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Scottish Parliament

Tuesday 19 December 2017

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

Time for Reflection

The Presiding Officer (Ken Macintosh): Our first item of business today is time for reflection. Our time for reflection leader is the Rev Basil Clark, parish priest at Our Lady Of Loretto and St Michael Catholic church in Musselburgh.

The Rev Basil Clark (Our Lady of Loretto and St Michael, Musselburgh): Last month, I attended a commemoration of the Holodomor: the murder by starvation of up to 10 million Ukrainians by Joseph Stalin. It was a profoundly moving event. The ethnic Ukrainian community is of course proud of its roots and its traditions but proud, too, to be Scottish. It is easy to forget that this group was the asylum seekers of the 1940s, yet here they have made their home, now Ukrainian-Scots, some even wearing the Ukrainian tartan—identity maintained, integration achieved.

In 2018, the Scottish Catholic community celebrates 100 years of collaboration with the United Kingdom and Scottish Governments in the provision of education for its children. Although that provision has not been without its critics in every decade of that century, what it has achieved, in particular for the Irish majority within the Scottish Catholic community, is a means of maintaining a sense of ethnic identity even where, today, the religious component is largely ignored.

However, I would propose that precisely because that education was provided and supported by the state, it has acted as a facilitator of integration. Diversity within unity, and integration while allowing for a strong sense of identity, is no mean achievement. That it has been largely achieved for the Scottish-Irish should be acknowledged, remembering the fact that, in 1918, Irish Catholics were treated at best with suspicion; discrimination was commonly accepted and violence possible. That sense of Scottish-Irish identity was brought home to me when two of my parish teenagers turned up in Lourdes wearing kilts made from the Gilhooley tartan—identity maintained, integration achieved.

Should it be any surprise to us that it is the traditions of the Gaels, themselves a minority once treated with contempt, that have become an integrating catalyst? The minority culture of the highlander was, in the end, shared with the lowland Scot, forging a sense of common identity.

Scotland should not be frightened of outsiders. They find their place. She should not be suspicious of ethnic religious diversity; rather she should, and in time will, weave it into a new cloth. Things may be tense at times, but she has a self-confident culture that has its own strong roots, capable of adapting to as well as moulding the newcomer. The genius of our common identity is that it is made to be an open weave; there is always room for a new colour.

Topical Question Time

14:03

Deployment of Armed Police and Tasers

1. Liam McArthur (Orkney Islands) (LD): To ask the Scottish Government whether it will provide an update on the deployment of armed police and the use of Tasers. (S5T-00833)

The Cabinet Secretary for Justice (Michael Matheson): Police Scotland is proposing a limited extension of the role of armed response vehicle officers to allow them to be deployed to non-firearms incidents. The deployment of ARV officers to such incidents will be the responsibility of the initial tactical firearms commanders in the three regional control centres who, using their professional judgment, will support local policing as and when required. The new model will allow those highly trained ARV officers to make a valuable contribution to policing in their communities, with a focus on vulnerability and speed of response. The proposals were presented to the Scottish Police Authority board at its meeting this morning.

The board also considered a Police Scotland proposal to make an additional 50 Tasers available across local divisions. Front-line police officers are facing an increased threat and a greater number of incidents that involve bladed weapons and other violence. The availability of Tasers will offer officers greater protection and the opportunity to resolve issues more rapidly and reduce the risk of harm to the public and the offender. Police Scotland proposes to begin the selection process for around 500 officers to be trained to carry Tasers. The specially trained officers will be deployed at the heart of local policing in all 13 divisions across Scotland, helping to keep their colleagues and the public safe.

The Scottish Police Authority and Police Scotland will keep both matters under regular review.

Liam McArthur: I thank the cabinet secretary for his detailed response. For those of us who are worried that the policy is a slippery slope towards an enforcement model of policing, what assurances can he provide that consideration will be given to scaling back the deployment of armed police and Tasers in the event that the threat to officers and the public reduces, so that there is not a one-way shift towards universal arming?

Does the cabinet secretary share the concern of Dr Nick McKerrell, a law lecturer at Glasgow Caledonian University, who has asked whether the force is taking advantage of what he calls “a vacuum of accountability” in policing in Scotland?

