developing the skills that are essential to literacy development from a child's birth right through to when they leave school.

In acknowledging the challenges that are presented by the SSLN results, I am determined that we will not lose sight of the many strengths of Scotland's education system. The data from the SSLN tells us that pupils in Scottish schools are highly engaged with their learning and are motivated to do well. Consistently over the six-year life of the survey, more than 94 per cent of pupils said that they wanted to do well and felt that they usually did so in school. The majority of pupils also see the clear value of what they learn for life outside school and for future employability.

Teachers report the use of varied teaching and learning techniques—exactly as curriculum for excellence requires them to do—and generally high levels of confidence in delivering the literacy aspects of the curriculum. They also report high levels of confidence in the use of information and communications technology to enhance learning and, particularly in our primary schools, that it is used regularly to deliver learning and support to pupils.

At a time when many young people are sitting examinations, we should also acknowledge the progress that we have seen in results in the national qualifications. In 2016, the number of advanced higher passes reached a record high, while the number of higher passes was second only to the 2015 record. A record proportion of young people from Scotland's most deprived communities are continuing their education, entering training or getting a job after they leave school—88.7 per cent of school leavers from those communities went into a positive initial destination in 2015-16, which is the highest-ever proportion and up from 83.9 per cent in 2011-12.

In fully accepting the case for reform that is confirmed by today's statistics, we must not fall into the trap of ignoring the tangible strength in our education system, which is delivering well for a great many young people in Scotland.

The latest phase of reform is only now starting to come into force, with £120 million having been given to headteachers just last month to spend on improving attainment, with the outcome of the governance review expected next month and with

the introduction of standardised assessments later this year. Those actions will not deliver an overnight solution; it will take time before we see their full effect. Nevertheless, it is clear that we must stay the course and continue to make the changes that are necessary to strengthen Scottish education. That requires that we keep an unwavering focus on improving Scotland's education system for every child, and we are doing exactly that.

The Deputy Presiding Officer: The cabinet secretary will now take questions on the issues raised in his statement. I will allow around 20 minutes for that. It would be helpful if members who wish to ask a question could press their request-to-speak buttons. I suspect that there will be quite a lot of questions, so short questions and answers would be much appreciated.

Liz Smith (Mid Scotland and Fife) (Con): I am grateful for prior sight of the statement.

Many parents across Scotland will see some of the statistics as nothing short of shameful, especially those that reflect the persistence of the attainment gap, the decline in some basic literacy skills between primary 4 and S2, and the increase in the number of pupils in S2 who are not meeting the required standards in writing at all. Does the cabinet secretary agree with some of the teachers who responded to the Education and Skills Committee's call for evidence by citing falling teacher numbers and additional classroom bureaucracy as the pressures that prevent them from getting on with the job that they are trained to do, including better teaching of literacy and numeracy?

Secondly, does the cabinet secretary agree with literacy expert Sue Ellis when she says that there is a lack of focus on ensuring that teachers have a depth of knowledge in maths and literacy and that teacher training is falling short in this area? Thirdly, does he now accept that a wide range of data is essential if we are to effectively measure curriculum for excellence and that it was a mistake to move Scotland from trends in international mathematics and science study—TIMSS—and progress in international reading literacy study—PIRLS—measurements, given their ability to provide additional and better-quality evidence?

John Swinney: My first point is that I have come to Parliament acknowledging that the statistics need to improve. That is an acknowledgment that those issues have to be addressed—the agenda for Government is about addressing exactly that.

Liz Smith raises the issue of the performance of pupils at S2. One of the quirks of the SSLN is that it assesses the performance of pupils at a level before they are supposed to reach that level.

Young people are supposed to reach the third level at the end of S3. In my statement, I made the point that in the data that we published in December, 84 per cent of young people who reached the conclusion of S3 had acquired the level of skills in writing that they were required to achieve by that stage in their education. The SSLN essentially assesses young people's performance at a level higher than that which they should have achieved by that particular time.

My second point relates to Liz Smith's comments about the input of teachers into the Education and Skills Committee's review. I remind Liz Smith that one of my first priorities as education secretary was to tackle bureaucracy within our schools. I sent the inspectors into local authorities to reduce bureaucracy and I sent out guidance to teachers to encourage them to concentrate on learning and teaching and—if my memory serves me right—not to undertake tasks that were irrelevant to the learning and teaching of young people, because I accept that we have to declutter the guidance and the classroom environment to enable teachers to concentrate on literacy and numeracy.

Thirdly, on Sue Ellis's comments on teacher training, obviously it is essential that the quality of teacher training is of the highest possible standard and I maintain a regular dialogue with the teacher training colleges to ensure that that is the case. Of course, there is the opportunity for Education Scotland to inspect that provision to determine whether it is fulfilling all our expectations in that respect.

Lastly, on data, the Government has of course embarked on a process of significantly expanding the data that we collect on young people's performance. The problem with the SSLN is that it does not enable us, when we see declining performance, to identify from the survey where that is happening. However, the data that we have requested to be put in place, which will be substantially reinforced by standardised assessments, will give us the ability to do that and to support young people to fulfil their potential as a result.

The Government, in embarking on its approach to education, has been very open to external critique of the approach that we have taken in Scotland. That is why we invited the OECD to assess the implementation of curriculum for excellence and why we have acted on the recommendations that the OECD asked us to act on as a consequence of its review.

Iain Gray (East Lothian) (Lab): I thank the cabinet secretary for early sight of his statement. The cabinet secretary says that today's statistics confirm the case for reform. What they confirm is the case against his Government's 10-year

stewardship of education. The cabinet secretary says that he cannot turn things around overnight. His Government has had 10 years—a generation of children has passed through school while his Government was getting up to speed. How many years does he need? In those 10 years, we have lost more than 4,000 teachers from our schools; we have lost more than 1,000 support staff; spend per pupil has fallen; and class sizes have grown to be some of the biggest in the developed world.

The cabinet secretary promises clear lines of sight, new benchmarks and a new framework on the improvement hub. When will he promise us more teachers with more support and more resources to let them do the job that they love and want to do? Is that not the fundamental reform that we need now?

John Swinney: When the SSLN information first pointed to a decline in performance in Scottish education, the Government acted immediately on the issues that it raised. When a decline in performance was identified in the survey in 2014, the Government acted immediately to take forward the national improvement framework, which is regarded across the board in the education system as the set of measures that are required to be undertaken to support and concentrate on the agenda of improvement in every aspect of our education system. We should take great encouragement from the way in which the system has responded to that call for action.

Mr Gray raises the issue of more teachers and more resources. Of course, there is a rising number of teachers in our education system—there are more teachers this year than there were last year. On resources, the Government has put £120 million directly into the hands of schools so that they can determine how they close the attainment gap in their circumstances. Of course, in relation to the wider financial settlement for local authorities, the Accounts Commission, in its most recent analysis of the subject, showed that Scotland's local authorities have been well treated by the Government in the context of the reduction in resources that we have available to us.

Finally, if there is a resources crisis such as Mr Gray highlights, why did a number of Labour local authorities not take the opportunity to supplement the resources that could have been available to them for this financial year by increasing the council tax? Until Mr Gray gives us a decent answer to that question, we will not take seriously his protestations on that point.

Jenny Gilruth (Mid Fife and Glenrothes) (SNP): I remind members that I am the parliamentary liaison officer to the cabinet secretary.

I agree with the cabinet secretary that today's results underline the fact that the status quo can no longer be an option. However, we have heard a lot of noise from some quarters opposing the Scottish Government's plans to reform our education system or suggesting that they should be slowed down or stopped entirely. Does the cabinet secretary agree that there is now more reason for stakeholders and members of the Scottish Parliament to come together to support reform in order to achieve the best possible education system for our young people?

John Swinney: The Government is concluding its review of governance, and I will report to Parliament on that, as I promised to do. The entire education system has to focus on the arguments and the case for improvement. Improvement requires us to reform the way in which we deliver education. I have gone through the arguments with Parliament before. We are in a position today in which I am not at all confident of saying that every local authority in Scotland can provide the necessary enhancement to the quality of education that schools require. It is no longer possible to say that, and if I cannot give that assurance to Parliament, I have to do something about it.

Mr Johnson frequently asks me to cite the evidence. I get the evidence from inspections and from the assessment of the capability of and quality of added value by local authorities. Those are the issues that we have to confront in the governance review. The Government will do that openly and transparently and in consultation with Parliament, and I invite Parliament to discuss that with us.

Ross Thomson (North East Scotland) (Con): It is disappointing that the cabinet secretary refuses to face head on the issues in our education system. Rather than tackle the core of the problem, such as why the curriculum guidance is cluttered and why standards are not clear, we see time and time again mere sticking-plaster solutions rather than the real or radical reform that is needed. Does the cabinet secretary agree that we need a root-and-branch review of the curriculum so that teachers can focus on fundamental issues such as literacy and numeracy?

John Swinney: I am not sure how much attention Mr Thomson has been paying in the past few months, but if he had read the letter of guidance from the chief inspector of education that was issued to every schoolteacher in August last year, he would have seen the chief inspector say to every teacher in the country that, out of the eight curricular areas, all teachers, no matter their discipline, have to be focused on ensuring that they make their contribution to the delivery of the

primary elements of the curricular areas of literacy, numeracy and health and wellbeing.

When Mr Thomson comes here and says that I have not confronted the issues, I do not know what he is talking about, because I have done that. He talks about curriculum guidance. The curriculum guidance has been sharpened in the fashion that I have said. He talks about standards. The benchmarks have been issued. The literacy and numeracy benchmarks were issued to the members of the teaching profession in August last year—to some welcome endorsement by the teaching profession, I have to say—and the other benchmarks were issued in March.

I invite Mr Thomson, when he is going to come here and scrutinise the Government, to at least catch up with the work that we have undertaken to ensure that we strengthen the delivery of Scottish education and that we respond to the challenges that are faced the length and breadth of the country.

Ruth Maguire (Cunninghame South) (SNP): I welcome what the cabinet secretary has said on the wider programme of reforms. Will he expand on what impact he expects investment and support in the early years to have on improving vocabulary when children move on to primary school?

John Swinney: That is a critical part of the work that we take forward, because all the evidence says to us that the earlier we intervene to overcome the challenges that young people face, the greater the impact of the interventions and the more progress that is made on enhancing the capacity and capability of individual children.

Within the early learning setting, there are partnerships with primary schools and there is work with speech and language therapists. I saw last week, at Letham primary school in the city of Perth, a fabulous example of speech and language therapists working very closely with the youngest pupils to overcome their speech challenges. I saw a similar model this morning at Craigroyston primary school in Edinburgh.

I am very focused on ensuring that the work that the Minister for Childcare and Early Years does with me on designing the expansion of early learning and childcare takes that forward in a fashion that uses every opportunity to overcome challenges for children at the earliest stages, and ensures that they can start their formal education with the strongest possible foundations for overcoming those difficulties.

Daniel Johnson (Edinburgh Southern) (Lab): The cabinet secretary quoted the figure of 88.7 per cent of school leavers from the most deprived communities entering positive destinations. Can

he confirm that that figure includes people going on to jobs on zero-hours contracts?

John Swinney: Mr Johnson knows full well that the approved national statistics assessment of positive destinations includes that category; it is a measure of young people moving into employment. Such employment may not be of the ideal quality for our society, which is a general and widespread challenge that we must face, and one that this Government is addressing as part of its fair work agenda to strengthen the commitment to the living wage, to ensure that we move more and more employers towards stronger employment practices and foundations, and to ensure that our education system generates the necessary skills for young people to prosper. That is a strong and robust approach to take.

The final point that I make to Mr Johnson is that this Government has in no way changed the definition of positive destinations. That definition has been around for a long time.

Gillian Martin (Aberdeenshire East) (SNP): There appears to be a stubborn and persistent gender gap in literacy. What action is the Scottish Government taking to address it?

John Swinney: The Government is focused on ensuring—this is one of the benefits of the flexibility that is offered through pupil equity funding—that in the classroom setting and the individual school setting, members of the teaching profession are able to make judgments about what support every child requires to ensure that they can fulfil their potential. The more flexibility that teachers have to draw on specialist resources such as speech and language therapists, and to create a greater appreciation of and participation in literacy, the better. That has to be targeted at each individual child who is not performing at the level that we expect. The issue of tackling the gender split in the statistics is taken forward in that fashion—by addressing the needs of every individual pupil so that they can fulfil their potential.

Ross Greer (West Scotland) (Green): As has been mentioned already, the core issue here is that there are simply far fewer staff in our schools than there were a decade ago. It will be cold comfort to teachers to hear from the cabinet secretary that there are slightly more of them than there were a year ago, when there are 4,000 fewer than there were a decade ago. No governance review will change that core issue. The people who deliver education in Scotland—teachers and support staff—did not ask for that review. Rather, they want their cut colleagues back. I mention specifically the loss of a third of school librarians. What impact does the cabinet secretary think that the loss of 100 librarians has had on the reading and writing abilities of pupils?

John Swinney: Mr Greer may know that at my appearance at the Public Petitions Committee just a week or so ago I made very clear my view that school librarians play a very significant part in the life of a school and in the literacy capability of young people. I not only encourage local authorities to maintain school library services, but intend to take forward the delivery of a national strategy on school libraries.

Obviously, such decisions are taken operationally by local authorities around the country. We wrestle with the question continually: MSPs ask me about concerns about their locality to do with issues and decisions over which I have absolutely no control. For example, I do not control Argyll and Bute Council's decision that it can do without school libraries. I go to schools elsewhere in the country that have vibrant library services that are well and truly supported because the local authority values them. That is a choice that individual local authorities have made. If Mr Greer is asking for my opinion about the decision by Argyll and Bute Council, I can say that I think that it is a shockingly poor decision to remove library services from schools. However, I cannot do anything about that unless I direct the authority to do something else, which would take us into completely different territory.

I will do my level best to try to ensure that we raise appreciation and understanding of the value of library services in our schools through the national library strategy that I will take forward. I will work with local authorities to try to gain their participation in that approach.

Liam McArthur (Orkney Islands) (LD): I thank the cabinet secretary for early sight of his statement.

The results on literacy and numeracy confirm that pupils and teachers are paying a heavy price after 10 years of this Scottish National Party Government. Teachers have condemned inconsistencies and the barrage of changes that have issued forth from the previous four education secretaries. The fact that more than 1,000 pages of evidence is to be considered by the Education and Skills Committee tomorrow illustrates that perfectly. What confidence can teachers, pupils and parents have that this education secretary has got it right this time?

John Swinney: I think that that should be obvious to Mr McArthur.

The point that I make seriously to him is this: it is not the case that the guidance that has been formulated for the education system for implementation of curriculum for excellence has, at every stage, not been designed in the relevant cabinet secretary's office in consultation with nobody. Rather, it has all been designed in

consultation with professional associations, local authorities and our education bodies. *[Interruption.]* I hear Liz Smith muttering, but professional associations represent teachers. The guidance has been arrived at by consensus and has been applied.

I accept—this has been a core part of my approach as education secretary—that there is too much of that guidance. There is too much for teachers to work through and there is too much that needs to be woven together to create a sufficiently clear picture. I have therefore taken action to strip back that guidance, which is why I answered Mr Thomson as I did on the guidance that has been issued by the chief inspector of education on the primacy of health and wellbeing, and of literacy and numeracy. We have also set clear benchmarks on the levels that have to be achieved by young people at different stages. We have done that precisely in order to address the issues that Mr McArthur fairly raises with me today.

The survey predates all that because it was undertaken in the spring of 2016, and none of the measures that I have taken have had an effect on the survey detail that we have before us today. We will continue on the relentless agenda, which I have set out to Parliament, to simplify the education agenda so that we can liberate teachers to concentrate on what we need them to concentrate on—learning and teaching.

The Deputy Presiding Officer: We have used up our time, but I can get the last four questions in if we have quick questions and answers, please.

Clare Haughey (Rutherglen) (SNP): Could the cabinet secretary outline examples of best practice, where local authorities and teachers are using attainment funding to improve literacy and numeracy in our schools?

John Swinney: I suspect that I will not be able to give a brief answer to that, but I saw one example this morning in Craigoyston primary school. Pupil equity funding is being used there to help young people who have challenges with their speech and their communication by having them directly assisted in their classrooms by speech and language therapists. That gets the assistance right to children immediately and in a sustained way, with very positive results.

Alexander Stewart (Mid Scotland and Fife) (Con): The Scottish Government and First Minister have insisted that education is their main priority. However, the figures that were released today show that—

The Deputy Presiding Officer: You must come to a question, please, Mr Stewart.

Alexander Stewart: The percentage of pupils in secondary 2 who are not meeting the required level in writing has more than doubled in the past four years, from 7 per cent in 2012 to 16 per cent—

The Deputy Presiding Officer: Mr Stewart, please.

Alexander Stewart: Can I ask the cabinet secretary—

The Deputy Presiding Officer: Yes, you can.

Alexander Stewart: The cabinet secretary reflects that that is partially due to a lack of understanding of what standards are expected. Why is there a lack of understanding?

John Swinney: Curriculum for excellence has required teachers to consider a variety of different elements of the material that is to be covered by young people, and to assess the performance of young people against that information. That has been too broad a task for teachers to undertake with confidence. The benchmarks that have now been put in place—for literacy and numeracy back in August and for the other curricular areas in March this year—are designed to give absolute clarity. I judge that to be appropriate because my conversations with many teachers over the course of the past 12 months have convinced me that that element had to be sharpened in order to give teachers the clarity that they require.

Monica Lennon (Central Scotland) (Lab): Just last week during education portfolio questions, I raised the issue of literacy rates as, I am sure, the cabinet secretary will recall. Ross Greer has just mentioned cuts to professional library staff again today.

The cabinet secretary has said that in some areas, there are no libraries. They are closing in areas including Argyll and Bute—

The Deputy Presiding Officer: Miss Lennon, would you please ask a question?

Monica Lennon: Does the cabinet secretary for one minute believe that local government enjoys closing libraries or letting those staff go? The Government maintains that the settlement is fair, but does the cabinet secretary recognise that the cuts to local government are resulting in those closures and loss of staff?

John Swinney: There are choices to be made in all this. Some local authorities attach the greatest significance to school libraries, while others shut them all. If one local authority judges a school library to be an asset, that begs the question what the rationale and justification are for other local authorities taking a different decision.

It is about ensuring that local authorities—
[*Interruption.*]

The Deputy Presiding Officer: Could you please stop the conversation across the chamber? I am sorry, Mr Swinney. Carry on.

John Swinney: Local authorities are required, in all circumstances, to look at the wider impacts of decisions that they make.

I come back to the point that I made in response, I believe, to Mr Gray, about the Accounts Commission's assessment of the Government's financial approach and support to local authorities, which has been consistent with the degree of reductions in funding that the Government has suffered at the hands of the UK Government. However, we have also put resources in to local authorities; we have put the pupil equity funding in to local authorities.

The Deputy Presiding Officer: Could you come to a close, please, Mr Swinney?

John Swinney: We agreed with the Green Party a budget that allowed £160 million of extra funding to go to our local authorities, and that has been of benefit in education settlements.