Michael Matheson: On the question about what Dr Nick McKerrell said, the answer is no. Members will be aware that Police Scotland has been planning for this approach for a number of months. A number of weeks ago, Police Scotland provided a briefing to party spokespersons, including Mr McArthur’s party leader, on its plans and thinking on the issue. The announcement was delayed as a result of changes at the head of Police Scotland—namely, in relation to Assistant Chief Constable Bernie Higgins—but the paper went to the SPA board this morning. Police Scotland set out the details of the paper last week, because it was in the public domain at that point. Therefore, to suggest that this is in some way to do with a vacuum of accountability is simply inaccurate and misleading.

On the wider point about deployment of an increasing number of firearms officers, the member will recall that last year I set out the increase in firearms officers that we required due to the level of threat that the country faced, and the additional deployment that would come about in that regard.

The announcement about which the member asked does not involve an increase in the number of firearms officers; it is about the use of existing firearms officers, who are currently deployed only to incidents that involve a threat to life or firearms. It is about the tactical firearms officer, where they believe that firearms officers could be deployed to an incident in relation to which there is a particular vulnerability or need for speed and an ARV is available to respond quickly, having the ability to deploy those officers to deal with the incident, to support local policing. That does not involve an increase in the number of firearms officers.

The provision of Taser specially trained officers is to help to protect the public and to protect officers, given that police officers are experiencing an increasing number of incidents in which violence or a bladed instrument is used. Such incidents clearly present a risk to police officers. I am sure that the member accepts that there is a duty of care to police officers, which involves ensuring that officers are appropriately equipped to deal with incidents of that type as and when they occur and to bring them to an end quickly.

Liam McArthur: On the latter point, I certainly agree; I do not think that anyone would dispute that police officers need the tools to keep themselves and the public safe, which include the deployment of armed officers. However, that is not the same as accepting that armed police officers attend all incidents as a matter of routine. As part of the deployment model that is under SPA scrutiny today, it is proposed that armed officers might attend, for example, domestic disputes. The public will rightly be concerned that the presence

of an armed officer might heighten tensions in such a situation. Does the cabinet secretary share those concerns?

Michael Matheson: The member misunderstands the deployment model that Police Scotland intends to take forward. He suggested that armed officers will be used for routine policing, which is simply not the case; they are there to support local policing. Where the tactical firearms officer determines that there is a need to respond quickly, that there is a vulnerability and that an ARV is able to respond more quickly than local policing can, the ARV should be able to do so.

The member gave the example of a domestic incident. If we had a situation where a woman was under threat from her partner at home, and an ARV was sitting around the corner but it could not respond to that call because of the existing deployment model and would have to wait for five or 10 minutes until local policing could arrive too, I suspect that most members would say that they would prefer for that ARV to respond as quickly as possible if it could get there sooner. That is exactly what the new deployment model is about.

The new deployment model is not about using armed response for normal, routine policing matters. It is meant to allow the tactical firearms officer to make a decision to deploy ARV officers if they are closer at hand to respond to someone who is vulnerable or to a particular issue that needs a quick response. I would have thought that all members would recognise that it is about making use of the very high skills that those officers have.

It is also worth keeping in mind that ARV officers are police officers first, who are highly trained in firearms capability as well. It is the Government's clear intention that Police Scotland remains an unarmed police force, but with a specialist armed capability that can be deployed as and when it is necessary. That will continue to be the case with these changes to the deployment model.

Liam Kerr (North East Scotland) (Con): Does the cabinet secretary agree that, where an allegation has been made of the improper use of firearms, it is necessary for public transparency, for trust in the police and to ensure that learning outcomes are developed that a full investigation takes place?

Michael Matheson: Yes, that is the case. Any time a firearm is used by a firearms officer in Police Scotland or a Taser is used by Police Scotland officers, the matter is automatically referred to the Police Investigation Review Commissioner to evaluate the use at that point and to determine whether the officers operated within the normal standard operating procedures

of Police Scotland. Every time a firearm or a Taser is used by a Police Scotland officer, it is automatically referred to the Police Investigation Review Commissioner for consideration.

Mary Fee (West Scotland) (Lab): Following the integration of British Transport Police Scotland into Police Scotland, will those BTP officers who carry Tasers be included in the figure of 500 officers who are to be equipped with Tasers?

Michael Matheson: BTP officers have a very limited Taser capacity and they have no firearms capacity in Scotland at all. Any firearms capacity that is delivered within the railway system in Scotland is delivered by Police Scotland, because BTP does not have that specialism in Scotland. That is one of the reasons why I believe that those forces should be under a single command structure.