The Deputy Presiding Officer: We will have a quick question from John Mason—and a quick answer. This will be the last question.

John Mason (Glasgow Shettleston) (SNP): Youngsters like information technology. Is that damaging literacy?

John Swinney: There is no proven evidence on that point, but a number of international educationists are now asking questions about the potentially significant impact on young people's writing capability of the volume of digital activity in which they are involved, and of the fact that that digital activity tends to be shorter than other communication. I have not seen substantive evidence, but a number of educationists, including one member of our international council of education advisers—Pasi Sahlberg from Finland—are actively exploring that question.

Railway Policing (Scotland) Bill: Stage 1

The Deputy Presiding Officer (Linda Fabiani): The next item of business is a debate on motion S5M-05423, in the name of Humza Yousaf, on the Railway Policing (Scotland) Bill at stage 1.

Because we ran over time on questions on both statements, there is no time to spare in the debate. Therefore, I ask members for discipline, please.

15:31

The Minister for Transport and the Islands (Humza Yousaf): I am pleased to have the opportunity to open today's debate on the general principles of the Railway Policing (Scotland) Bill. The bill follows the transfer of legislative competence over railway policing to the Scottish Parliament under the Scotland Act 2016.

Members will be aware that the Scottish Government's input to the Smith commission sought devolution of railway policing in order to bring the British Transport Police's staff and powers within Police Scotland's remit. The Smith commission's recommendation, which was reached through cross-party agreement, was that the functions of the BTP in Scotland should be a devolved matter. The Scottish Government's aim of the bill is to use the newly devolved powers to establish a framework to ensure that railway policing in Scotland is accountable, through the chief constable of Police Scotland and the Scottish Police Authority, to the people of Scotland.

I am grateful to Justice Committee members for their detailed scrutiny of the bill and the wider programme of work, and for the constructive recommendations in their report. The quality and extent of the committee's scrutiny help to demonstrate the clear merits of devolving powers over railway policing to the Scottish Parliament.

The bill forms part of a wider on-going programme of work to integrate the BTP in Scotland into Police Scotland. That work is overseen by a joint programme board, through which the Scottish Government is working closely with the United Kingdom Government, the SPA, the British Transport Police Authority, Police Scotland and the BTP.

Scotland's railways are a vital component of our national infrastructure and the BTP provides a specialist railway policing function that is highly valued by the Scottish Government, the rail industry, railway staff and passengers. We will maintain its skill set on our railways post integration. In taking forward the proposals, our primary objective will be, of course, to maintain

and enhance the high standards of safety and security that railway users and staff in Scotland experience at present.

Elaine Smith (Central Scotland) (Lab): If the service is so highly valued, why was only one option consulted on?

Humza Yousaf: I will make a couple of points on that. One is that this is a long-held ambition of the Scottish Government: the previous Cabinet Secretary for Justice made the case for BTP integration. The other is—and I make this point gently to Elaine Smith—that neither she nor her party provided options for alternative models.

If I can, I will make some more progress.

Before I move on to key points in the Justice Committee's report, I thank all those who contributed to the committee's evidence sessions. I welcome the Justice Committee's support for the general principles of the bill and its conclusion that the integration of the BTP in Scotland into Police Scotland will provide a more integrated and effective approach to infrastructure policing in Scotland.

During the evidence sessions, the committee heard some concerns about what might happen following integration. It also heard from a number of our key partners about how those concerns are being addressed. The committee is, rightly, very interested in ensuring that the overall work programme delivers the seamless transition that is expected of it, and it recommended that six-monthly reports on the joint programme board's progress be provided to this Parliament. We accept that recommendation and will ensure that the Scottish Government provides those reports on behalf of the board. As many of the committee's recommendations concern delivery of the overall programme, the progress reports will give members the opportunity to consider evidence of how the recommendations are being acted on, illustrating that, right from the outset, we are fully committed to ensuring that railway policing in Scotland is accountable to the Scottish Parliament and, through it, to the people of Scotland.

Our proposals will deliver an integrated approach to transport infrastructure policing in Scotland, bringing railway policing alongside the policing of roads, seaports, airports and border policing. Integration will enhance railway policing in Scotland through direct access to Police Scotland's specialist resources, in line with our primary objective of maintaining and enhancing the safety and the security of railway passengers and staff.

Let me be clear about our commitment to maintaining the specialist expertise that railway policing involves and requires. In the committee's

evidence sessions, Assistant Chief Constable Bernie Higgins confirmed that Police Scotland's intention is to maintain a specialist railway policing function in the broader Police Scotland structure. He gave an absolute assurance that Police Scotland would respect the right of any member of the BTP who transfers to police the railway environment until they retire. I make it abundantly clear to all members in the chamber that any BTP officer in Scotland who wants to remain policing our railways post integration will continue to be able to do so. ACC Higgins also responded to concerns that railway police officers could be diverted to duties outwith the railway with a clear assurance that that simply would not occur, with the obvious exception of in a crisis.

Another benefit would be to make railway policing in Scotland more accountable. Crucial to that is the relationship between policing and the railway industry. As both the funder and the recipient of railway policing services, the railway industry's interests are, of course, central. I fully agree with the committee's conclusions that railway operators should be involved in setting railway policing priorities and objectives in collaboration with the SPA and Police Scotland. It is heartening to hear from most of the railway operators that their engagement with the Government, the SPA and Police Scotland has been constructive.

The bill will establish a formal mechanism for just that—to have that engagement—in the form of a railway policing management forum. It will place the forum on a statutory footing, going beyond arrangements under the existing United Kingdom legislation. The forum's role will be to agree on the service, performance and costs of railway policing in Scotland.

Following a recent meeting between the railway industry, the SPA and Police Scotland, there was support for operating a shadow forum during the process of detailed implementation planning, to complement and contribute to the work of the joint programme board. I will write inviting it to begin that work should the bill complete its passage through Parliament.

The committee's report makes several recommendations on cross-border railway policing following the integration of the BTP in Scotland into Police Scotland. About 91 per cent of rail travel—freight and passenger—in Scotland is within Scotland, but about 8 million passenger journeys a year use the cross-border routes and, clearly, it is crucial that policing on those routes remains seamless.

On 6 December 2016, I wrote to the UK transport minister, seeking his co-operation in ensuring seamless cross-border policing following

integration, and I received a positive, constructive response.

As the committee heard from the UK Government Department for Transport, effective cross-border policing is a guiding principle of the joint programme board's work and is in the shared interest of all parties. BTP Chief Constable Crowther and ACC Higgins of Police Scotland confirmed to the committee that they are fully engaged in discussions and will undertake careful scrutiny of the secondary legislation on cross-border jurisdiction in the UK Parliament.

Joint programme board partners are developing operational arrangements for cross-border services and co-operation to ensure that high standards of safety and security are maintained. Police Scotland recently hosted a workshop involving the BTP and Scottish and UK Government officials, with a further event planned in late June.

A particularly important recommendation in the committee's report seeks an assurance that the terms, conditions, benefits and pensions of BTP officers and staff will not be adversely affected on transfer to Police Scotland. I am happy to give that assurance to Parliament today. The Scottish Government has listened closely to the issues raised by the BTP Federation and Transport Salaried Staffs Association, the staff union, and has offered a triple-lock guarantee that secures jobs, pay and pensions through the course of integration.

In the evidence sessions, John Finnie drew attention to areas where some of the wording could leave room for doubt. I am grateful to have the opportunity to be clear about our commitment. It is true that, over the period ahead, there is a great deal of work to be done on the detail of the terms and conditions, but I make it clear here and now that either the terms and conditions and pay and pensions of officers and staff who transfer will be the same as they are currently or an equivalent level of benefit will be provided, to ensure transfer on a no-detriment basis.

Passage of the bill will enable the steps to deliver that commitment to proceed, including secondary legislation in the United Kingdom Parliament. Officer and staff representatives will be fully engaged to ensure that we get the right approach for their members.

Neil Bibby (West Scotland) (Lab): On engagement with staff organisations and trade unions, the minister will be aware of a great deal of opposition from the TSSA, the Associated Society of Locomotive Engineers and Firemen, the National Union of Rail, Maritime and Transport Workers and the Scottish Trades Union Congress. Indeed, the RMT told the committee:

“We have not ruled out the option of taking industrial action to retain BTP officers on the railway”.—[*Official Report, Justice Committee, 14 March 2017; c 41.*]

Is the transport minister happy to proceed with a bill that he has been told might result in industrial action on our railways and severe disruption to passengers?

Humza Yousaf: The first point to make is that engagement with the unions has been constructive. Clearly, there is disagreement, as the member said. I have given—and will continue to give—many reassurances on the triple lock on jobs, pay and pensions. We will continue to have constructive conversation and we will continue to offer reassurance where we can, to remove any doubt that might exist about the language that we use.

If we think—as we on the Government benches do, and our view is shared by some political parties here—that the bill proposes a sensible approach to railway policing post devolution of BTP, we should not be beholden to the threat of industrial action. We want to work with the unions to avoid industrial action on any issue to do with our railway, so I will continue to have constructive dialogue. We have given a triple-lock guarantee: on the number of officers; on pay; and on pensions.

On progress to date on terms and conditions, I can tell members that the Cabinet Secretary for Justice has met the TSSA and the BTPF. Officials met the BTPF as recently as 26 April, and my Transport Scotland officials and I have met the TSSA, the RMT and ASLEF to discuss a number of transport issues, including BTP integration.

Alongside those meetings, substantial data gathering has taken place on the range of existing terms and conditions as part of the work of the joint programme board. The data will be used to develop proposals for secondary legislation to give effect to the transfer on a no-detriment basis, as I said. I will continue to engage with the unions on the issues that they have raised.

On pensions, discussions are under way with the British Transport Police Authority on how we can deliver our commitment to no-detriment pension provision. Our starting point is that officers and staff should retain access to their current pension schemes; and officials are working on the financial and legal issues that are associated with delivering that.

I repeat my thanks to the Justice Committee for its support for the principles of the bill and for its helpful recommendations. I have sent the convener a written response, in which I addressed the detail of the recommendations. I look forward to hearing members’ speeches and to continuing

to work in a constructive and, I hope, collaborative manner.

I move,

That the Parliament agrees to the general principles of the Railway Policing (Scotland) Bill.

15:43

Margaret Mitchell (Central Scotland) (Con): I welcome the opportunity to speak in the stage 1 debate on the Railway Policing (Scotland) Bill on behalf of the Justice Committee, and I thank everyone who took the time to provide evidence to the committee. I also thank the Delegated Powers and Law Reform Committee for its report, which we endorsed, and I thank the Justice Committee clerks for their hard work and my colleagues on the committee for their work in scrutinising the bill and producing our report.

The devolution of railway policing to the Scottish Parliament was agreed by all parties that were represented on the Smith commission, but the model for that devolution was not agreed. The British Transport Police Authority proposed a number of options for devolved railway policing in Scotland. Some respondents raised concerns about the Scottish Government’s decision to consult on only one of those options—full integration—and the majority of respondents to the Scottish Government’s consultation and the Justice Committee’s call for evidence opposed integrating the BTP in Scotland into Police Scotland.

The committee did not come to a unanimous view on the bill. A majority of members supported its general principles on the basis that the integration of the British Transport Police in Scotland into Police Scotland would provide a more integrated and effective approach to infrastructure policing in Scotland. A minority of members, including me, did not support the general principles of the bill but, instead, supported an alternative approach to devolved railway policing. The committee considers that, if the general principles of the bill are agreed to today, a number of issues will need to be addressed. In the limited time that I have, I can cover only some of the key issues.

The first issue is the need to retain BTP officers and staff who have the specialist skills, knowledge and experience that are necessary to ensure that there is no reduction in the standard of the railway policing that is provided. Should integration proceed, Police Scotland intends to maintain a specialist railway policing function within its broader structure. The policy memorandum states that the approach will

“retain the specialist skills, knowledge and experience that BTP officers and staff have built”.

However, the retention of BTP officers and staff will be largely dependent on whether their current terms, conditions, pension rights and benefits are guaranteed. Despite Scottish Government assurances, those who represent BTP officers and staff have not been assured of that, and the matter clearly needs to be resolved urgently. The committee therefore asked the Scottish Government to provide an update on progress during the debate and an assurance that the terms, benefits and pensions of BTP officers and staff will not be adversely affected should integration proceed. I thank the minister for his update but remain extremely concerned that the matter is still unresolved.

Section 3 provides Police Scotland constables with a new power of entry in relation to specified railway property. BTP officers receive personal track safety certificate training, which enables them to police all areas of the railway, and the committee heard that every Police Scotland officer who is to police the railways will be required to have the personal track safety certificate. Police Scotland told the committee that it intends to provide railway policing training for all police officers, but it was not able to confirm the position regarding personal track safety certificates as it is undertaking training needs analysis. Therefore, the issue of whether the officers are to have personal track safety certificates remains a “significant concern” raised by railway operators.

Rona Mackay (Strathkelvin and Bearsden) (SNP): I am sorry, but some members of the committee do not recall receiving the evidence or information that all officers would require personal track safety certificates.

Margaret Mitchell: I refer Rona Mackay to the committee’s report—in particular, to the evidence that the training would have to be equivalent to that certificate. As I have just explained, the operators have said that the issue has not been resolved to date. I am happy to refer the member to the stage 1 report.

The committee has asked Police Scotland to provide details of its training needs analysis and the costs prior to stage 2. If there are to be additional training costs, the committee considers that railway operators should not be asked to pay them. The Scottish Government has been asked to provide clarity on that point.

Other potential costs that are not identified in the financial memorandum include the set-up costs of integration, Police Scotland’s additional payments for staff hours and salaries and its investment in information and communications technology to ensure compatibility. Clarification of those costs and confirmation of who is to pay is required.

A number of potential risks of integration associated with policing cross-border trains between Scotland and England were raised. It is imperative that police officers from both police forces are clear about their respective roles and legislative responsibilities and that jurisdictional arrangements are agreed prior to integration. The committee heard that Police Scotland and the British Transport Police might use different command and control systems to deal with incidents and might apply different policies—for example, on the use of Tasers or firearms. Maintaining the safety and security of those who travel by train is paramount, so protocols and procedures must be agreed prior to integration.

Although the Justice Committee did not unanimously agree to the general principles of the bill, it agreed that a number of issues must be resolved in the event that integration proceeds. Crucially, the current high level of public confidence in rail travel must be maintained. I invite the cabinet secretary to respond to the issues that are raised in the committee’s report when he sums up the debate.

The Deputy Presiding Officer: I call Douglas Ross. You have up to six minutes, Mr Ross.

15:51

Douglas Ross (Highlands and Islands) (Con): Thank you, Presiding Officer. As you might know, I lodged an amendment to the minister’s motion, which would have given the Parliament a clear choice at decision time about whether to support the Scottish National Party’s plans to break up the British Transport Police or to support the Scottish Conservatives’ proposal to enable the BTP to continue in Scotland and across the UK, but with improved scrutiny and accountability to this Parliament. Although the Presiding Officer did not accept my amendment, he is aware that I will return to the matter at decision time.

I echo Margaret Mitchell’s thanks to the many stakeholders who responded to the Justice Committee’s call for evidence on the Railway Policing (Scotland) Bill. Their expertise, feedback and advice have been invaluable, and it is on the basis of their insights that I make my remarks.

I would also like to pay tribute to the British Transport Police officers in Scotland who operate in D division. The prospect of professional change and upheaval is never an easy one, especially when it has been so protracted. Those men and women serve Scotland with distinction, and I hope that my comments will adequately convey their concerns about the proposed merger with Police Scotland.

I make it clear that Scottish Conservatives support the Smith commission’s recommendation

that the functions of the British Transport Police be devolved to Scotland but, unlike SNP members, we recognise that there is more than one way to achieve that outcome. For years, the SNP has single-mindedly focused on the integration of the British Transport Police into Police Scotland, to the extent that it did not even bother to include alternative approaches in the consultation that was launched last summer. Given that the British Transport Police Authority had already done the legwork on the available options a year before the consultation went live, that omission seems the height of legislative laziness.

The BTPA's paper sets out three approaches for the devolution of the BTP north of the border, including the break-up of the BTP and the absorption of its Scottish operations into Police Scotland. However, in the BTPA's experienced and professional opinion, that option could result in confusion over who would record and investigate crimes, it could risk compromising the joined-up method of policing our railways and it could jeopardise cross-border efforts to combat terrorism and extremism, all of which are serious issues with serious implications.

It is not unreasonable to suggest that those concerns were worthy of wider consultation by the Scottish Government. The Cabinet Secretary for Justice and the Minister for Transport and the Islands might not have thought so, but others certainly did. They included the train operator CrossCountry, which described as "unsatisfactory" the consultation approach of

"not asking 'should we do this' but 'how shall we do this'",

and the Rail Delivery Group, which pointed out that integration was the only option on the table and said that it was being done

"because it can be done as opposed to there being a well set out argument as to why it should be done".

That pretty much hits the nail on the head, because the vast majority of the evidence that the Justice Committee heard provides no compelling argument in favour of full integration. In fact, the opposite is the case—the Scottish Government is trying to tear up a specialist railway police service for no good reason at all. That has been confirmed by a senior BTP officer, Deputy Chief Constable Hanstock, who said that he had not been able to identify

"any operational or economic benefits"

of integration.

Instead, we are faced with a model that will, according to witnesses, increase delays for passengers and jeopardise their safety, result in an irrecoverable loss of expertise and dilute the unrivalled specialism of existing railway policing in Scotland. Why are we faced with such a model?

The reason is to do with political ideology, the SNP's single-mindedness and its obsession with cutting ties with anything that includes the word "British". That is its *modus operandi*. It goes full steam ahead and deals with the consequences later. However, this time, even some SNP supporters have concerns about the proposed integration. One of them said that the integration

"of BTP Scotland into Police Scotland by the SNP, a party I have supported for a good number of years, is undoubtedly one of the most petty and ill-informed political moves I have witnessed."

That is from an SNP member.

Integration is ill-informed, because Police Scotland is still going through a period of reform and transformation that is projected to continue until at least 2026. It is a force that has faced crisis after crisis since its creation in 2013, from problems with call handling to the cancellation of the i6 project. It is a force that, by Police Scotland's own admission, has an "elephant-sized deficit" that it is

"going to eat ... one bite at a time."

It is a force that is trying to get its own house in order but, under the proposals, it will have to deal with a greater volume of arrests and emergency calls each day. Why is the Scottish Government steaming ahead with proposals to fix railway policing when it is not broken?

Why is the Scottish Government getting support from other parties in this Parliament? The Greens and the Liberal Democrats supported the bill at committee stage and the committee report was agreed by a majority of SNP, Liberal Democrat and Green members. However, that report still highlights concerns about training, the costs of training and the wider transition costs.

The Scottish Conservatives support the devolution of the functions of the British Transport Police, but we cannot support the Scottish Government's proposals to deliver that recommendation in their current form. I urge the Scottish Government in the strongest possible terms to reconsider the proposals. It is not too late for Government ministers to change their minds. To forge ahead regardless, ignoring the advice of so many experts and professionals, would be the wrong thing to do.

15:56

Claire Baker (Mid Scotland and Fife) (Lab): I extend my thanks to Justice Committee members for the informative evidence sessions on the bill that they have held. As a substitute member, I took part in the session with the railway operators. Those evidence sessions highlighted the number of concerns about the bill that have helped

Scottish Labour to reach its position: we will not support the general principles of the bill.

Although the majority of the committee recommended that the general principles should be supported, there is a division among members. During the course of the afternoon, I hope that the Government will listen to their concerns, agree to withdraw the bill and work with all interested parties and bodies in looking at the full range of options that are available for the future of railway policing in Scotland.

Scottish Labour is not against changes to policing in Scotland, but it is clear from the policing 2026 strategy that Police Scotland and the SPA have much to change in order to secure wider public confidence and to move on from the difficulties that have hindered them since their formation, and it is right to question whether now is the right time to attempt the complex integration of the transport police into the force. Parliament, relevant bodies and the public must be fully confident that any new changes are warranted, supported and proportionate. Today, MSPs have received correspondence from the RMT and the STUC opposing the bill and continuing to raise significant concerns about the erosion of specialised skills and expertise, and risk to safety and security.

It has been argued that we are here today as a result of the Smith commission. However, it is worth remembering what the commission agreed, which was:

“The functions of the British Transport Police in Scotland will be a devolved matter.”

There was no agreement on a specific model.

Earlier in this parliamentary session, in response to my colleague Richard Leonard, the transport minister, in attempting to justify the bill, said that the Government was

“elected on a manifesto promise to do what we are doing with BTP integration ... That is the rationale behind what we are doing.”—[*Official Report*, 9 November 2016; c 2.]

However, as was subsequently shown, there was no mention of such a model in the SNP manifesto. Today’s bill has never been put to the public via an election, so there is no electoral mandate for imposing this model.

When the bill was introduced to public scrutiny through the Government consultation, it was widely criticised and rejected, which might be the reason why the bill was published five days before the analysis of the consultation responses.

All three trade unions that have members who work in the railway sector oppose the bill, and staff, officers and rail operators all continue to raise serious concerns. Those concerns include the impact on cross-border services; the potential

reduction in the effectiveness of tackling major UK-wide issues, such as terrorism; a reduction in the number of jobs and a loss of expertise; increased costs for rail operators; the impact on the terms and conditions of service for BTP officers and staff; and integration into a service that is already under huge financial pressure and that is still dealing with the impact of moving to a single police force.

As highlighted in the Justice Committee’s stage 1 report, there is concern that the costs of railway policing are likely to increase as a result of integration, although it is still unclear what those costs might be or who should pay them. It is difficult to proceed with a bill that lacks clarity in its financial memorandum. The British Transport Police model works for us in Scotland and I highlight the great work that is undertaken here by D division. Covering thousands of kilometres of track and hundreds of stations, the officers and staff deserve our commendation for the work that they do to ensure that our railways run safely and smoothly. However, rather than look at the models that would keep and reward such dedicated hard work, the Government has introduced a bill to fix something that does not need to be repaired. I am not convinced by the argument that integration would provide greater resources and flexibility, and believe that we should pay attention to fears of reduced specialism and expertise.

John Mason (Glasgow Shettleston) (SNP): Will the member give way?

Claire Baker: I only have six minutes and there are a couple of points that I would like to make.

The bill has been rushed. There is more than one option for the future of the British Transport Police that would meet the Smith commission objectives, but those options have not been given the scrutiny or consultation that they deserve. The option that has been chosen is the most expensive, has the highest level of risk and is the most complex way to achieve the Smith commission objectives.

There is the option, via the non-statutory devolved model, of governance and accountability through administrative rather than legislative means. There is also an option for a statutory devolved model. Those are two options that were not given consideration in the public consultation. We believe that all options should be properly explored; instead, the Government is attempting to railroad legislation through Parliament.

The rush to integrate D division within Police Scotland, with overview from the SPA—an organisation that itself faces significant financial and governance issues—introduces a risk to transport policing that is not in the best interests of passengers. The bill has no manifesto mandate,

no public support and very little industry support. It is a bill with operational concerns and serious financial uncertainties and unknowns. Therefore, it is a bill that Scottish Labour cannot support and I urge the Government to reconsider its approach to the bill so far.

16:02

Rona Mackay (Strathkelvin and Bearsden) (SNP): The Railway Policing (Scotland) Bill is extremely important legislation that will strengthen and complement the work of Police Scotland. Today, the bill will be presented by some members, including a minority of members of the Justice Committee, in a negative light—unnecessarily so. The majority of committee members support the bill. I will focus on three main elements of the bill that I believe are fundamental and should be viewed positively. They are public safety, ethos and security.

During evidence taking, the committee heard from a variety of stakeholders, including railway operators, British Transport Police, Police Scotland, the Scottish Police Authority, trade unions and affiliated police organisations. There was a divergence of opinion in many areas, which is no bad thing. Integration must be successful and must achieve public confidence, and no stone should be left unturned regarding the detail of implementation.

Douglas Ross: The member suggested that some members would express an overly negative view about the proposals. Will she confirm that the majority of respondents to the Scottish Government's consultation and indeed to the committee's call for evidence were against the proposals? They do not want the bill to go forward.

Rona Mackay: I will not have the member put words in my mouth. I am talking about members. If the member lets me proceed, I will explain.

Proposals to integrate the BTP into the Scottish police service began in 2011, before the creation of Police Scotland. The Smith commission agreed that the functions of the BTP in Scotland should be devolved. The BTP is not accountable in Scotland. It is a UK force that is accountable to the British Transport Police Authority, the Department for Transport and the Secretary of State for Transport in England and Wales. Integrating the BTP with Police Scotland will make it fully accountable to the people of Scotland—entirely as it should be. With more than 93 million rail journeys made in Scotland each year and another 8 million cross-border rail journeys, it make sense for the BTP to be integrated to ensure full accountability to the people of Scotland and the Scottish Parliament.

There was concern among stakeholders and some members of the committee about the

upskilling of existing police staff and whether the training would be adequate. However, should the bill proceed, after 2019 every police officer would be trained in policing the railways. They would get exactly the same three-week training that is currently received only by BTP officers. There are currently 285 full-time-equivalent BTP officers in Scotland and more than 17,000 regular police officers. In my view, integration can therefore only improve the service to the rail network in Scotland and, of course, contribute to the safety of the general public. How can that be a bad thing? Rural areas that are currently not served by the BTP will benefit by having specially trained officers on hand to deal with incidents.

Everyone agrees that the BTP has consistently done a superbly professional job in keeping the rail-travelling public safe. To recognise and keep that specialism, Police Scotland has confirmed to the Scottish Parliament that a bespoke railway policing unit will be established for railway policing in Scotland. That would sit alongside the specialist road policing unit that is already in place, and those officers would receive additional training over and above the training that all officers receive, so the ethos and specialism would be enhanced, not diminished.

The committee heard that there was concern that the cost of railway policing would increase as a result of integration. We have requested that, should that happen, the Scottish Government report to Parliament to clarify who would pay the additional costs.

There was also concern about the transfer of BTP staff—and their pay and conditions—into the integrated service, as the minister outlined. I hope that members are reassured by the minister's commitment to the no-detriment and triple-lock assurances that have been given to them—although perhaps the Tories need to be reminded of what a "triple lock" means. The minister gave the Transport Salaried Staffs Association the same triple-lock guarantee. The Scottish Government will apply the principle of no detriment across the board to the terms and conditions of BTP officers, and I welcome that, as I understand the concern in that area.

Throughout the negotiations involving the joint programme board—the timescale of which Assistant Chief Constable Higgins described as "a luxury"—the engagement between the Scottish Government and the railway industry has been praised by both sides. Graham Meiklejohn of TransPennine Express said:

"The minister has been generous ... in giving us time to consider the issues"

and that

"There is an opportunity for improved efficiency."

David Lister of ScotRail Alliance talked about the “opportunities for enhancing security at larger stations outwith the central belt”—[*Official Report, Justice Committee*, 21 March 2017; c 5, 26, 27.]

as specially trained staff from Police Scotland could respond to incidents more quickly.

The cross-border policing that already takes place between Scotland and the rest of the UK will be enhanced. Currently, Police Scotland’s intelligence cells in the Gartcosh crime campus have access to real-time information that has to be relayed to the BTP. With integration, there will be no need to do that, as the information would be put directly to the point at which it was required.

In conclusion, I thank committee member John Finnie for injecting a bit of reality into some of our discussions during the committee’s evidence-taking process by highlighting his experience as a former police officer. It was very useful to have the benefit of his experience.

The integration of railway policing into Police Scotland’s remit is simply common sense. It will make the service accountable to the people of Scotland, enhance the excellent specialist provision and increase security. I therefore have no hesitation in recommending to members the general principles of the Railway Policing (Scotland) Bill.

16:08

Oliver Mundell (Dumfriesshire) (Con): The SNP continues to claim that the changes must be made, that there are no other viable options, and that everything was agreed at the Smith commission. As ever with the Scottish Government, that is only what it wants us to hear. Indeed, it is all framed as some kind of commonsense proposal and operational necessity, but the Government gave the game away when it decided to consult on only a single option.

Fulton MacGregor (Coatbridge and Chryston) (SNP): Can Oliver Mundell tell members what his party put forward as an alternative?

Oliver Mundell: We are putting forward our proposals in the chamber now. We would like the integration to be scrutinised here in the Scottish Parliament. We see absolutely no reason to tear up an organisation that is working successfully and merge it with Police Scotland, especially at a time when Police Scotland’s finances are unstable. The harsh reality is that this is just another ill-thought-out power grab—

Humza Yousaf: Will the member take an intervention?

Oliver Mundell: If Humza Yousaf listened, he might hear what I have to say.

It is another ill-thought-out power grab that is driven not by logic but by an ideological and constitutional obsession with control. It is change for change’s sake. Indeed, the cabinet secretary himself, when he appeared before the Justice Committee, stated:

“By and large, the British Transport Police provide a good service in Scotland and across the whole UK.”—[*Official Report, Justice Committee*, 28 March 2017; c 12.]

I am afraid that I am not in the least bit convinced by the arguments that have been made that if only the Scottish Government, with its great track record on policing, were in full control, the situation with the BTP would somehow be even better. Instead, I am of the view—[*Interruption*.]

The Deputy Presiding Officer (Christine Grahame): I ask members not to chat across the chamber; I want to hear what Mr Mundell is saying. Please continue, Mr Mundell.

Oliver Mundell: Thank you, Presiding Officer.

I am of the view that the merger will prove to be a repeat of the botched and unpopular Police Scotland integration.

As ever, the Scottish Government has full confidence in itself, but I am not so sure that current BTP officers share that optimism. The BTPF has already highlighted concerns about the plan, arguing that

“the current climate of policing within Scotland does not lend itself ... to integrating the BTP”.

As my colleague Douglas Ross highlighted, Deputy Chief Constable Adrian Hanstock from the BTP said that the organisation had not been able to identify

“any operational or economic benefits”

of the merger. How come those who deal with these issues day in, day out and have years of expertise are wrong, while those who have overseen the disastrous and lengthy transformation of Police Scotland know better?

There are limited benefits, but there are certainly risks. There is a real risk that the merger will result in a loss of specialist and institutional knowledge.

Rona Mackay: Does the member agree that having 17,000 officers who are skilled in railway policing is better, and offers more security, than having 285 officers?

Oliver Mundell: I am pleased to hear Rona Mackay confirm that all 17,000 police officers across Scotland will be working full time on the railways rather than on all the other issues that they are being stretched to deal with at present.

Police stations in my constituency will no longer be closing, and suddenly everything will be wonderful and great. We will get our call centre back in Dumfries, and we will suddenly have 17,000 new police officers just to police the railway. To be honest, I find that argument ludicrous.

There will be big costs involved. BTPF officers have said that they can “guarantee” that expertise will be “diluted”, and that a number of officers would rather leave the force than come to work for Police Scotland, and many of them would choose to retire.

I remain convinced that the Government is trying to rush the merger and is putting at risk the integrity of the BTP. I am also worried about the supposed benefits of a single command-and-control system. The arguments for that sound good until one realises that there will in fact not be such a system in place. Police Scotland will have to continue to work closely with the BTP, particularly on cross-border services, because we have one railway network across the UK.

As we have seen from a number of incidents, events that happen even away from the west coast main line can affect services as far away as London, Birmingham and elsewhere across the UK. Instead of the BTP managing the process seamlessly across the UK, incidents will have to be reported by Police Scotland to the BTP and vice versa, because there are two different command-and-control systems.

That will be the case especially in my Dumfriesshire constituency, where a significant number of cross-border services run between Carlisle and Lockerbie. It is very important that we know how these things will operate in practice, preferably before the bill proceeds through Parliament. My constituents and local officers need to know what the operational intentions are, instead of them being hidden behind some idea that we can find out about the nitty-gritty detail of that section of the line after the horse has bolted.

I am afraid that the Scottish Government does not seem to have those most basic of answers. Indeed, when I asked the cabinet secretary whether he would, in principle, be open to the British Transport Police officers who are based in Carlisle continuing to police that section of the railway and operating within Scotland, he said:

“I would have no problem with that at all in principle.”—
[*Official Report, Justice Committee, 28 March 2017; c 30.*]

If the bill is not about where officers are based, we are left with the argument that the only benefit is scrutiny and accountability.

The Deputy Presiding Officer: Will you conclude, please?

Oliver Mundell: However, with a number of unpopular transformational changes still on-going in Police Scotland, including proposals to close police stations in my constituency, and a budget that seems to be out of control, people will wonder how accountable the Scottish Government will be on policing matters.

16:15

Fulton MacGregor (Coatbridge and Chryston) (SNP): It is a great pleasure to speak in this debate on the Railway Policing (Scotland) Bill. As a member of the Justice Committee, I pay tribute to the committee members for their scrutiny of the bill. Although there was not unanimous agreement on the general principles, I thank the convener, Margaret Mitchell, for the way in which she approached the matter, gaining much consensus across various areas.

I was not going to mention this, but I think that I will. I also give Margaret Mitchell credit for the way in which she dealt with members of her own party—well, I should be clear and say one member of her own party. Douglas Ross again today played the flag card shamefully in his speech and he does that more subtly and regularly in the committee. I have never met somebody in the chamber like Mr Ross, who would rather be somewhere else.

The Deputy Presiding Officer: I caution the member about being too personal in his attacks. It is in the way you say it.

Fulton MacGregor: I was responding to something that was said during the debate.

It is worth remembering that the devolution of the BTP was agreed by all parties. I asked Oliver Mundell what his party had put into the Smith commission. It has also been Scottish Government policy for some time. It will come as no surprise to anyone in the chamber that I believe that our country, our Parliament and our services, such as Police Scotland, are more than capable of taking on the integration and running our own affairs like any other normal country. I therefore fully welcome the move.

Douglas Ross: I will try to be as pleasant as I can. You suggest that the Parliament and the country can take on the powers of scrutinising and ensuring the accountability of the BTP. Do you accept that that is exactly what the British Transport Police Authority proposed as one of its three potential models a year before your Government consulted on only one model, which was to totally disrupt the British Transport Police and merge it into Police Scotland?

The Deputy Presiding Officer: I remind members not to use the word “you”. Please talk about “the member”.

Fulton MacGregor: I accept the proposals that are being put forward by the Government. That is what we should concentrate on. It is a shame that two of the parties in the chamber have not supported those proposals, but that is their right.

The integration will provide a more integrated and effective approach to infrastructure policing in Scotland and ensure that it is accountable to the people of Scotland. The bill seeks to enhance working practices and embed them into statute, and to ensure that the industry has a strong voice in the development of railways and what is important to them.

Integrating the BTP into Police Scotland is an opportunity to improve and enhance railway policing in Scotland. The committee heard a lot of evidence on that, including from Graham Meiklejohn of TransPennine Express, who said:

“There is an opportunity for things to improve in Scotland and for the force in England and Wales then to up its game and improve, as well.”—[*Official Report, Justice Committee*, 21 March 2017; c 21.]

There is an opportunity for improved efficiency.

As has been mentioned, legitimate concerns have been raised about training and I am glad that the committee scrutinised the issue so thoroughly. All police officers in Scotland will be trained in railway policing, increasing coverage across the whole of Scotland. ACC Higgins confirmed that, should the bill proceed, after 2019, every police officer in Scotland will be trained in policing the railways, improving the service that is provided to the railway network throughout Scotland. As my colleagues have said, officers currently complete an 11-week training course at the Scottish Police College at Tulliallan, after which the BTP officers have an additional three weeks of training. Police Scotland has confirmed that, should integration proceed, all officers will receive that training.

As has also already been said—some of the facts are getting repeated—there are currently 285 full-time equivalent BTP officers in Scotland and more than 17,000 regular police officers, which means that the number of officers with railway policing training in Scotland will be significantly enhanced. Surely we can all welcome that across the chamber?

Elaine Smith: I thank the member for taking an intervention. Would all those officers then have personal track safety certificates?

Fulton MacGregor: I thank the member for her intervention. No—I do not believe that they will. However, to have 17,000 officers with the training

is, to my mind, a significant enhancement, which is why the bill has been supported by most parties.

When giving evidence to the Justice Committee, Police Scotland made it clear that specialist railway policing expertise and capacity will be maintained and protected within the broader structure of Police Scotland.

It is worth mentioning that members received a briefing today from the Samaritans in Scotland regarding suicide prevention skills. A lot of suicides can happen on the railways and I would encourage the maintenance of those specialised skills if and when integration occurs. It is fitting that we talk about that today, given that it is mental health awareness week.

Cross-border policing, as some have mentioned, will continue to be seamless in both directions, as it is between the UK and mainland Europe and across the border in Ireland at the moment. I do not believe that there will be any difference between Scotland and the rest of the UK when integration occurs, so I do not think that that is a concern either.

There is no doubt that the British Transport Police does a fantastic job; that has never been in any doubt. This, however, is about us developing a service that delivers uniquely for Scotland and is accountable to this Parliament. In some places, that is already happening. Indeed, I spoke to a ScotRail train driver just the other day who told me that when he and his colleagues are working late shifts at night and there is trouble on the train or at the stations that they arrive at, contacting Police Scotland is their first response—not because there is anything wrong with the BTP, but because the infrastructure for Police Scotland is already there and a quick response can be guaranteed.

The committee has carried out good scrutiny of the bill. I am pleased that there has been cross-party support, including from the Greens and the Liberals. Police Scotland has said that the transfer will be seamless and I have every faith that it will be. I am happy to support the motion that was lodged by the minister.

16:23

Neil Bibby (West Scotland) (Lab): There is no doubt that the Smith commission envisaged a much greater role for the Scottish Parliament in relation to railway policing. However, it would be profoundly wrong to suggest that the integration of the BTP into Police Scotland is somehow a requirement or a stipulation of the Smith agreement—it is not.

There is no reason why the devolution of the BTP in Scotland should mean the dissolution of the BTP in Scotland. It provides a good service to

the travelling public. It is a highly effective organisation that has built up a specialism over many years. There is no reason for the Parliament to unpick that service, but it appears that the SNP has a problem with the BTP. Breaking up the BTP is a choice—a political choice; a nationalist choice—not a necessity.