A limited support by Taser officers is provided to BTP at the moment through its overall UK approach to matters. It will be an operational matter for the chief constable to determine whether those officers continue to be Taser officers, whether they are included within the 500 or whether they will supplement that figure. I can assure the member that overall in Police Scotland the intention is to have 500 specially trained officers who are able to support local policing with Taser capability, as and when it is appropriate.

John Finnie (Highlands and Islands) (Green): The cabinet secretary has told us that the existing model is flawed and he is commending a new model. We are seeing a situation in which a largely defensive police service has an increasing offensive capacity. The Scottish Green Party does not support these moves at all. Briefing or meeting parliamentarians does not equate to consultation. Will the cabinet secretary encourage Police Scotland to publish both risk assessments—the one for the existing model and the one for the proposed model, if it has not already been agreed—so that there can be the fullest discussion about what purports to evidence the need for those changes?

Michael Matheson: The policy intention behind this change was set out in the paper that the Scottish Police Authority published last week and considered today on the deployment model for both firearms officers and the use of Tasers.

I believe that, if there is an ARV nearby that can respond to an incident in which there is a need for a quick response, or where there is an issue of vulnerability, we should utilise the skills of those officers to do that. The new deployment model allows that to happen, under the command of the tactical firearms commander, who will decide whether it is appropriate. That decision will not be made by the local police commander—it will be

made by the tactical firearms commander. Police Scotland has set out the rationale for that, which is to ensure that there is appropriate control in decision making on these issues.

The Scottish Police Federation has also set out very clearly why it believes that it is important that officers have the appropriate protective equipment to deal with issues that involve violence or weapons, and why it believes that Tasers can play an important role in addressing those incidents by bringing them to a quicker end and by protecting officers and the public.

However, it is not a case of Tasers being used proactively on an on-going basis; they will be deployed by local commanders as and when appropriate to support local policing. There is a clear process for determining when and how they will be used. I believe that the new deployment model in both areas will support local policing in addressing issues more effectively.

Budget

2. James Kelly (Glasgow) (Lab): To ask the Scottish Government what assessment it has made of the finding by the Institute for Public Policy Research Scotland that the budget for day-to-day spending is expected to fall by £250 million between 2018-19 and 2019-20. (S5T-00834)

The Cabinet Secretary for Finance and the Constitution (Derek Mackay): First, I formally welcome James Kelly to his new role as Labour's finance spokesperson.

In my budget statement last Thursday, I was clear about the detrimental impact that United Kingdom Government austerity is having on the Scottish budget. I highlighted that, over the 10-year period to 2019-20, Scotland's block grant will have been cut by £2.6 billion in real terms. I also quoted from the Fraser of Allander institute, which said:

"By 2019-20 the resource block grant will be around £500 million lower than in 17-18"

in real terms. Monday's analysis by the IPPR Scotland simply reiterates those points and confirms that the Scottish Government is facing significant and damaging real-terms cuts to our budget for day-to-day spending as a result of continuing UK Government austerity.

In order to mitigate those cuts, protect our national health service and other public services, and support our economy, we have reformed income tax in Scotland—our only significant fiscal lever—to provide growth in our tax revenues. Of course, while we have taken action to protect public services, the best way to stop public sector cuts would be for the UK Government to end its

damaging austerity and invest in public services and the economy.

James Kelly: I thank the cabinet secretary for welcoming me to my new post, and I look forward to having constructive exchanges with him.

With that in mind, I am sure that he will be concerned that his budget has begun to unravel since he addressed the chamber on Thursday. It is not just the IPPR's analysis that tells us that—we know from the Scottish Parliament information centre that local government funding has had a real-terms cut of £135 million. We also know that funding has not been put in place to support the pay increases. As far as councils are concerned, it is not just the numbers that matter, but the effect on local areas: the job losses, the closure of day centres and the reduction in library services.

Does the cabinet secretary accept that, in effect, he misled Parliament last Thursday? Will he revise the budget allocations to provide a fair settlement for local government?

Derek Mackay: I assure James Kelly that the budget is perfectly intact. I gave it a fair presentation last week in a half-hour statement, which was followed by an hour's worth of questions. There is much detail in the documentation, and I am glad that members will have had more time to look over it so that they can see what a productive and positive budget it is. As well as investing in many parts of the public sector, it will ensure that we have the right environment for business growth, which is important so that we can grow our revenues and ensure that employment is at a high level and that we have social justice.

On local government specifically, I set out the figures to the chamber, and they remain the same. Essentially, there will be a cash freeze in resource terms, with more being provided in capital. I pointed out that, if local authorities used their power to increase council tax by up to 3 per cent, they would have a real-terms increase in their budgets.