In response to the Smith agreement, the British Transport Police Authority set out a range of options, including alternatives to integration, that would allow us to retain the BTP as a specialist police service but with enhanced accountability to the Parliament. It is telling that the SNP consulted on only one option—integration into Police Scotland. No wonder the British Transport Police Federation, the body that represents BTP officers in Scotland, believes that the bill is being driven by “political ideology”.

Neither in evidence to the Justice Committee nor in response to the Government’s own consultation is there majority support for the option that the Government has chosen.

The Rural Economy and Connectivity Committee—the committee of the Parliament that is responsible for transport matters—did not take any evidence on the bill at all. It is little wonder, then, that people out there question whether the Parliament properly scrutinises legislation. Perhaps if the transport committee had taken evidence on the future of transport police, it would have found, just as the Scottish Government and the Justice Committee did, that there are huge areas of concern in the sector about the proposed changes.

There are concerns that the case for integration has not been made and that the SNP Government is committing to one course of action against a weight of evidence and industry opinion. As Douglas Ross said, the rail operator CrossCountry said that the SNP

“was not asking ‘should we do this’ but ‘how shall we do this’.”

The Rail Delivery Group has said that the approach is being taken

“because it can be done as opposed to there being a well set out argument as to why it should be done.”

John Mason: Is the member arguing for specialist police forces in all other sectors? For example, would he have a specialist police force for information technology or for forestry or other things?

Neil Bibby: I am arguing that we should listen to the rail operators, the trade unions and the police officers about the SNP Government’s proposal, which does not seem to have support among any of those organisations.

In addition to those concerns, we heard concerns from Nigel Goodband of the British Transport Police Federation, who said:

“there has been no acknowledgement of our views or those of the police officers whom we represent, because a simple decision has been taken that there is only one option—that of full integration.”—[*Official Report, Justice Committee*, 14 March 2017; c 36-7.]

That is a damning indictment of the SNP Government’s position. Our dedicated police officers put their lives on the line to protect our safety and the SNP Government is completely ignoring their views. We should listen to them, because we know from our experience of Police Scotland the pitfalls and the dangers in pushing through sweeping changes to policing without consensus.

It is no surprise that the Greens are supporting the SNP on the issue, but it is astonishing to see the Liberal Democrats, such ardent opponents of the creation of a single police force, doing nothing to defend a proven positive approach to railway policing. It looks as if the Liberal Democrats are making themselves accessories to the dismantling of the British Transport Police in Scotland. There may be support for the merger in the chamber, but the SNP Government has simply been unable to demonstrate any public support, demand or consent for the policy.

Humza Yousaf: Will the member give way?

Neil Bibby: I will take an intervention if the minister wants to tell me who supports his policy.

Humza Yousaf: I have listened to the member for four and half minutes. What proposal is he putting forward and how much would it cost? By the way, did Labour members demand that the transport committee look at the bill, and if not, why not?

Neil Bibby: Labour members asked that committee to look at the issue. In fact, I wrote to the committee’s convener.

We are saying that we need to come up with a model that has support from the rail unions, the operators, the industry and police officers. The minister’s proposals do not have the support of any of those organisations.

As Claire Baker said, the SNP never gave a manifesto commitment to break up the British Transport Police. The minister will remember that he had to apologise to Parliament for suggesting that there was a manifesto mandate. Perhaps he should listen to the views of the railway workers who, unlike him, are transport experts. Every one of the trade unions and staff organisations representing rail workers is opposed to the merger.

Rona Mackay: Will the member take an intervention?

Neil Bibby: I have taken two already.

The STUC, which contacted us today, is united in opposition to the bill. In a motion passed at its congress this year, the STUC said:

“the Government’s determination flies in the face of serious misgivings expressed by trade unions, BTP officers and staff”

and

“railway workers”.

The RMT has warned that effectively abolishing the BTP in Scotland will result in “an inferior service”. In evidence to the Justice Committee, the RMT’s Mick Hogg said:

“We have not ruled out the option of taking industrial action to retain BTP officers on the railway, because we are concerned about the safety of railway staff and passengers on trains in Scotland.”—[*Official Report, Justice Committee*, 14 March 2017; c 41.]

Rail workers are warning that the bill could lead to yet more industrial action on the railways. That would not be a strike over terms and conditions; it would be industrial action to protect the workforce and the travelling public. That is how central they believe the future of railway policing is to public safety.

The transport minister, Humza Yousaf, has been warned but appears happy to proceed with a bill that may result in industrial action and disruption for Scotland’s passengers. Passing the bill will have consequences, including for the transport minister, and he will be held responsible for them.

As Claire Baker said, the Government is trying to railroad the bill through Parliament. It is a bill that the workers do not want and passengers simply do not need. The Government cannot explain how it will make our railways any safer or specialist railway policing any better. There is no mandate for the bill, no rationale for the bill and no popular support for the bill, and Scottish Labour will vote against it today.

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): On a point of order, Presiding Officer. Could you give later speakers some guidance as to how much time they might expect to have?

The Deputy Presiding Officer: The member should bear in mind that I am well aware of what the timings are. I am trying to allow a little bit of additional time for interventions because I do not want to kill debate, but I will give adequate warning to the summing-up speakers, as I usually do, if there is a slight curtailment of their time. I think that it is better to allow time for interventions

across the chamber than to have no interventions at all. Thank you for your interest, Mr Stevenson.

16:31

John Finnie (Highlands and Islands) (Green): It is fair to record that there are very strong views on this subject on all sides. I have two dear friends and neighbours who are greatly concerned about a force amalgamation, although the one that they are concerned about is the amalgamation of Inverness burgh police with Inverness county police—in 1968. I absolutely get that people are concerned about change; it is important that all members recognise that.

As a member of the RMT Scottish parliamentary group, it is very rare that I am not on the same side as the RMT. The position of the RMT, the TSSA and ASLEF reflects a genuine concern about safety that has to be addressed. The concern of British Transport Police officers is summed up in a word that we have heard often: “ethos”. Those individuals have chosen to serve the public by joining a certain sphere of policing. They did not choose to join Northern Constabulary or the force in Grampian, Cumbria, Northumbria or wherever; they chose to join the British Transport Police, and that has to be recognised, too. A proud history and a singular focus are attached to that.

The training for officers is the same across Scotland. British Transport Police officers then go on to get subsequent training, and of course Police Scotland officers get alternative training. The health and safety of police officers, railway staff and the public is the paramount consideration for me.

We know that Police Scotland will embrace the proposal if Parliament passes it. Assistant Chief Constable Higgins gave us a lot of information about the specialist training. I am a keen supporter of what I hear from Mr Higgins, who I think is very good and who made a very ambitious statement about the level of training. It is right that the Justice Committee’s report talks about a training needs analysis and the scrutiny that we will have to do of that. We then have the question of who pays, which will be addressed by railway policing agreements. The report mentions the requirement for the Scottish Police Authority to set up a formal mechanism and to have meaningful engagement.

Members have talked about the difficulties with the Police Service of Scotland and the Scottish Police Authority. Those difficulties have absolutely existed, but we must move on and keep a single focus on service delivery to the public.

The railway policing agreements will pick up on various aspects, including the new powers of entry and the abolition of the British Transport Police Authority. We know that the rail operators will set

priorities and objectives. That is absolutely right—their concerns about change are valid and have to be taken on board. However, we must remember that the arrangements will be different.

On the protection of the present quota of railway police staff, I take a great deal of comfort from the fact that there will be a commercial arrangement between the train operators and the Scottish Police Authority on behalf of Police Scotland. It is not the arrangement that I would want, because I want us to have a publicly owned railway, with the arrangements existing within the public sector. As things stand, however, there will be a commercial arrangement.

The ethos is one of efficiency, and we have heard in particular about the different approach that the British Transport Police takes to dealing with fatalities on the line, compared with Police Scotland's approach. A particular example was given, which I will not repeat, where Police Scotland attended a scene and, overall, took longer to deal with it. However, that is precisely why the expertise will be retained. It was explained that, within a relatively short time, a delay on the lines in Scotland can result in trains backing up in the south-east of England.

I also think that there is an opportunity for Police Scotland to learn from the British Transport Police. Clearly, a balance has to be struck in relation to efficiency. We do not want scant investigations into fatalities just to get the trains running, and it is clear that the BTP has mastered the practical investigative skills needed to get things going. Why would that approach be altered? It would be in no one's interests to do so. Indeed, I have heard no suggestions that it would be, and we know that Police Scotland wants to retain such specialist skills.

Given my background, I would not normally say how many police officers there are in an area, but the BTP chief constable told us that five officers are based in Inverness. People will know—they will be sick of hearing—that the Highlands is the size of Belgium. Adding Argyll and Moray to that gives us an enormous area to be covered by five police officers. I will not repeat all the statistics about officer numbers; it is simply a fact that, statistically—this has nothing to do with who does it best or where they come from—a requirement in the Highlands and Islands is likely to be attended by a Police Scotland officer.

Given the Christie commission's principles of collaborative working, one of my concerns relates to some of the ill-informed comment on the terrorism threat level and the response to it. I assure the public that an entirely co-ordinated system applies at the moment, and that an entirely co-ordinated system would apply were the proposal before us to go ahead. People have

concerns about different systems of working, but the systems of working that apply in the rest of Great Britain apply where there are 43 police forces, so clearly there are 44 systems. If the proposal goes ahead, there will be two systems in Scotland.

Elaine Smith: Will the member take an intervention?

The Deputy Presiding Officer: The member is in his last 30 seconds.

John Finnie: There are long-standing arrangements about cross-border policing.

I just want to touch on a key issue. I heard the minister give an assurance on ensuring that there will be no detriment. With the greatest respect, I say to him that it is not me he has to persuade; clearly, there remain others who require to be persuaded.

We know that there is joint working at the UK level. From the public's perspective, the polis are the polis and the public do not make any distinctions. I will leave it there.

16:37

Liam McArthur (Orkney Islands) (LD): As other members have done, I thank all those who have contributed evidence to the Justice Committee. The committee has been helped by the willingness of stakeholders to share their views and insights, so any lack of clarity that remains around critical areas of the bill is not a result of any lack of candour on their part.

I also thank the Scottish Parliament information centre and our clerks for aiding us throughout the process. I thank, too, committee colleagues, who have ensured that the bill has been robustly tested. I think, from the tone of the debate so far, that that will continue. That is entirely right for any bill, but it is particularly right when the implications of the bill in question remain so unclear.

I will come shortly to questions that I feel remain to be answered, but I will first address the myth that has been repeatedly promoted by ministers, which is that the bill simply discharges the will of the Smith commission. That is disingenuous. The Smith commission did indeed state that the

"functions of the British Transport Police in Scotland will be a devolved matter",

but subsuming the BTP within Police Scotland is only one option for delivering that outcome. I grant that that has long been the SNP's preferred option, but it is just one of three options that were identified by the working group that was set up by the BTPA. As the Justice Committee heard in evidence at our round-table meeting, that option also happens to be the one that carries the highest

degree of risk, and the one that was opposed by the majority of respondents both to the Government's consultation and to the committee's call for evidence.

An alternative would have been to give the Scottish Government statutory powers to direct the BTPA and ultimately to specify the direction of railways policing in Scotland, thereby ensuring that the chief constable of the BTP engaged with the Scottish Government and Parliament in much the same way as the chief constable of Police Scotland does. Responsibility for pensions, employment contracts and defraying the costs of policing to the rail industry would have remained with the BTPA, but the SPA would have had greater involvement at strategic and planning levels.

A third option that was identified by the BTPA would have achieved devolution through administrative means by considering practical ways to increase the BTP's accountability to Scottish institutions and to be better aligned with Police Scotland.

Sadly, no attempt was made by ministers to seek views on either of those options, which would have minimised disruption to a service that we heard in committee time and again is operating smoothly, efficiently and in a highly professional manner across the UK.

Ultimately, that failure to consider and consult on those other options has weakened ministers' case for their preferred approach. As for that approach, although I believe that the bill should be allowed to proceed to the next stage, ministers have their work cut out to address the serious concerns ahead of stage 3. The concerns are about how the specialist expertise of the BTP can be maintained and developed post-merger, and about how RPAs are likely to operate, how costs will be assigned and how potential disputes will be resolved. There are also concerns about Police Scotland's ability to take on the additional functions and responsibilities while it still faces serious on-going challenges as a result of the botched centralisation that was driven through by the Government in the previous parliamentary session—all the time egged along by Douglas Ross's and, indeed, by Neil Bibby's colleagues.

Retention of expertise, which is absolutely vital to the safety of passengers and workers on Scotland's railways, will, of course, require that agreement be reached on post-transfer terms and conditions. The minister and Police Scotland were bullish about that issue in evidence and again this afternoon, but the unions appear to be less convinced. Those who are currently employed by Police Scotland—who are facing difficult times ahead, based on the evidence of the policing 2026 strategy—will be watching closely to see how the

negotiations develop. The more that is conceded to the BTP, the more difficult it might be to persuade people in Police Scotland that they are being treated fairly.

Police in Police Scotland will also now be expected to undergo two weeks of training in railway policing, according to Assistant Chief Constable Higgins. The costs of delivering such a force-wide training package are still unclear. It seems inconceivable, however, that the training will be enough for Police Scotland officers to gain the certificates that are necessary for them to access safely all parts of the railway environment.

Meantime, concerns were expressed that whatever the costs of the force-wide training turn out to be, they will inevitably find their way into the railway policing agreements—especially given the financial straits in which Police Scotland finds itself. Indeed, the committee expressed its

“disappointment at a lack of detail on costs set out in the Financial Memorandum”.

Far more clarity is needed about what the costs of integration are likely to be and how they will be met. That is all the more important given that concerns have also been raised about dispute resolution for RPAs—a point that was picked up by the Law Society of Scotland in its briefing for the debate.

Finally, let me address the issue of timing. Even were full integration of the BTP within Police Scotland felt to be the most sensible and logical route to take—most witnesses did not feel that—it can scarcely be claimed by anyone other than its most ardent supporters that this is an ideal time to be contemplating such a move.

With chronic levels of structural debt, a failed information technology project that has left efficiency targets tough—if not impossible—to achieve, and morale that could certainly be better, surely only Police Scotland's worst enemy could see this as an opportune moment to be foisting a further merger upon the organisation. The Auditor General for Scotland recently highlighted continuing concerns around financial management: promised savings from centralisation have simply not materialised. Against that backdrop, the timing of the Government's bill looks highly questionable.

Presiding Officer, as I said in committee, I remain open to being persuaded that the concerns that I have set out—and others—can be addressed. If they are not, Scottish Liberal Democrats will be unable to support the passage of the bill at stage 3.

16:43

Mairi Evans (Angus North and Mearns) (SNP): Throughout the evidence that was heard by the Justice Committee on the Railway Policing (Scotland) Bill, one thing that was made clear by all those who gave evidence—written and oral—was the professionalism of the British Transport Police. There was nothing but praise for the job that the BTP does in keeping our railways and the passengers who use them safe. I start by commending the BTP for that work, because it is important to remember that the proposed integration of the British Transport Police into Police Scotland is not about fixing a broken system—as has been suggested around the chamber today—but about making railway policing work better for all of Scotland, making it accountable to the people of Scotland and looking to the opportunities to build on the current system of railway policing across the country, based on the recommendations of the Smith commission.

Based on the evidence that the committee received, I believe that there are advantages to be achieved and opportunities to improve, should the integration process proceed. The first advantage is in terms of location, the geographical spread of officers and the resulting opportunities to enhance the police service across the whole rail network in Scotland. Currently, the BTP maintains a focus on the central belt and positions most of its officers there, while leaving many stations in the rest of Scotland, including three in my constituency, unstaffed. We received supplementary written evidence from Chief Constable Paul Crowther of the BTP that said that currently there are 262 BTP officers in Scotland, who are based predominantly in the central belt. Outwith that area, on average there are about six officers at some of the bigger stations, compared with 54 here in Edinburgh and upwards of 20 at each of the stations in Glasgow.

As it stands, if an incident occurs at one of the unmanned stations, such as those in my constituency and elsewhere in rural Scotland, Police Scotland officers, rather than the BTP, are more often than not the first to arrive on the scene. In evidence to the committee, Assistant Chief Constable Higgins of Police Scotland outlined that if the bill proceeds, all serving officers up to the level of inspector in the force will undergo an upskilling programme on railway policing—as we have heard today—which will include additional weeks of training in railway policing for all new officers. That would mean that post integration, if an incident occurred at a station that was untended—as many are, outwith the central belt—there would be greater confidence that those who respond are adequately trained in how to handle the situation. That general upskilling of all officers can only be a good thing.

Elaine Smith: I am genuinely interested in what that would mean in respect of personal track safety certificates. Is Mairi Evans saying that all officers would have them?

Mairi Evans: That point has already been answered today. It may be that not all officers will have those certificates. There is more information on that to come forward, which the committee did not receive.

Chief Superintendent Crossan of the Association of Scottish Police Superintendents said that should integration go ahead, Police Scotland's ability consistently and easily to use its resources in railway policing—which the BTP currently has to request—could lead to “an enhancement of service”.

In supplementary evidence, the committee heard that in 2016, 1749 incidents were recorded on the Police Scotland Storm Unity command and control system as an external force request—the BTP is categorised as an external force. In addition, Police Scotland received 4,500 calls from the BTP. There is clearly much crossover between the two forces, which would be streamlined and more adequately dealt with should they be integrated under one command structure.

I understand that there are many fears and concerns associated with the proposed integration—we heard much about some of the issues in the committee's evidence sessions. Foremost among them were concerns about something that must be ensured in the process, if it goes ahead: the BTP's specialist knowledge, expertise and ethos, which John Finnie talked about, must be retained. That was directly addressed by Police Scotland in its evidence to the committee. It outlined its plans to create in its ranks a specialist railway policing division that will draw on the experience and expertise of current BTP Scotland officers and provide general railway policing training to all officers, which will create a better-trained base and will not lose the knowledge and ability of the specialist group.

We were also given assurances that those who wish to continue to police the railways will do exactly that, as we heard the minister outline.

Concern was expressed about funding for training, and both Police Scotland and the Minister for Transport and the Islands said in their evidence that training costs should be met from efficiency savings. As integration progresses and the full training needs are assessed by the joint programme board, the picture will become clearer. The committee has asked the Scottish Government to report to Parliament on that.

One of the main fears came from BTP employees and was about security of their salaries and employment. The Transport Salaried Staffs

Association presented us with evidence of a survey that showed that 37.5 per cent of staff said that they intend to leave if integration goes ahead. However, the majority of those people based that view on the belief that they would be made redundant. We heard that that would not be the case, and we have heard about the triple-lock guarantee that the Government has given, but as John Finnie suggested, it is not really members who need to be persuaded. Clearly a lot of work needs to be done to persuade staff members and BTP officers that that will not be the case.

The Railway Policing (Scotland) Bill has raised questions, and clarity is still needed in some areas—that detail is currently being worked on by the joint programme board. There are questions that I trust will be answered as the bill progresses. I can completely understand some of the concerns that have been expressed and some of the fears that are held by the staff who will be affected. There will be such concerns and fears with any big change. However, I strongly support the general principles of the bill.

16:49

Liam Kerr (North East Scotland) (Con): The biggest concern with the Railway Policing (Scotland) Bill—specifically the proposed integration of the British Transport Police's Scottish division into Police Scotland—is simply this: it does not make sense.

The Smith commission recommended bringing the staff and the powers of the BTP within the remit of the Scottish Parliament. In 2015, the Scottish Government said:

“we believe the functions of the British Transport Police should be integrated within”

Police Scotland, which

“will ensure the most efficient and effective delivery of all policing in Scotland”.

The committee heard that the BTPA set out three ways in which the devolution of functions could be achieved, but the Scottish Government only consulted on one option—merger. The BTP called that option

“the most complex route to devolution”,

but it is the only option that has been brought forward. That is, apparently, because merger is Mr Matheson's long-term ambition. Notwithstanding that, let us take “efficient and effective delivery” as the required destination. Will the merger achieve that? It will not, according to the Rail Delivery Group, which says that integrating the service is not in passengers' interests. Nor does the BTP think that the merger will achieve “efficient and effective delivery”. It warns that

“a deep and clear understanding of the unique requirements of the railway”

will be lost. The British Transport Police Federation does not think that it will achieve it and warns of “potentially life-threatening” consequences, and neither does the National Union of Rail, Maritime and Transport Workers, which says that specialist policing on the railways will be lost forever, which will adversely impact the safety and security of rail workers and passengers.

John Mason: Will the member give way?

Liam Kerr: Please be very quick.

John Mason: Police Scotland does a lot of specialist work. Is it not slightly insulting to it to say that it could not handle the railways?

Liam Kerr: Absolutely not.

ScotRail cited the Netherlands, where the railway police have been incorporated into a single national police corps, and noted that there have been great difficulties with that approach. It expressed concerns and has warned that there would be a “loss of specialism”. The proposals do not make sense.

Make no mistake—this is about specialists. According to *The Railway Magazine*, the BTP understands the industry's safety culture and operations and is part of the “railway family”. Since 2001, it has been comprehensively reviewed by Government and independent bodies four times—more than any other police force in the country. Their unanimous conclusions are that the BTP is efficient and effective and should be kept as a specialist and separate force for the whole British railway network.

Chief Constable Crowther told the committee that railway policing is “substantially different”. We are talking about specialists with specialist skills. The committee heard evidence that fatalities that are responded to by officers who are inexperienced in railway policing take 50 per cent longer to deal with, that cable theft offences take 33 per cent longer to manage, and that train operators claim to have

“a level of confidence that BTP will hand the service back to the train operator within 70 minutes.”—[*Official Report, Justice Committee*, 1 November 2016; c 14.]

Mairi Evans: Will the member take an intervention?

Liam Kerr: There is no time.

It was noted that an incident at Carlisle that was handled by Police Scotland took 107 minutes, with resultant delays that incurred costs of approximately £160,000. Furthermore, the Samaritans has highlighted the specialist skills the

BTP has in dealing with suicides, as well as with traumatised staff in the wake of train-line deaths.

Will the resource remain available? CrossCountry is concerned that, post-merger, BTP officers will be deployed to non-railway duties in an attempt to fill funding and resource gaps, which will leave the network's policing diluted and underresourced.

My next point is important: BTP officers themselves report that, due to the uncertainty over terms and conditions and pensions, staff might leave, which will impact on experience, operational capability and service delivery.

Earlier, the committee convener raised funding issues. At present, 95 per cent of the BTP's funding comes jointly from the train operating companies, Network Rail and Transport for London. However, as the BTPA pointed out in its submission in January to the Public Audit and Post-legislative Scrutiny Committee:

"There are centralised police support functions provided by BTP which would need to be replicated in Scotland in an eventual merger ... This will need to be reconciled with budget pressures".

The proposals do not make sense.

The committee heard that confusion and delays in crime solving will arise from two forces operating across Britain—to say nothing of BTP officers not having legal jurisdiction to operate as constables in Scotland. BTP officers are trained and authorised to carry Tasers; in Scotland, only specialist firearms officers are so armed. Police Scotland Assistant Chief Constable Bernard Higgins suggested that BTP officers deal with

"25 or 30 bomb threats a month"

due to abandoned baggage, and with hundreds of incidents in which people are either

"restrained from jumping or ... removed from the tracks in close proximity to death."—[*Official Report, Justice Committee*, 7 March 2017; c 25-26.]

That is specialist stuff indeed that requires specialist joined-up action.

The committee heard about the implications for specialist trains, including those that carry nuclear weapons, Ministry of Defence trains, and the royal train, and of having to switch officers at Carlisle to a "generalist". What happens if there is an incident on the railway at Alnmouth that continues to Dunbar? In whose jurisdiction will that be? Which force would be in charge? Will that change? Will the BTP jump off and Police Scotland jump on at the border?

It does not make sense to pursue the merger, when the rail operators, the rail unions, the travelling public, the BTP Federation and the BTP itself do not want it. It does not make sense to

pursue the merger, when Deputy Chief Constable Hanstock has remarked that

"We have not been able to identify any operational or economic benefits."

It does not make sense to pursue the merger when the potential impacts on cross-border capabilities are so compromised.

Michael Matheson appears to be the first member of the Scottish Parliament in history to attempt to deploy the Chewbacca defence to justify proposals. I hope that he will be the last. The Parliament should ensure that sense and the interests of safer Scottish rail services prevail. Members should vote no at 5.30 this afternoon.

16:55

Ben Macpherson (Edinburgh Northern and Leith) (SNP): I am proud to support the general principles of the Railway Policing (Scotland) Bill and to speak in support of the Government motion. As members have said, the bill's general principles are supported by a majority of the Justice Committee, including John Finnie and Liam McArthur—I am grateful for their contributions throughout our evidence sessions.

I came to the issue objectively and, during those sessions, I was reassured on issues to do with capacity, ethos, specialism and abstraction. I will touch on all those issues. I have also been enthused by the opportunity that the bill presents. As Mairi Evans pointed out, legislation is not about fixing something that is broken; it is about how we use the law and Government policy to improve service.

The integration of the British Transport Police and Police Scotland as proposed in the bill has the potential to improve railway policing throughout Scotland and to provide a better service for all of Scotland. Integration can enhance policing by allowing direct access to the specialist and operational resources of Police Scotland, and a more integrated and effective service will complement and strengthen what is currently offered.

Operators have expressed support for the bill. As Fulton MacGregor said, TransPennine Express said that it is an "opportunity". Darren Horley from Virgin Trains, which operates the east coast main line, said:

"From a Virgin Trains point of view, it is an opportunity."—[*Official Report, Justice Committee*, 21 March 2017; c 9.]

From Police Scotland's operational point of view, Assistant Chief Constable Higgins said:

"It is a sensible move ... Police Scotland currently looks after the entire transport network in Scotland ... so it is sensible for it to look after the rail network as well."

That is contrary to what Liam Kerr said.

On capacity, ACC Higgins said:

“the reality is that Police Scotland is the second-largest force in the United Kingdom, with some 17,000 officers and assets that are simply not available to the British Transport Police D division. Although at present we will deploy those assets on request, they will be routinely deployed should integration take place. That will lead to greater effectiveness and efficiency and, in my view, a greater ability to deploy more resource to locations that currently do not receive them.”—[*Official Report, Justice Committee, 7 March 2017; c 4, 6.*]

That is the benefit for the whole of Scotland. Chief Constable Crowther from the BTP said:

“Police Scotland has the full range of specialist capabilities available to it ... In terms of operational capabilities, Police Scotland has everything that it needs.”—[*Official Report, Justice Committee, 7 March 2017; c 6.*]

The capacity to police the railway is there, and the opportunities that are presented by the economies of scale that integration offers have strong support from Police Scotland and operators.

There has been much talk in the debate about two important issues—specialism and abstraction. A third issue, which has not been mentioned, is ethos. The British Transport Police said in its written and oral evidence that the maintenance of a transport policing ethos will be important should integration take place. I was reassured when the cabinet secretary told the committee that

“the current ethos”

will be

“recognised and maintained and taken forward in how railway policing is delivered.”—[*Official Report, Justice Committee, 28 March 2017; c 20.*]

ACC Higgins reassured the committee that

“there is a very strong ethos in the BTP, which we would want to retain ... One of Police Scotland’s strengths is not necessarily our single ethos or aim of keeping people safe, but the multiple cultures that we have within the organisation.”—[*Official Report, Justice Committee, 7 March 2017; c 10-11.*]

It is important to remember that there have been strong commitments that specialism will be maintained and to remember that the extra training of police officers that will take place is in addition to the specialist policing function that will remain in Police Scotland. It is important to clarify that that specialist function will remain should integration take place; the additional training will be over and above that and will add value.

At the beginning of the process, the committee had concerns about and took evidence on the possibility of abstraction. The position was articulated in the recommendation in paragraph 95 of the stage 1 report, and I was reassured by the Scottish Government’s response that

“Police Scotland has given the Committee clear assurances that railway police officers would not be abstracted to other duties, with the obvious exception of a crisis situation.”

I warmly welcome that response, as the point is incredibly important.

I am mindful of the time. I welcome the fact that the dialogue between the Scottish Government, operators and other parties involved has been constructive and I hope that that will continue. On terms and conditions, access to the current pension schemes is an important point and I welcome the minister’s positive statements on that.

The Deputy Presiding Officer: I call Elaine Smith, to be followed by Stewart Stevenson. I give fair warning that Mr Stevenson will be the last speaker in the open debate and that he will probably get six minutes.

17:01

Elaine Smith (Central Scotland) (Lab): Not only as a Labour MSP but as convener of the RMT’s parliamentary group, I speak in opposition to the Scottish Government’s plans to abolish the BTP in Scotland. It is not only Labour and the RMT that oppose the legislation; STUC policy is to oppose it, and that was confirmed at the STUC’s 2017 congress last month. BTP officers do not want it; the BTP Federation does not want it; all the rail unions certainly do not want it; even train operators do not want it; and, according to the responses to the Government’s consultation, very few of the public want it either.

John Mason: Will the member give way?

Elaine Smith: I ask the member to please give me a moment to get started.

If the SNP simply batters on against the majority opinion and introduces unwanted legislation, what will the consequences be? Not only will it have a railway that is operated by companies from abroad, expensive to use and regularly disrupted, but we will have no dedicated police force to look after it, and the specialist skills of some transport officers will be at risk of being lost. That will lead to a less safe railway. We are already hearing about officers leaving the BTP in Scotland to transfer to units in England and Wales so that they do not have to be part of Police Scotland and so that they can keep their specialist status.

I will take an intervention from Fulton MacGregor, who took one from me.

Fulton MacGregor: I realise how opposed Elaine Smith is to the motion and the general principles of the bill. I wonder why her party did not lodge something for the chamber to vote on. Was it depending on the Tory amendment being accepted?

Elaine Smith: Our party is against the proposal, as are the unions and the other bodies that I mentioned. That is the side that we are on and that is how we will be voting—against the legislation.

In addition, only one option was consulted on and, to be frank, that is outrageous.

The minister and others mentioned Police Scotland's Assistant Chief Constable Bernard Higgins, but even ACC Higgins acknowledged that there was a

"risk that ... that skills base will be diluted".—[*Official Report, Justice Committee, 7 March 2017; c 29.*]

The Scottish Government seems to be saying that integration will provide the most efficient and effective way of policing our railways, but when Governments talk about efficiencies, that tends to mean one thing—cuts. The reality is that the change will cost more.

Today, the STUC expressed concern about the inadequate provision in the financial memorandum that accompanies the bill. The RMT has said that the proposed reforms

"will require rail service operators on both sides of the border, particularly where the service crosses the border, to have the same operational agreement with two separate police forces, where currently only one Railway Policing Agreement ... is required."

That will mean unnecessary spending at a time of cuts to other public services.

On top of that, there are practical issues to do with policing the rail infrastructure. On 14 March, the RMT told the Justice Committee that

"Police Scotland would not have access to our railways if there was a derailment or a collision or any trespass on a railway. If Police Scotland officers do not have a PTS certificate, they cannot go on or near the running line."—[*Official Report, Justice Committee, 14 March 2017; c 59.*]

Is the Government seriously proposing to have officers dealing with our railways who cannot attend the scene of a crime? If so, that is deeply worrying.

A further concern for the RMT and the other unions is that the bill does not contain a statutory requirement for the rail unions to be consulted when the reforms go ahead. That is the kind of approach to trade unions that we might expect from a Tory Administration; perhaps it shows that it is easy for the SNP to make promises about working in partnership with unions but then to ignore them when it comes to the reality of involving them. I hope that the Government will think again about that.

Rona Mackay: Will the member take an intervention?

Elaine Smith: I am afraid that I do not really have time.

Given that, overall, no criticism has been made of the work of the BTP's D division, why does the Government want to make such a dramatic change? If the reason is simply because it can, that logic does not serve well the safety of those who travel on our railways. The Government's policy memorandum states:

"BTP officers in Scotland and in England have a strong track record of joint working on cross-border routes, and in tackling crime affecting the railway network on both sides of the border."

That sounds like a ringing endorsement.

I think that many people are confused about why the proposed move is even being considered. When the Smith commission recommended devolution of responsibility for the BTP, it did not suggest that the organisation should be dismantled. In my opinion, there were far more sensible and less costly options, and it is unacceptable that the Scottish Government did not at least consult on them.

In a press release today, the RMT has said that

"The safety and security of rail workers and passengers will be put at greater risk if MSPs do not oppose the Scottish Government's legislative plans to abolish the British Transport Police",

and it asks MSPs to

"put aside ideology and party loyalty and oppose the Scottish Government's proposals".

In a letter to members that was also issued today, the STUC has said:

"We call on MSPs to reject the Stage 1 Report and to refer the matter to Scottish Government, to allow for consideration of a far wider range of options".

It is clear that the service could be provided by the British Transport Police with the oversight of the Scottish Government, and that is exactly what should happen. The majority of respondents, police, the trade unions and some operating companies oppose the bill, and Parliament should vote against it tonight.

The Deputy Presiding Officer: I call Stewart Stevenson, after which we will move to the closing speeches.

17:07

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): I am obliged, Presiding Officer.

Before I start the main part of my speech, I want to pick up on a couple of things that have been said. It is strange that, in talking about nuclear trains, Liam Kerr seems to have been unaware of the role of the Civil Nuclear Constabulary—as opposed to the BTP—in that regard. Oliver

Mundell—this is a more important and substantial point—said that there is one rail network in the UK, but he is wrong: there are two. The GB network is the one that is policed by the BTP, but it is one of the Police Service of Northern Ireland's responsibilities to police the railways in Northern Ireland. It polices the railways in the island of Ireland jointly with the Garda Síochána, which is a perfectly satisfactory arrangement. The safety arrangements and achievements in Ireland appear to be quite similar to those in the UK.

Oliver Mundell: Will the member take an intervention?

Stewart Stevenson: I will not.

I want to say a word or two about what the BTP is. Its origins are very ancient. The first railway police were formed in 1826, three years before the Metropolitan Police. There have been many reforms in the nearly 200 years since the first railway police were established. The set of reforms that we are considering today is one in a long line of reforms and changes.

What is the BTP about? It is about providing a physical presence that is seen by passengers and staff on the rail network. That is probably the most important thing, but a key thing to remember is that hardly any of the public know that the officers concerned are not from Police Scotland—to members of the public, they are just police.

I can give an example from some years ago when, on my way to the station, I found some money lying in the street. I took it to the BTP at Waverley station and I was told that I had to go to a different police station to hand it in. That is just a little example from about 10 years ago so it is not necessarily current.

Like all police, the BTP also has to deal with offending. I heard from Douglas Ross that the amount of offending would overwhelm Police Scotland. However, the number of offences is less than—

Douglas Ross: On a point of order, Presiding Officer. I am sure that Mr Stevenson does not want to mislead Parliament. He said that I told Parliament that the increases would overwhelm Police Scotland—

Sorry, my card is not in.

Stewart Stevenson: Oh, come on. Presiding Officer—

The Deputy Presiding Officer: That is not a point of order.

Douglas Ross: It is for clarity.

The Deputy Presiding Officer: Please sit down just now and I will let Mr Stevenson make clear what he wants to say.

Stewart Stevenson: I am happy to acknowledge the substantive point that Douglas Ross made, if that is correct, as I am sure that he would not mislead me. However, the number of offences that are dealt with by the BTP is less than 10 per day and I am not sure that that will overwhelm the resources of Police Scotland. The number of recorded crimes is 5.5 per day—is that going to overwhelm the Police Scotland systems?

Besides dealing with offending, the BTP is there to deal with—*[Interruption.]*

The Deputy Presiding Officer: Minister and Mr Ross, you are both being very impolite to the speaker.

Stewart Stevenson: The other vital role of the BTP is the strategic role that is related to terrorism. In a UK Parliament committee session, DCC Hanstock said:

“In the hierarchy of risk, the biggest threat is terrorism. The challenge of protecting a network that is so wide and open, and the risk being so unpredictable, causes us the greatest level of concern”.

Let us think about interfaces. There are 45 territorial forces in the United Kingdom and there are three national forces—the BTP, the Ministry of Defence Police and the Civil Nuclear Constabulary. After the reform, what will the number be? Exactly the same. It is just that some of one will go to another. There will still be 45 plus three. The number of interfaces is 990—arithmetic—and there will still be 990 interfaces after the reform.

Does any of that matter? Ninety-five per cent of rail passenger journeys that are made in Scotland are wholly in Scotland so, at the moment, those passengers interface with a police force that is separate from the force that deals with all the other crime. With the reform, they will interface with the police force that deals with all crime and offences throughout Scotland, so we will dramatically reduce the number of interfaces that the public has to deal with.

Even if every police officer had a track access certificate, it would be unwise to rely on that. I have a motorcycle licence, but I have not been on a bike since 1969. It is legal for me to get on one tomorrow, but it would be very unwise to do so because I am out of practice. Police officers should only go on the railway line in the most extreme of circumstances, certificate or not. If a mother pushed her pram over a platform, I hope that I would shout to somebody to tell me whether a train was coming and jump to rescue them. I think that a police officer would do the same. However, it is important that the core role be in the hands of people who have a track access certificate.

Of 300-plus railway stations in Scotland, only a dozen have BTP officers present. The majority of railway stations in Scotland are covered by Police Scotland and that will continue.

Finally, I hear everything that my Labour colleagues have said, but they had better tell that to the Labour Mayor of London who wants to integrate the BTP into the Metropolitan Police. They are saying one thing in Scotland and we are hearing another thing in London.

I strongly support the bill and, Presiding Officer, I thank you for the six minutes.

The Deputy Presiding Officer: Do not bank on it, because it was not a point of order in the first place. I just felt kind.

17:14

Mary Fee (West Scotland) (Lab): In closing for Scottish Labour, I repeat the stance taken by my colleagues that we do not support the general principles of the Railway Policing (Scotland) Bill.