James Kelly is right to point to the analysis that shows that Scotland is getting a real-terms reduction in its budget. Of course that concerns those of us in progressive parties. That is why we are using the powers and levers that we have to protect the people of Scotland from the UK Government's right-wing austerity and, in so doing, ensure that our front-line services are adequately funded.

I set out our pay policy, which I think is fair and recognises the cost of living for public sector workers. I do not set local government pay, but I believe that local government is adequately resourced to enable local government workers to have fair settlement, too. That is now a matter for

local authorities to engage on. Just as I look forward to further engagement with James Kelly, I look forward to further engagement with the Convention of Scottish Local Authorities.

James Kelly: The cabinet secretary said that one of the levers at his disposal was tax, but the Fraser of Allander institute analysis shows that, although £164 million would be raised through the tax changes, when account is taken of business rates relief and other factors, there is actually only £28 million available for investment in other areas of the budget. The reality is that the tax policy is all over the place. How can it be fair that some of those who earn between £43,525 and £58,500 pay less tax but those who earn between £24,000 and £43,525 pay more? The reality is that the tax policy is not coherent and is not delivering for social justice. Will the cabinet secretary therefore redraft that tax policy to produce a fair and consistent set of rates that will deliver a proper settlement for much-needed investment in Scotland's communities?

Derek Mackay: If even the *Daily Record* is describing me as, in its eyes, the Robin Hood of Holyrood, I suppose that I must be doing something right. That is the *Daily Record's* view of the progressivity of our tax system. However, it is true to say that we are trying to create the conditions for economic growth, and our business rates policies absolutely do that. James Kelly referenced one of the elements that are part of that package. If we take the example of non-domestic rates, local government welcomed the fact that we did not lift the relief that arm's-length external organisations were receiving—in fact, if memory serves me correctly, it was welcomed by the Labour Party. There is therefore a range of decisions that have been set out in the right context and circumstances. However, on tax overall, we are raising more to ensure that the real-terms reduction that we received from the right-wing Tory Government is essentially overturned by our good governance and the tax decisions that we have been able to take—that is being progressive.

In recalibrating and resetting the overall tax structure, we have ensured that it is fairer and more progressive. More than 70 per cent of taxpayers will pay less—those earning under £33,000 will pay less—but the tax structure will also raise more for public services. The documentation that I have published shows what could be described as an anomaly in that last year we froze the threshold for the higher rate but we are proposing to increase the threshold for the higher rate this year in the budget. The anomaly that is created there is therefore just part of resetting the whole system. Overall, what we are doing is more progressive and certainly ensures that we have turned real-terms decline into a

positive; it is about resetting the system in a way that uses our power to protect front-line services and properly reward our public servants.

Kenneth Gibson (Cunninghame North) (SNP): Can the cabinet secretary tell us what alternative, balanced tax and spending proposals the Labour Party has brought forward? Does he agree that it is simply not credible for Labour to assert that austerity can be ended by this Parliament, without specifying exactly how?

Derek Mackay: To be fair, the economy has faced some turbulence and the Labour Party has faced some turbulence as well over the recent period. There has been a change in leadership and spokespeople, but the last information that I had was from engagement by Alex Rowley on the proposition on the role of income tax in Scotland, which was costed in our discussion paper, and our modelling of the position of the Labour Party, which essentially would put a penny on the basic rate. Of course, that is not what the Government has proposed. Actually, if we compare our starter rate to the basic rate that Labour proposed, we can see that there is a difference of 2p in the pound. The Government has taken a methodical approach to the matter and has engaged with stakeholders. We have set out our progressive plans, which meet the four tests that we have set out regarding putting in place a more progressive system, protecting lower income earners, protecting public services and supporting the economy. That stands out in sharp contrast to the chaotic position of the Labour Party.

However, that said, with a shadow Cabinet now in place, maybe the Labour Party will want to come and see me with constructive proposals as we take the budget through the legislative process of the Scottish Parliament.

Bill Bowman (North East Scotland) (Con): The Scottish Fiscal Commission is forecasting continued slow growth with a resultant £2.1 billion decrease in tax revenue. What is the cabinet secretary's preferred way of making up the shortfall: cuts to public spending or further tax rises?

Derek Mackay: Of course, Bill Bowman is certainly the man to ask, because if I was to follow the Tories' tax policies, I would have to find another £501 million for next year from front-line public services to fund the Tory position on tax rises—sorry, I mean tax cuts, of course: tax cuts for the richest in society, whether it is big business, property owners or those who pay income tax.