As a member of the Justice Committee, I thank the witnesses for their input and evidence, and the clerks for their support during the stage 1 inquiry. However, I do not share the majority opinion of the committee in supporting the bill.

The TSSA, the RMT, ASLEF and the British Transport Police Federation all oppose the proposed merger, and for serious and justifiable reasons. Those are the people who know what is best for the security and safety of the staff and passengers of our railways. While we agreed to the devolution of the function of railway policing by the Smith commission, there was no agreement about what that devolution would look like. Further, no party has a manifesto commitment to integrate D division into Police Scotland.

The Smith commission recommended that:

“The functions of the British Transport Police in Scotland will be a devolved matter.”

As my colleague Neil Bibby rightly said,

“it would be profoundly wrong to suggest that the integration of the BTP into Police Scotland is somehow a requirement or a stipulation of the Smith agreement”.

Questions have therefore arisen over the SNP's motive in going further than Smith's proposals.

The Transport Salaried Staffs Association believes that

“the desire to integrate is the product first and foremost of a political agenda that overrides the implications for policing that ensures the safety and security of rail passengers and workers as well as the infrastructure of the railway system.”

Those are strong words, but they are words from those who know better than the transport minister

and the justice minister about what is best when policing our transport system.

The risks of the merger have been warned of by unions representing rail and British Transport Police staff. Those identified risks cover the impact on cross-border services, a dilution of expertise and skills, retaining the skilled and experienced BTP staff, the potential impact on safety and security, and the unknown costs of training for rail operators and Police Scotland. As my colleague Elaine Smith pointed out, that is why the National Union of Rail, Maritime and Transport Workers has warned:

“We have not ruled out the option of taking industrial action to retain BTP officers on the railway, because we are concerned about the safety of railway staff and passengers on trains in Scotland.”—[*Official Report, Justice Committee*, 14 March 2017; c 41.]

We need cast-iron guarantees from the Government that no existing terms or conditions of BTP officers and staff will be diluted and that any new officers will not be paid less if the integration succeeds. I accept that guarantees have been given about the triple lock, but that has not satisfied the staff associations, and much more needs to be done.

I share the Justice Committee's apprehensions about the financial memorandum that accompanies the bill. In its desire unnecessarily to break up the BTP, the Government has not done its homework and its costing. For example, on training costs, Assistant Chief Constable Higgins said that Police Scotland would provide railway policing training for all officers. That led Nigel Goddard of the BTP Federation and Chief Superintendent McBride of the BTP superintendents branch to join the RMT and Virgin Trains in questioning the reality of the costs behind such a training scheme. The transport minister does not know the costs, the rail operators do not know the costs, the unions do not know the costs, and even Police Scotland does not know the costs.

The bill is no further forward on cost and has no support from the workforce. There is no confidence that the Government is prepared to deal with the risks arising from the proposed merger. There is no case for the bill and it should be scrapped. If the BTP isn't broke, why fix it? Why risk making things worse?

The Scottish Government should listen to the officers on the ground, the railway staff and their unions, the passengers and the rail operators, and scrap the bill. That is why Scottish Labour will vote against it today.

17:19

Gordon Lindhurst (Lothian) (Con): The debate has allowed us to reflect on the evidence that was given to the Justice Committee during stage 1 consideration of the bill. I echo the thanks given to those who provided evidence to the committee. Much of that evidence was opposed to the one option that was consulted on by the Scottish Government, and that despite the fact that three options were put forward by the British Transport Police Authority.

The evidence against the bill is best summed up in the quote from *The Railway Magazine* that my colleague Liam Kerr referred to earlier.

I know that legislative or operational changes to our railways can very often be a bone of contention between stakeholders. The UK has a proud history in rail transportation, and that may sometimes lead to entrenched views clashing. However, *The Railway Magazine* said of opposition to the Railway Policing (Scotland) Bill:

“it is rare to find a topic that the unions, rail industry and stakeholders all agree upon.”

That quote is very telling, as it suggests how ill thought out the process has been.

In opening for the Scottish Conservatives in this debate, my colleague Douglas Ross made it clear that our party supports the Smith commission recommendations. However, devolution offers the chance to keep the single British Transport Police force and all the experience that it provides while introducing a level of accountability in Scotland.

My colleague Mr Ross was also correct in identifying what appears to be the real reason why the Scottish Government has opted for the most difficult of three options: the SNP’s stubbornness and its obsession with cutting ties with anything that includes the word “British”. That is reflective of its general approach of ignoring at any cost the undoubted benefits that being part of the United Kingdom brings. That cost must not be the safety of rail passengers in Scotland.

The convener of the Justice Committee, my colleague Oliver Mundell and others have pointed to a number of questions about current terms, conditions, pension rights and benefits that must be answered. That is vital if Police Scotland is to retain the skills, knowledge and expertise that British Transport Police officers and staff have acquired.

Liam Kerr referred to what the Samaritans said:

“BTP have specialist knowledge of suicide and mental health issues in rail settings, which must be protected and encouraged.”

In my view, it is essential that work is done to guarantee that those specialisms are not lost.

Police Scotland has committed to providing railway training for all police officers—that has been referred to. However, questions about that have been asked in this debate. How much will that cost? Who will pay? Perhaps more important, what level of expertise will such training offer?

In effect, the SNP Government seeks to erect a border on the railways. Will British Transport Police officers who are heading north have to disembark from trains that are heading into Scotland, to be replaced by a Police Scotland officer?

John Finnie: Will the member take an intervention?

Gordon Lindhurst: No, I will not at this stage. My time has been reduced.

I recall how cross-border policing in the general context caused the same difficulty years ago and how that had to be resolved. Instead of making progress there, it seems that the SNP wishes to step back yet again into the past.

As the British Transport Police Federation pointed out, confusion, delays and cost are just some of the effects that passengers will feel. What about cross-border train services that carry football supporters or other specialist operations? British Transport Police deals with all those things seamlessly on a day-to-day basis. The Government will have to think very carefully and very hard about what will be done at a practical level to ensure that the current level of protection continues for all rail services if the SNP’s plans are to be progressed.

The Scottish Government should now step back and fully consider all three options, including greater scrutiny and accountability in the Scottish Parliament, and greater alignment between the British Transport Police and Police Scotland.

The Deputy Presiding Officer: Please conclude.

Gordon Lindhurst: I urge parties across the chamber to vote with the Scottish Conservatives against the general principles of the bill.

17:24

The Cabinet Secretary for Justice (Michael Matheson): I thank the Justice Committee for its work in scrutinising the bill at stage 1, and I thank those who submitted written and oral evidence to the committee.

Anyone who has an interest in the policing of our railways in Scotland can be in no doubt about the Government’s position on how that service should be delivered in the future. We set out in 2011, and restated in 2013 and again in 2014, the position that railway policing should be a devolved

matter and should be integrated with policing in Scotland, with Police Scotland as the national force.

We put forward that proposal to the Smith commission, and it was agreed that responsibility for railway policing should be devolved, although I accept that there are differing views on which model should be taken forward. We are therefore responsible for putting in place a model to deliver railway policing and provide for accountability for and scrutiny of its delivery.

Some members, including Claire Baker and Oliver Mundell, have accused us of trying to railroad the bill through Parliament, if members will pardon the pun. It is difficult to believe that that is what we would be doing, given that we are a minority Government that requires the support of other parties in order to proceed with legislation.

We have been stating our position on railway policing for almost six years, so it beggars belief that members would think that we have only now come up with a plan and are choosing to rush it through Parliament. Having made the decision to make railway policing a devolved responsibility, we need to create a model to enable accountability for and scrutiny of its delivery in the future.

A number of members referred to the available models. Some said that there are three models, although, in my view, there are four. One option is administrative devolution, but that would not give us the accountability that we need around the delivery of railway policing.

Oliver Mundell: Will the cabinet secretary take an intervention on that point?

Michael Matheson: I ask the member to please give me a moment first.

We could have statutory devolution of railway policing, but again that would not provide for accountability and scrutiny, which would still be the responsibility of the UK Government's Secretary of State for Transport. We could have integration, which is the model that we propose to take forward, or we could have a separate standalone police force in Scotland to deliver railway policing, with all the structure that would go with that.

Oliver Mundell: Will the cabinet secretary take an intervention now?

Michael Matheson: There are four models, but in reality only one of those—the integration of the BTP with Police Scotland—can effectively deliver accountability and scrutiny.

I give way to Oliver Mundell.

Oliver Mundell: If the cabinet secretary wants to put accountability and scrutiny at the heart of

the process, why does not he put all the options on the table and listen to what the organisations and stakeholders have to say?

Michael Matheson: Unlike Oliver Mundell's party, which was not even able to respond to the consultation exercise with a proposal for an alternative model, we have been very clear for the past six years about which model we want to implement, and we are now taking it forward in legislation.

Another important issue—surprisingly, the Conservative Party has not touched on it in the debate—is the strategic defence and security review that the UK Government undertook in 2015. The review highlighted the need to look at how we can deliver more effective infrastructure policing and security in the UK and how we can integrate the policing of railways, roads, seaports, airports and borders to deliver policing much more effectively along with greater scrutiny and accountability, while delivering greater efficiency.

In Scotland, the policing of roads, seaports, airports and borders is all currently delivered by Police Scotland. The only area for which Police Scotland is not responsible is railway policing. Even the UK Government, in recognising the challenges that we face in policing major parts of our infrastructure, has highlighted the need for greater integration and co-ordination of how those are policed. That is exactly what the legislation will assist us to achieve. It will provide that single command structure for infrastructure policing in Scotland in a way that delivers greater security and more ways to respond to issues such as terrorism.

Some members have spoken about the risk that is posed by terrorism if we no longer have a specialist railway police force. The reality is that specialist railway policing will continue to be delivered by Police Scotland, just as it delivers specialist airport, port and border security and underwater policing. All those services are and will be delivered by specialist units in Police Scotland.

A single command structure will be much more effective and able to respond to issues such as terrorism. The reality is that should there be a significant terrorist event on our railways in Scotland—and God forbid that there should ever be one—Police Scotland would have to respond to it, using the national resource to deal with it effectively. The BTP simply does not have the specialism or the capacity in Scotland to be able to deal with such an incident.

I assure members that integrating the British Transport Police with Police Scotland will deliver greater accountability for and greater scrutiny of how policing is delivered in a major part of our infrastructure in Scotland. I also assure members

that, over the coming weeks and months, as we progress the bill, the Minister for Transport and the Islands and I will engage constructively with all parties who have an interest in making sure that we deliver the intent of the bill effectively so that we provide proper and secure policing of our railways in Scotland.

Point of Order

17:31

Douglas Ross (Highlands and Islands) (Con):

On a point of order, Presiding Officer. As you are aware, I submitted an amendment to today's Scottish National Party motion on the integration of the British Transport Police with Police Scotland, which you ultimately decided not to accept. I seek clarification of the Scottish Parliament guidance on reasoned amendments at stage 1. The guidance indicates that it is possible to lodge amendments that do not agree with the motion that the general principles of a bill be agreed to, but says that

"the Presiding Officer has indicated that amendments will only be selected .. if they are so worded that they cannot cast any doubt on ... the status of the Bill ... if the amended motion were agreed to.

The guidance appears to be ambiguous. What steps will be taken to ensure that that ambiguity is removed?

The Presiding Officer (Ken Macintosh): I thank the member for giving me advance notice of the point of order.

The matter was raised at the Parliamentary Bureau this morning and I am happy to share the point that I made with all members. The member is correct that the guidance indicates that it is possible to lodge reasoned amendments to stage 1 motions that seek to give reasons for not supporting a bill. However, having reflected on the issue, I have taken the view that reasoned amendments of the type that the member lodged could cast some doubt over the Parliament's decisions on such matters at stage 1. I have decided that the guidance will be updated accordingly during the summer recess to make the position clearer.

We are talking about guidance, and decisions on the selection of amendments are for the Presiding Officer. However, I wanted to make clear what my decisions will be from now until the guidance is updated.

I do not know whether it will be of some consolation to the member but I note that during the debate he was able to make the point that he made in his amendment. In addition, admissible amendments are all printed in the *Business Bulletin*—they are published daily—and he will not be prevented from objecting to the bill at stage 1 at decision time tonight, to which we will come shortly.

Business Motion

17:33

The Presiding Officer (Ken Macintosh): The next item of business is consideration of business motion S5M-05507, in the name of Joe FitzPatrick, on behalf of the Parliamentary Bureau, setting out a revised business programme for Thursday.

Motion moved,

That the Parliament agrees to the following revision to the programme of business for Thursday 11 May 2017—

after

2.30 pm Scottish Government Debate: Keeping Children Safe Online

insert

followed by Standards, Procedures and Public Appointments Committee Motion: Lobbying (Scotland) Act 2016 - Standing Order Rule Changes—[*Joe FitzPatrick.*]

Motion agreed to.

Decision Time

17:34

The Presiding Officer (Ken Macintosh): There is one question to be put as a result of today's business. The question is, that motion S5M-05423, in the name of Humza Yousaf, on the Railway Policing (Scotland) Bill at stage 1, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For

Adam, George (Paisley) (SNP)
 Adamson, Clare (Motherwell and Wishaw) (SNP)
 Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
 Arthur, Tom (Renfrewshire South) (SNP)
 Beattie, Colin (Midlothian North and Musselburgh) (SNP)
 Brown, Keith (Clackmannanshire and Dunblane) (SNP)
 Campbell, Aileen (Clydesdale) (SNP)
 Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
 Cole-Hamilton, Alex (Edinburgh Western) (LD)
 Constance, Angela (Almond Valley) (SNP)
 Crawford, Bruce (Stirling) (SNP)
 Denham, Ash (Edinburgh Eastern) (SNP)
 Dey, Graeme (Angus South) (SNP)
 Doris, Bob (Glasgow Maryhill and Springburn) (SNP)
 Dornan, James (Glasgow Cathcart) (SNP)
 Evans, Mairi (Angus North and Mearns) (SNP)
 Ewing, Annabelle (Cowdenbeath) (SNP)
 Ewing, Fergus (Inverness and Nairn) (SNP)
 Fabiani, Linda (East Kilbride) (SNP)
 Finnie, John (Highlands and Islands) (Green)
 FitzPatrick, Joe (Dundee City West) (SNP)
 Forbes, Kate (Skye, Lochaber and Badenoch) (SNP)
 Freeman, Jeane (Carrick, Cumnock and Doon Valley) (SNP)
 Gibson, Kenneth (Cunninghame North) (SNP)
 Gilruth, Jenny (Mid Fife and Glenrothes) (SNP)
 Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
 Greer, Ross (West Scotland) (Green)
 Harper, Emma (South Scotland) (SNP)
 Harvie, Patrick (Glasgow) (Green)
 Haughey, Clare (Rutherglen) (SNP)
 Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
 Hyslop, Fiona (Linlithgow) (SNP)
 Johnstone, Alison (Lothian) (Green)
 Lyle, Richard (Uddingston and Bellshill) (SNP)
 MacDonald, Angus (Falkirk East) (SNP)
 MacDonald, Gordon (Edinburgh Pentlands) (SNP)
 MacGregor, Fulton (Coatbridge and Chryston) (SNP)
 Mackay, Derek (Renfrewshire North and West) (SNP)
 Mackay, Rona (Strathkelvin and Bearsden) (SNP)
 Macpherson, Ben (Edinburgh Northern and Leith) (SNP)
 Maguire, Ruth (Cunninghame South) (SNP)
 Martin, Gillian (Aberdeenshire East) (SNP)
 Mason, John (Glasgow Shettleston) (SNP)
 Matheson, Michael (Falkirk West) (SNP)
 McAlpine, Joan (South Scotland) (SNP)
 McArthur, Liam (Orkney Islands) (LD)
 McDonald, Mark (Aberdeen Donside) (SNP)
 McKee, Ivan (Glasgow Provan) (SNP)
 McMillan, Stuart (Greenock and Inverclyde) (SNP)
 Neil, Alex (Airdrie and Shotts) (SNP)
 Paterson, Gil (Clydebank and Milngavie) (SNP)
 Robison, Shona (Dundee City East) (SNP)

Ross, Gail (Caithness, Sutherland and Ross) (SNP)
 Ruskell, Mark (Mid Scotland and Fife) (Green)
 Russell, Michael (Argyll and Bute) (SNP)
 Somerville, Shirley-Anne (Dunfermline) (SNP)
 Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
 Stewart, Kevin (Aberdeen Central) (SNP)
 Sturgeon, Nicola (Glasgow Southside) (SNP)
 Swinney, John (Perthshire North) (SNP)
 Todd, Maree (Highlands and Islands) (SNP)
 Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
 Wheelhouse, Paul (South Scotland) (SNP)
 White, Sandra (Glasgow Kelvin) (SNP)
 Wightman, Andy (Lothian) (Green)
 Yousaf, Humza (Glasgow Pollok) (SNP)

Against

Baillie, Jackie (Dumbarton) (Lab)
 Baker, Claire (Mid Scotland and Fife) (Lab)
 Balfour, Jeremy (Lothian) (Con)
 Beamish, Claudia (South Scotland) (Lab)
 Bibby, Neil (West Scotland) (Lab)
 Bowman, Bill (North East Scotland) (Con)
 Briggs, Miles (Lothian) (Con)
 Burnett, Alexander (Aberdeenshire West) (Con)
 Cameron, Donald (Highlands and Islands) (Con)
 Carson, Finlay (Galloway and West Dumfries) (Con)
 Chapman, Peter (North East Scotland) (Con)
 Corry, Maurice (West Scotland) (Con)
 Dugdale, Kezia (Lothian) (Lab)
 Fee, Mary (West Scotland) (Lab)
 Findlay, Neil (Lothian) (Lab)
 Fraser, Murdo (Mid Scotland and Fife) (Con)
 Golden, Maurice (West Scotland) (Con)
 Grant, Rhoda (Highlands and Islands) (Lab)
 Gray, Iain (East Lothian) (Lab)
 Greene, Jamie (West Scotland) (Con)
 Harris, Alison (Central Scotland) (Con)
 Kerr, Liam (North East Scotland) (Con)
 Lennon, Monica (Central Scotland) (Lab)
 Leonard, Richard (Central Scotland) (Lab)
 Lindhurst, Gordon (Lothian) (Con)
 Lockhart, Dean (Mid Scotland and Fife) (Con)
 Macdonald, Lewis (North East Scotland) (Lab)
 McNeill, Pauline (Glasgow) (Lab)
 Mitchell, Margaret (Central Scotland) (Con)
 Mountain, Edward (Highlands and Islands) (Con)
 Mundell, Oliver (Dumfriesshire) (Con)
 Ross, Douglas (Highlands and Islands) (Con)
 Sarwar, Anas (Glasgow) (Lab)
 Scott, John (Ayr) (Con)
 Simpson, Graham (Central Scotland) (Con)
 Smith, Elaine (Central Scotland) (Lab)
 Smith, Liz (Mid Scotland and Fife) (Con)
 Smyth, Colin (South Scotland) (Lab)
 Stewart, Alexander (Mid Scotland and Fife) (Con)
 Stewart, David (Highlands and Islands) (Lab)
 Thomson, Ross (North East Scotland) (Con)
 Tomkins, Adam (Glasgow) (Con)
 Wells, Annie (Glasgow) (Con)
 Whittle, Brian (South Scotland) (Con)

The Presiding Officer: The result of the division is: For 66, Against 44, Abstentions 0.

Motion agreed to,

That the Parliament agrees to the general principles of the Railway Policing (Scotland) Bill.

Food Banks

The Deputy Presiding Officer (Linda Fabiani): The final item of business is a members' business debate on motion S5M-05314, in the name of Pauline McNeill, on food banks—Scotland's hunger crisis. The debate will be concluded without any question being put.

Motion debated,

That the Parliament understands that the number of people in Scotland experiencing hunger is at crisis level, with figures from the Trussell Trust suggesting that more than 100,000 visited its food banks in the last year; believes that, as there are many charities and organisations providing such services, the number of families relying on these will be far higher; condemns what it sees as the benefit cuts and unfair sanctions that are being imposed by the UK Government, which it believes have been a significant factor in the dramatic increase in the use of foodbanks; notes the support for policies that aim to prevent hunger and ensure the provision of food through working with food banks until they are no longer required; further notes the view that there should be sustained and improved access to emergency financial support through the Scottish Welfare Fund; understands that existing schemes where social services work with voluntary organisations have been successful in helping people access the services and support to which they are entitled and that by providing this has reduced foodbank use, and notes the view that this approach of joint public and voluntary sector working provides the greatest chance of eradicating the need for food banks in Glasgow and across Scotland.

17:37

Pauline McNeill (Glasgow) (Lab): I thank all members who signed my motion on hunger. I am pleased to learn that the subject is of as much concern to other members as it is to me.

The number of people experiencing hunger in Scotland is at crisis levels. Last year, the largest food bank operator in Scotland, the Trussell Trust, provided more than 145,000 three-day emergency food supplies—a 9 per cent increase on the previous year. In 2011, there was one Trussell Trust food bank in Scotland; today, there are 52, including one that recently opened in Shetland, which is the least deprived local authority in Scotland. Those numbers are even more shocking when we consider that other charities, as well as churches, also operate food banks.

In 2017, food banks are almost a feature of the welfare landscape, except that they are run and funded not by the state but by the wonderful work of charities such as the Trussell Trust, Glasgow City Mission and the Simon Community Scotland—and too many others to mention. Nobody I know wants food banks to remain in permanent service, but for now, sadly, they are a necessity, and one that has saved lives.

The fact that food banks exist is a damning indictment of the times that we live in, where austerity comes with very real consequences for people. Food banks are part and parcel of the response of a civilised society to the increasing number of people who live in food poverty and who became poorer following the 2008 banking crash that caused a recession—a recession that provided the justification for a Government policy that penalised ordinary people who had nothing to do with those seismic global events.

People going hungry is not just an issue for the third world; it is a heartbreaking fact in today's Scotland. Without food banks, people would certainly starve. I want to address at least three myths about food banks: that people use them because they are there and they want free food, rather than because they have no choice; that people can just walk in and get food—of course they cannot, as a referral is needed; and that only people characterised as skivers use food banks, which is not the case.

In 2013, Lord Freud, a Tory millionaire, told the House of Lords that there is “no evidence” that the growth of food banks is linked to growing poverty and hunger rather than merely people wishing to get free food. The facts do not support that ignorant view because, according to research carried out by the University of Oxford, the three top reasons for referrals to food banks are low income—meaning that people who are in work are being referred—benefit delays and benefit changes. Food banks that operate in areas where universal credit has been rolled out have seen a 17 per cent rise in the need for emergency food. That is because the transition to universal credit involves a six-week wait and the amount of money that people receive is often reduced. It is obvious that that system will harm people who have no funds and whose rent and fuel bills are mounting. The in-built six-week wait before people receive money through universal credit is excessive and must be reformed with immediate effect.

A newly elected Tory councillor in Glasgow's east end said that he joined the party because he wanted to support a party that believed that, if people work hard and play by the rules, they will get on in life. However, the reality for many of his new constituents is that although they work hard and play by the rules, that is not enough to prevent them from needing to rely on a food bank to feed themselves and their family. Recently, we have heard about nurses and veterans having to visit food banks. When asked about that issue this week, Ruth Davidson repeated Theresa May's response that the reasons for food bank use are “complex”. The reason for food banks is that people are hungry and cannot afford food—there is nothing complex about it.

It was at a reception in the Parliament that I learned about Vicki and Rodger. The couple, who have four children, had a modest, comfortable living before being hit by the recession. They worked hard, paid their taxes and played by the rules. After Rodger lost his job in the insurance industry, he took a job as a slater on a zero-hours contract, but work dried up—his hours dwindled to nothing. It was a very quick decline. They had never claimed benefits before in their lives, but soon it was difficult to feed their family every day. A concerned housing officer noticed that the couple had lost an alarming amount of weight and, knowing that something was wrong, told them about the food bank. They said that, when they were referred to the food bank, they were grateful not just for the food but—more than anything—for the kindness that was shown to them.

Food banks are about much more than just the food. That was my experience when I had the opportunity to attend a food bank in Cardonald in Glasgow. I had my eyes opened to a world that I did not fully appreciate existed. I saw that people in Scotland are starving and hungry because of benefit sanctions, low pay and debt that they cannot get out of. I saw that food banks are more than just a place where people receive food that they need, and that they give financial advice and teach people how to survive on a very low budget.

We have to plan a country without food banks. I cannot and will not accept that they should become a permanent feature on the high street. Food poverty is real, but it is unacceptable in the 21st century. To eradicate it, we need to work as a Parliament to tackle zero-hours contracts, deal with low pay and oppose the obviously failing Tory policy of austerity.

17:44

Stuart McMillan (Greenock and Inverclyde) (SNP): I commend Pauline McNeill for securing this members' business debate.

Unfortunately, the need for food banks has not decreased; it is, in fact, on the increase in Scotland. The Parliament has debated food banks before—I held a members' business debate on the issue on 6 February 2014, and there have been committee reports and other motions and questions on food banks. Unfortunately, no matter what policy actions have been taken, the number of people going to food banks has not decreased. Sadly, it has increased.

Some people would say that the policy decisions have not worked. I argue that trying to do a job with one hand tied behind our back will always leave the policy decisions that are made here at the mercy of the UK Government's ideologically-driven agenda. I stress that my

argument at this point is not a constitutional point; it is just a fact that some powers are reserved and they impact on our fellow citizens here in Scotland.

Furthermore, despite the narrative that says that more people are in work, and despite both Governments claiming to have played a part in the successful employment numbers, it is clear that other factors are at play when it is reported that more than 100,000 people are going to food banks.

Some people in society are of the opinion that people who attend food banks are workshy scroungers and chancers. I am sorry to say it, but that is the view of some of our fellow citizens here in Scotland. That view is not mine and I do not accept it. If people want to believe some of the absolute garbage that demonises our fellow citizens in some media publications, then we, as a society, have yet another problem to address. For a parent to go to a food bank to obtain food to feed either themselves or their family must be demoralising, depressing and difficult. For people to then mock those who seek assistance is nothing short of a disgrace, and shows a complete lack of compassion for others.

Plenty of people in Scotland are wealthy and comfortable; I do not begrudge them that, at all. I am sure that we all want every single citizen to live that way. Nonetheless, life is not fair and some people, through no fault of their own, find themselves going to food banks. What then? What does society do to assist? Thank goodness for food banks and the volunteers and other people who help, but what a sad state of affairs that food banks exist in growing numbers—now reaching 52 in Scotland—and that armed forces veterans are relying on food banks for their food. What kind of society allows people who have fought for their country to be forced to go to food banks in order that they can eat?

The updated figures for Inverclyde are startling. Ian Esson, the manager at Inverclyde food bank, said:

“It is deeply concerning that we are seeing an increase of 15% in the number of three-day emergency food supplies provided to local people in crisis in Inverclyde over the last year.”

During 2016-17, 3,574 three-day emergency food supplies were provided to local people in crisis, compared with 3,107 in 2015-16. Of those, 935 went to children in 2016-17, compared with 730 in 2015-16. Local people, churches, charities and businesses have generously donated more than 38 tonnes of food. That impressive amount highlights the generosity of the Inverclyde community, but it should not have to be that way.

I want to finish on two points. First, anybody could find themselves in need of a food bank;

anyone's life circumstances can change and the food bank may be the last resort.

Secondly, Oxfam stated in information that it provided in preparation for my members' business debate in February 2014 that

“No one turns up at food banks because there is an opportunity for free food. They are driven there in sheer desperation.”

To people who think that food banks are a substitute for benefits, to those who think that people who attend food banks are scroungers, workshy and chancers, and to those who think that a food bank is a place to go to top up the food cupboard, I say, “Shame on you.” Shame on them for attempting to degrade and demean our fellow Scots, and for failing 935 children in Inverclyde, and thousands more across Scotland and the UK, through their narrow self-obsessed view of the world. Shame on those whose actions force people to go to food banks, and shame on those who perpetuate the lies about the people who need to go to them.

The battle against poverty and hunger is a domestic problem as well as a worldwide problem; £12 billion more of welfare reform cuts will not help, but will only exacerbate a depressing situation that is growing apace.

17:49

Adam Tomkins (Glasgow) (Con): I start by thanking the Trussell Trust and other providers of emergency food aid in Scotland, the volunteers who staff food banks, the donors who generously give to food banks and the churches and other organisations that make their facilities available to food banks. I also thank Ewan Gurr, who is in the gallery this evening, and his colleagues at the Trussell Trust for their time and their patience in helping me to understand the complexities of food bank usage, and for facilitating the visit, which Pauline McNeill mentioned, to the Glasgow south-west food bank in Cardonald a few weeks ago.

One of the things that we learned on that visit was that most people who use a food bank in Scotland do so because of an acute shortage of money. There is no food poverty in Scotland: that is to say, there is no shortage of food, but there is poverty in Scotland. Ewan Gurr and his colleagues at the Trussell Trust explained that most people who use food banks in Scotland do not rely on them for prolonged periods because of chronic or on-going inability to pay for food, but because of an acute short-term crisis or one-off crisis.

The most recent figures, which were published just last month, show that food bank use in Scotland is patchy rather than uniform. In some local authorities, usage has grown markedly, which is of concern to all of us, but in others it has

diminished even more strikingly. For example, it is down 26 per cent in Aberdeen and East Ayrshire, down 29 per cent in North Lanarkshire and down 39 per cent in North Ayrshire. It seems to me that it is hard to discern what those figures reveal. For example, it is not immediately obvious why food bank usage should be in decline in North Lanarkshire but on the increase in South Lanarkshire. However, what these figures should warn us is that simplistic explanations as to why food banks are used in Scotland are unlikely to be either useful or accurate.

Stuart McMillan: Will the member take an intervention?

Adam Tomkins: Can I just make progress on this point?

Yes—of course people are using food banks because they are short of money and food, but the reasons why they are short of money and food are not straightforward, but complex.

Stuart McMillan: Surely Mr Tomkins will agree that, irrespective of whether there is an increase or decrease in the use of food banks across areas of Scotland, the fact that we are having a debate about food banks is abhorrent, because they should not exist in this day and age, with the wealth that Scotland and the United Kingdom have.

Adam Tomkins: We all share that view. There is a very real and live argument—one that we need to have more of and not less of in this Parliament—about what we propose to do about the issue, because I think that there are different views about that.

I will offer a few remarks about what Conservative members think we should do to tackle poverty. I will start with two remarks from the important breakthrough report from the Joseph Rowntree Foundation that was published in September 2016. The first is:

“For those who can, work represents the best route out of poverty”.

The second is that increasing the value of social security benefits

“without addressing the root causes”

of poverty

“has failed to address poverty.”

Those are not my words; they are the words of the Joseph Rowntree Foundation. That is why Conservative Governments have sought to lift people out of poverty by reforming welfare so that work always pays, by raising the national living wage and by lifting our lowest-paid workers out of income tax altogether. However, I agree that more needs to be done. We need in Scotland an open

and honest conversation about how we address the underlying causes of poverty.

Stuart McMillan: Will the member take an intervention?

The Deputy Presiding Officer: Mr Tomkins is just coming to the end of his speech.

Adam Tomkins: We know what those causes include: addiction, family breakdown, unemployment and educational underattainment. So, my plea is this: only when we have a social justice policy that is focused on addressing those underlying causes, will we see food bank usage diminish across the whole of our country—not only in some local authorities in Scotland, as is already happening, but across the whole nation.

In the meantime, the closing words of Pauline McNeill’s motion are surely correct. Our social security system needs to work with voluntary organisations such as the Trussell Trust and not pull against them, and

“joint public and voluntary working”

should be encouraged, not frowned upon.

A few years ago, we had a Prime Minister who talked passionately about the subject: he called it “the big society” and he was right.

17:54

Neil Findlay (Lothian) (Lab): I thank Pauline McNeill for bringing the debate to the chamber. We are all used to talking about hunger being a developing world issue and, of course, it very much still is. However, in Scotland and across the UK and the developed world in 2017, hunger is on the increase. Malnutrition and the diseases that are associated with a lack of food or poor diet—diseases such as rickets—are on the increase.

It is a tragic irony that, at a time when food technology and food production are at their most sophisticated and advanced, more and more people are going hungry. Conversely, at the same time obesity, which was historically a status symbol of wealth, is now a condition of poverty and inequality.

In almost every area of Scotland, food banks are providing emergency food to people in immediate need. Some of them are provided with so-called kettle packs of dried packet products, such as instant soups and noodles that are made up with boiling water, because the people cannot afford, or do not even have the means, to heat food. What a damning indictment of our society, our economy and our political system—a system that has created this situation.

I am sure that most of us in this Parliament have donated to or held collections for their local food

bank and felt, “Well, I’ve done my little bit to help.” However, is that good enough? Is it enough to salve our conscience temporarily through a collection or donation but then to return to this place and pretend that there is little or nothing that we can do to address the root causes of why people are in such desperate need? Is it enough to say that the poverty and inequality that leave our neighbours hungry is a bad thing, yet in the past year, when the Parliament has effectively been a legislation-free zone, we have failed to introduce any legislation to address something as fundamental as the need to feed our people?

A country with rising levels of hunger does not suggest to me a country that is riding a wave of progressive policy choices. Of course, Mr Tomkins’s party and the policies that he supports are much to blame. I notice that he focused his what-to-do list on individual behaviours and not the structural issues of the economy and society. Some things never change.

I have said repeatedly that addressing poverty and inequality, including food insecurity and hunger, should be what drives this and any other Government. The First Minister—whoever he or she may be—should be judged against how successfully they address those issues. We need a cross-Government approach, in which the minister for fishing or culture or the environment has responsibility for dealing with poverty and inequality just as much as the minister for health or social security or the economy does.

Let me suggest some key policy areas for addressing the root causes of hunger, which are low pay, underemployment, unemployment and inadequate social security for those in need. We should make full employment—creating sustainable jobs for our people—the key objective of economic policy. We should implement a real and genuine living wage of £10 per hour, and end the insecurity of zero-hours contracts, bogus self-employment and precarious work.

We should use the powers of this Parliament to make public procurement deliver key economic objectives, including fair work and fair pay. It is one of the most glaring missed opportunities of my time in this Parliament that public procurement has failed.

We should develop a social security system that helps and supports people back to work, and we have the opportunity to do that with the Parliament’s new powers.

We should redemocratised and free up local government, which is the front line against poverty and inequality. We should redirect hard cash to the areas of most need, by extending free school meals provision and breakfast clubs and by investing in early years education, mental health

support and targeted support for vulnerable families.

We should use every lever of government to increase trade union representation and membership, because an organised workforce is a healthier, wealthier and safer workforce.

We should develop seamless partnership working to signpost people who present at food banks to statutory and non-statutory agencies that can help them.

We should follow what is happening in France. My father-in-law lives there and works at a food bank twice a week. France has legislated to end the dumping of food waste, and we should look at doing that as well.

Most important of all, we need a redistributive tax policy that directs money into areas of most need.

Presiding Officer, I am just finishing. This topic deserves much more time than a members’ business debate. We have had 20 or so debates on every aspect of Brexit. I wish that we had had 20 debates on issues such as this.

The Deputy Presiding Officer: I am aware that a number of members want to contribute, so I would be happy to accept a motion without notice under rule 8.14.3 to extend the debate by up to 30 minutes.

Motion moved,

That, under Rule 8.14.3, the debate be extended by up to 30 minutes.—[*Pauline McNeill.*]

Motion agreed to.

The Deputy Presiding Officer: That is good. I ask the remaining speakers to try to keep to four minutes, please.

18:00

Mairi Evans (Angus North and Mearns) (SNP): I thank Pauline McNeill for lodging her motion and securing the debate. I agree with Neil Findlay’s last point. The situation that has been outlined highlights the crisis that we face in this country. We need to talk about the issue—and we need to keep talking about it, so that people are aware exactly how big the issue is, what is causing it and what we can do about it.

The fact that food banks even exist in this country in this day and age is a scandal. I am sad to say that they have become a fixed and necessary feature in many of our communities. We have heard outlined the usage figures nationally—over the past few years, the rise in food bank use has been dramatic and, quite frankly, shocking. The figures for those who live in poverty have increased, with more than 260,000

children classed as living in poverty. That is one child in every four, and an increase of 40,000 from the previous year's figures of 2014-15.

Those figures came from the Child Poverty Action Group. Adam Tomkins reeled off his list of the causes of poverty and why people use food banks. One of the main reasons that CPAG cites—and one that Adam Tomkins failed to mention—is the social security system and the inadequate benefits that people receive. What is responsible for the rise in food bank use? We have heard some of the factors already: low wages, underemployment and, as I have just mentioned, a social security system so utterly ravaged that it is no longer the safety net that it was designed to be and instead humiliates and demonises the people whom it is supposed to help.

Let us take a look at exactly what has happened over the past years of the Tory Government. We have had the seriously flawed universal credit system, which continues to ramble on shambolically; the bedroom tax; the introduction of sanctions; cuts to employment and support allowance; a freeze on working-age benefits; a complete cut to housing benefit for 18 to 21-year-olds; removal of the family element in child tax credits; cuts to bereavement benefits that have left families tens of thousands of pounds worse off, with 90 per cent of people who are dependent on the benefit affected by the cut; changes from the disability living allowance and the transfer to the personal independence payment—30 per cent of those transferring to the PIP receive no award at all, and only 42 per cent of new claimants get any award; changes to the state pension age, which have affected a whole generation of women; and the infamous two-child cap on tax credits with its insidious rape clause that will affect an estimated 600,000 families across the UK.

That is why we are in this situation; that is why so many of our people live in poverty; that is why we are such an unequal and divided society. However, we hear from *The Sunday Times* rich list this week that we have more billionaires than ever living in the UK. That makes it blindingly obvious where the Tories' loyalties lie.

I turn to what this all boils down to in my constituency. In one half of my constituency in Angus, figures that were published just this past week have shown that emergency food supplies had to be provided to 2,771 adults and 824 children across the region. That is an all-time high and an increase of 917 people on the previous year. The Trussell Trust has stated that the biggest increases have been seen where universal credit has been rolled out, as Pauline McNeill mentioned. As she also said, those are simply the Trussell Trust's figures—they take no account of

the other charities and organisations that are collecting and distributing food parcels, so the true picture is even worse.

In my home town of Brechin, a new initiative has started to try to tackle the situation. Brechin Community Pantry is much more than a newly established organisation that operates a food bank service delivering food parcels to those in crisis. I declare an interest as a trustee of the group. It will soon move into new city centre premises, but rather than just having a standard food bank service, it will offer a range of services to the people who come through the doors—a clothing bank, debt counselling and a free food fridge. Basic cooking skills will also be taught.

Scottish Government estimates suggest that as many as 500,000 individuals or families are not claiming the benefits to which they are entitled. People need support and information in order to access them. Rather than just dealing with the sharp end of the problem, a holistic view needs to be taken to tackle the wider issues, so that people can be given back their self-esteem and confidence.

Throughout this debate, we have heard statistic after statistic that shows how bleak the picture is. We have also heard how food banks are evolving to provide wider services, working in partnership with others, and about the positive effect that that can have.

It was great to meet the Scotland Malawi Partnership, downstairs in the Parliament building, to discuss the United Nations sustainable development goals in Scotland.

The Deputy Presiding Officer: Please close, Ms Evans.

Mairi Evans: I will do, Presiding Officer.

The United Nations sustainable development goals include ending poverty and hunger. We need to do what we can to fight poverty and hunger, but that work is constantly undermined by the Tory Government. People in Scotland have a stark choice to make on 8 June; they need to bear that in mind, along with all the points that have been made in this debate.

The Deputy Presiding Officer: We seem to have very elastic four-minute slots this evening.

18:05

Annie Wells (Glasgow) (Con): I welcome the opportunity to speak in this debate on tackling hunger in our society and supporting the people who are most in need. Pauline McNeill's motion mentions the Trussell Trust, which turns 20 this year. I commend the people who volunteer week in, week out: we are in no doubt that they are

doing a great job. Organisations such as the Trussell Trust provide a bridge between two important groups: people in crisis who need food and donors who are moved to provide it.

We know that poverty and hunger are caused by a variety of factors that are often outwith a person's control: financial challenges, redundancy, debt, family breakdown, bereavement, addiction, homelessness, and mental and physical health problems. It is therefore important that we tackle the root causes of poverty, so that the need for food bank use is minimised. As the Joseph Rowntree Foundation said:

"Additional spending on benefits without addressing the root causes of high housing costs, poor education and low pay has failed to reduce poverty."

As Adam Tomkins said, the reasons behind food bank use are complex; it is widely acknowledged that it cannot be attributed to a single cause. It is worth noting that food is becoming more expensive worldwide—with global food commodity costs having increased by an incredible 17 per cent on average since last year—and that food bank use has risen in many western countries, including Germany and Canada. Scotland's food bank use must therefore be set in the context of wider global trends.

Much is made of food bank use and the UK welfare regime. I admit that no large governmental system will be perfect, but I welcome the delivery of £90 billion a year in working-age benefits and the successful work that has been done to reduce delays in payments, especially hardship payments. The Trussell Trust recently commented that it was

"heartened by Secretary of State Damian Green's willingness to engage"

with front-line charities, and by

"his department's work to pilot improvements, and the recent changes to the Universal Credit taper rate which mean people moving into work will keep more of their earnings."

Food banks provide other free services, as members have said. I welcome the Trussell Trust's tremendous more than food initiative. Services such as money advice and budget cookery courses can help to prevent people from needing to be referred to a food bank again, and they address the root causes of dependency on food banks. It is also right that food bank volunteers are trained to signpost people to other agencies and services that can help to resolve the underlying cause of the crisis.

I was encouraged to see Waitrose's funding of the Trussell Trust's eat well spend less programme, which provides advice on cookery, budgeting and nutrition. Such action is key if we

are to heed the Joseph Rowntree Foundation's advice and focus on prevention strategies.

Scotland has a rich history of volunteering; I commend everyone who gives up their time to help others who are in need. Food banks are a comfort in a crisis and act as a hub for advice and support. It is up to us in this Parliament to address the underlying causes of food poverty in order to ensure that people in Scotland do not need to rely on food banks.

18:08

Monica Lennon (Central Scotland) (Lab): I would not go as far as to say that I welcome tonight's debate; I find it heartbreaking that we are having the debate at all. However, I thank my colleague Pauline McNeill for lodging her motion and for providing us all with the opportunity to shine a light on important matters.

In a wealthy and prosperous country such as Scotland, there is no reason why anyone should have to go hungry in 2017. Even the existence of food banks—let alone the scale on which they are currently being used—is a national scandal. We do not need to go on fact-finding missions or hide behind the complexities that Adam Tomkins tried to describe, which are just cover for his United Kingdom Government's policies. We know that the harmful policies and benefits sanctions that are being imposed by the Tories are hurting communities up and down the country. It is not rocket science.

Food bank volunteers and all the people who donate to food banks are a credit to our communities. It is a damning verdict on the harmful impact of austerity politics and the backward policies of the Tory party that stagnating wages, insecure work and cuts to welfare are forcing people into poverty. As is referenced in Pauline McNeill's motion, the Trussell Trust estimates that almost 100,000 people have used its food banks in the past year—and that is before we take into account other charities and community-based food banks that are helping people who are in need. The situation is, quite simply, a disgrace.

During the debate, I have thought about food banks and community groups. A few months ago, I visited the Loaves and Fishes food bank in East Kilbride in South Lanarkshire, in the region that I represent. I sat with Denis Curran, who is known to many members and has appeared at committee. Denis is in his 70s and his wife, Cathy, is seriously ill, yet seven days a week they open a unit in a business park, where 400 people queued outside their door for food parcels at Christmas. That is no fun; that is not taking the easy road out. Many of those people had walked for miles,

because they were embarrassed and did not want to go to their nearest food bank; some walked from Rutherglen. Others walked despite serious physical and mental health problems. Sometimes people come with a myriad of different issues, but it is not, as Adam Tomkins said, complex.

I am also a frequent visitor to Hillhouse community food co-op, which is along the road from where I live. It aims to tackle food poverty in Hillhouse and Hamilton and offers fresh produce at low prices. People do not want handouts or to walk away with a food parcel. If they can spend a few pounds, they feel that they are not taking from society. The humiliation that people go through to even go through the door of a food bank is heartbreaking.

It is no secret from members that I have been raising the issue of period poverty: women and girls having to go to food banks to ask for sanitary products to deal with a basic need such as menstruation. I encourage my colleagues on the Tory benches who have not seen it to watch “I, Daniel Blake”. People think that such things are lifestyle decisions that have been made up for sensationalism on the big screen. Ewan Gurr, who is in the gallery, has shared heartbreaking stories with me. I urge everyone to get behind the issue. People have told me that when they go to a food bank they might choose to take a bottle of washing-up liquid, for example, because they know that they can use it not just to wash dishes but for personal hygiene. What a disgrace for each and every one of us that our constituents are having to wash their bodies and hair with washing-up liquid.

We need to use every power available in Parliament and elsewhere to end this scandal.

18:13

Emma Harper (South Scotland) (SNP): I do not know whether I am pleased to contribute this evening, but I commend Pauline McNeill for securing the debate.

I agree with Monica Lennon that it is heartbreaking that such a debate is necessary in 21st century Scotland. I point out that Scotland’s only Tory MP does not seem too concerned. He told the assembled folk at a hustings last year, when I contested Dumfriesshire, Clydesdale and Tweeddale against him, that food banks are in every European city, as if that was a justification for their existence. When he sat before our Welfare Reform Committee, he dismissed evidence from charity workers and academics that supported the view that the use of food banks is a direct result of his Government’s welfare reform policies.

Mr Mundell slated the evidence-based information that was provided by Mark Frankland, who is a volunteer in the First Base food bank in Dumfries, because—and I quote—“he voted Yes”. Mr Frankland’s hard work and commitment to keep open the doors of the First Base food bank has ensured that hundreds of Mr Mundell’s constituents are at least fed when the cruel benefit sanctions of his Tory Government are imposed on them.

For some time, the UK Government line has been that it is not poverty that makes people visit food banks, but the fact that they exist. David Cameron hailed food banks as merely a happy example of the big society in action. I spoke to Mark Frankland again today. He remains on the front line of austerity Britain. He cited the shocking rise in mental health problems that he sees in those who are referred to him. He says that folk with already diagnosed mental health problems are deteriorating really quickly. Increasingly, such people are assessed as fit to work when they are far from it.

Just two days ago, Mark delivered a food package to a 60-year-old lady. I will call her Mary, but that is not her real name. Mary is infirm and unable to carry anything, because she has arthritis. Mary’s general practitioner had sternly ordered her to contact Mark for emergency supplies. She was living on five packets of noodles a week and was ashamed to seek help from her doctor or even to go to the food bank. Malnutrition is now one of her diagnosed conditions.

As a social worker, that lady spent 20 years helping people in the same position that she now finds herself in. When she was in work, Mary earned about £500 a week. Before failing her employment and support allowance test and being sanctioned, she received £50 a week from the Department for Work and Pensions. Was that what David Cameron had in mind when he attempted to justify £12 billion of benefit cuts as essential to stopping the merry-go-round of benefits dependency? I agree with Mark Frankland’s sentiment that the system is crucifying people.

Prior to 2010, when the Conservatives began their assault, there were certainly cracks in the UK’s welfare system. Unfortunately, those cracks have now become chasms. The first priority should and always will be the mental and physical health of those who find themselves unfortunate enough to become reliant on our disintegrating welfare system, but given that the Tories are so desperate to justify such cruelty as a necessary evil in their supposed mission to cut the deficit, it is worth making the point that those who are wrongly assessed as fit to work simply fall upon the NHS

and the justice system at huge expense. Austerity is actually costing the taxpayer a fortune.

Meanwhile, the Scottish Government spends £100 million a year in an attempt to mitigate Tory cuts. In February, a new investment of £1.9 million was made available to local groups such as food banks to ensure that those who work at local level can deliver direct support to their communities, and I urge local food banks to explore that funding stream. I hope that all of us across the chamber can agree that limiting the damage that has been knowingly inflicted by a Westminster Government on Scottish citizens is not the purpose of a devolved Administration.

18:18

Patrick Harvie (Glasgow) (Green): “Eat up your dinner; there’s weans in Africa who’d be glad of that.” Can I be the only member to whom those words were familiar week after week, evening after evening, as a child? My granny’s analysis of the causes of famine in African countries might have been a little simplistic, but the words were said out of empathy and out of her understanding of the impact of hunger throughout her youth before, during and after the second world war. By the time she died, she might have been forgiven for thinking that no one would ever need to say, “Eat up your dinner; there’s weans in your school who’d be glad of that.” Therefore, I thank Pauline McNeill very warmly for lodging her motion for debate.

In response to those who cast food bank provision as a shining example of the big society in action, I say that, even in a healthy, functional food system and a fair and just economy, there is absolutely a place for volunteerism. I have seen food projects in Glasgow that involve asylum seekers sharing their food skills—many of which have been lost to our society and in our age—with their new neighbours in their host communities. Everyone is better off as a result of that and there is nothing stigmatising about participating in it.

Community projects that share land bring people together—rich and poor—to experience growing food. It is healthy for them to do it and it is healthy for them to eat it, and there is nothing divisive or stigmatising about that kind of volunteerism. There are other cultures around the world in which the shared provision of food and the shared experience of rich and poor sitting down and eating together is a unifying experience. Anyone who has visited the Gurdwara in Glasgow will know what I am talking about and will remember the fantastic food that is shared there in a socially just and inclusive way.

There is a space for that kind of volunteerism in a healthy, functional food system that does not have to be dominated or owned by a handful of

multinational food giants. However, that volunteerism does not need a simplistic brand name such as the “big society”, because it is a natural instinctive expression of the human need to share.

The Conservatives seem a little confused as to whether food poverty exists. Adam Tomkins said that it does not; Annie Wells said that it does. However, Adam Tomkins asked a sensible question. Looking at the differing impacts of food poverty—whether or not we use that term—and looking at the differing uptake of food bank provision, why is it different in one place from another? He did not offer any answers, but here is a sensible answer. The Trussell Trust said:

“65 per cent of foodbanks said the 6-week+ wait for the first universal Credit payment has led to more people needing help”.

In the areas where there has already been a full rollout of universal credit, there has been a

“16.85% average increase in referrals for emergency food”,

which compares with a much lower national average. That national average is still an increase of more than 6 per cent, which shames our whole society, but the biggest increase has been in the areas where the failed UK Government welfare reforms have been rolled out to their fullest extent. How about analysing that answer?

Of course, there are things that we can do in this Parliament with our existing powers. We should be reducing the cost of the school day and of public transport, and we should be addressing—as Monica Lennon said—the issue of period poverty. There is a great deal that we can do and, with the new welfare powers, that we should do. Underlying it all is the failed austerity programme of the UK Government and an unnecessary austerity agenda that is—quite consciously—transferring wealth from the poorest third of our society to the richest third and making the problem worse. Adam Tomkins said that work is the best route out of poverty. Yes, sometimes it is. Well-paid, secure work that is healthy for people to undertake can be a route out of poverty, but the Conservatives’ fake living wage is still a poverty wage and not all workers will receive even that.

Adam Tomkins cited the causes of poverty, but actually he listed only the consequences. The causes are structural: a failure to distribute wealth fairly in our society and a failure to recognise that the wealth of our economy belongs to us all, instead of to a tiny number of people who are labelled as the “wealth creators”. Until we overturn that fundamental error, we will continue to put sticking plasters on this grievous wound.

18:23

The Minister for Social Security (Jeane Freeman): I am grateful for the opportunity to respond on behalf of the Scottish Government and, like members before me, I thank Pauline McNeill for bringing the matter to the chamber. I also thank other colleagues who made contributions.

I share the majority view in the chamber that it is shameful that in 21st century Scotland—a country that is rich in resources and human talent—there remains a pressing need for us to tackle food poverty and there are people who cannot afford to feed themselves or their families.

In the seven years since the Tories entered Downing Street, the number of people who need food banks has grown exponentially. We have heard that the factors behind that are complex. For me, the reasons are pretty straightforward and they lie at the Tories' door: they are low wages, benefit cuts, benefit sanctions and benefit delays. The numbers who are referred to food banks because of low income have risen to 25 per cent; 42 per cent of all referrals are a result of benefit cuts and delays.

Let us be clear that food poverty is a visible sign of the wider poverty that we are seeing as a result of seven years of Tory austerity and welfare cuts. There is the freeze on working benefits, and the six-week universal credit delay, which others have referred to. The two-child policy, with its abhorrent rape clause, will cost families between £2,500 and £7,000 a year. The benefit cap affects at least 5,000 people in Scotland. The list is much longer, but all of it adds up to pushing more and more people into crisis.

That is a state of affairs that the majority of us in the chamber find shameful but, yet again, apologists in the Scottish Tories continue to ignore it, to dodge around it and to be silent on it. Their UK Government's failed ideology heaps more and more misery on those who are least able to withstand it, those who are in work or seeking work, the vulnerable, the disabled, the elderly and children.

I am looking at a graph from the Institute for Fiscal Studies that tells me that, in the five years between May 2010 and May 2015, the poorest in our society lost 4 per cent of their income. It tells me what we know so far of what is to come. From May 2015, the long-run impact of tax and benefit reforms will mean that the poorest group loses 10 per cent. Let no one say that the underlying causes are not from the Conservative Government's agenda—an ideology as fundamentally flawed in its conception as it is a failure in meeting its stated aim.

When we debated the two-child policy the week before last, we were told that it was part of the sound management of public finances. That will be the sound management that means that the national debt is now more than £1.7 trillion and rising by the minute. It is sound management of the national finances on the backs of the poor, the vulnerable, those in work, those least able to afford it and those least responsible for creating the debt in the first place. It is sound management that is fundamentally flawed at delivering what it sets out to deliver.

The Scottish Government will continue to oppose the Tory Government's policies at UK level and we will continue to do all that we can, within our resources and our powers, to help to protect people from the worst excesses of Tory policies. As other members have done tonight, that includes exposing the human impact of the Tories' policies and actions—now, in the run-up to 8 June, and for as long as they have power to damage the lives of people who live and work in Scotland.

I refer to the 50 concrete actions of the fairer Scotland action plan. Central to our commitment is the capacity to work with people to reduce and ultimately end poverty in all its forms—be that child poverty, food poverty, fuel poverty or period poverty. We are clear that, in delivering that, dignity will be at the heart of what we do.

On the specific matter of food poverty, the recommendations made to the Scottish Government by the independent short-life working group—a group of experts strongly influenced by people with lived experience of food poverty—are very clear that, collectively, we should focus on reducing and removing the need for food banks. We need to focus our efforts on models that increase income and develop community food initiatives, some of which Patrick Harvie referred to.

Neil Findlay: Will the minister address the need for the deliberate and concerted redistribution of money from those who can afford that redistribution into the pockets of those who need it?

Jeane Freeman: I am about to agree with Mr Findlay, so I hope that he is sitting ready for that. It is important to have the country's resources fairly distributed but, in doing that, we need to make sure that those who are on low and middle incomes are not penalised. Mr Findlay and I will continue to disagree on the Scottish Government's income tax policies, and I am sure that we will have more debates on that in the years to come.

Neil Findlay: Will the minister take an intervention?

Jeane Freeman: No—I need to get on.

The work that we are doing in investing in advice services and promoting the living wage, and with our £1 million a year fair food fund, all adopts the dignity principles that the independent group on food poverty recommended. We are determined to see a change, and we accept the independent group's recommendations to focus on maximising income and shifting from charitable food bank models to supporting community-based food initiatives.

What matters is that everyone can access affordable and nutritious food in ways that are dignified and just. That is a basic human right, and that is what the International Covenant on Economic, Social and Cultural Rights meant when it specified "adequate food" as one of the factors that make up the right to an adequate standard of living. The UK ratified that covenant in 1976, but the Tory Government chooses to ignore it. We are looking at what enshrining the right to food in Scots law might look like and whether it could support us in tackling the real problem of hunger with a response that is based on human rights and dignity for all.

We are firm in our aim of eradicating from Scotland the need for emergency food provision, and there is no doubt that the Scottish Government is serious about eliminating food insecurity, just as we are serious about tackling the underlying causes of poverty within the powers that are at our disposal.

Neil Findlay is right to say that tackling poverty is a responsibility of every part of the Government. We are working to take that responsibility seriously across all the portfolios that the Government is responsible for. Patrick Harvie is also right that there are actions that we can take in the Parliament and in the Government with the powers that we have. However, the fundamental, underlying problems come from a Tory Government that, despite the warm words, the apologies and the attempt to divert our attentions elsewhere, cares little about the impact that it has on the majority of people in this country.

Mr Tomkins asked us to focus on what we should do. I ask him to start his focus by standing up to his Tory colleagues at the UK level.

Meeting closed at 18:32.

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