My balanced budget will allow us to invest in the economy, deliver the tax system in a fair and progressive way and invest in our public services, turning the spend into real-terms growth.

In terms of the Fiscal Commission's forecast, I am sure that Bill Bowman, assiduous as he is, has looked at the full detail of the report, which identifies issues of productivity, working-age population and levels of employment. The greatest threat on all those indicators is the Tory party and its mismanagement of Brexit, the decisions that it has taken, the on-going austerity and the attacks on those with the least. All of that has compounded the problem and presents the greatest risk to the economy of the United Kingdom and specifically to Scotland's economy.

In the face of those cuts to the Scottish budget, in the face of that uncertainty and in the face of the mishandling of the Brexit negotiations, the Scottish Government is investing in our economy and our people through skills, innovation and business growth, and through education and infrastructure, to ensure that Scotland is the best place in which to live, work and invest.

Although some would argue that the Fiscal Commission's forecasts are a bit cautious—Ernst & Young, for example, gave a far more positive and higher forecast for economic growth—we will invest in the economy to ensure that we are in a stronger position.

Business Motion

14:26

The Presiding Officer (Ken Macintosh): That concludes question time. Before we move on to the statement by Fergus Ewing, Parliament is asked to consider a business motion.

Motion moved,

That the Parliament agrees to the following revisions to the programme of business for—

(a) Tuesday 19 December 2017—

after

followed by Financial Resolution: Social Security (Scotland) Bill

insert

followed by Appointment to the Scottish Fiscal Commission

(b) Wednesday 20 December 2017—

delete

5.00 pm Decision Time

and insert

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

Motion agreed to.

Superfast Broadband

The Presiding Officer (Ken Macintosh): The next item of business is a statement by Fergus Ewing on the reaching 100 per cent superfast broadband programme. The cabinet secretary will take questions at the end of his statement, so there should be no interventions or interruptions.

14:26

The Cabinet Secretary for Rural Economy and Connectivity (Fergus Ewing): The announcement in last week's budget that the Scottish Government is committing £600 million to the first phase of the reaching 100 per cent superfast broadband programme is fantastic news for Scotland. I was keen to share the detail of that announcement with Parliament and to reflect on its significance for Scotland's economy.

Over the past few weeks, there has been a great deal of conjecture and, quite frankly, disinformation about how Scotland is performing in terms of broadband delivery. This statement is an opportunity, therefore, to set out the facts. Here is the key fact: by the end of 2021, Scotland will be the only part of the United Kingdom where every single home and business can access superfast broadband.

The £600 million that was announced last week is the biggest public investment ever in a UK broadband project, and launches the first universal superfast programme in the UK. To put that fully in context, it is more than double the amount of public funding—£280 million—that has been committed to our current digital Scotland superfast broadband project, and more than three times the £190 million fibre fund that the Chancellor of the Exchequer announced for the whole UK in his recent budget. The programme is entirely unique to Scotland. This is the choice that the Scottish Government has made: superfast broadband for all.

Why is the project so crucial to Scotland and why do we need it now? It is simple, really. If we want a Scotland that delivers inclusive economic growth, that helps businesses in our rural and urban communities to innovate and to grow, that prepares our children for the workplaces of the future, that creates a digitally skilled workforce that is fit for the digital century, and which reforms our public services through digital innovation, we need a future-proofed digital infrastructure. The new procurement will help to deliver that; I will talk more about it in a moment.

First, it will be worth my while to reflect on the truly spectacular progress that has been made in recent years. Our investment, along with that of our partners in the digital Scotland superfast

broadband programme, has genuinely transformed the availability of broadband across the country. Commercial investment alone would have delivered coverage to just 66 per cent of premises, largely in urban Scotland. Coverage in the Highlands would have been just 21 per cent, and there was no planned coverage at all for Orkney, Shetland or the Western Isles.

We recognised the unique challenges that Scotland's geography poses, and concluded that a distinct approach is required. Rather than undertaking 32 small-scale procurements at local authority level, we took the joint decision with our local government partners to aggregate planned public investment into two large regional projects. That has created a project which is at a scale that dwarfs that of any other project in the UK, and which has extended broadband access to more than 800,000 premises across Scotland so far, with further deployment to follow throughout next year.

The success of the approach is demonstrated by the coverage figures. Ofcom figures continue to show that Scotland has made the fastest progress of any of the UK nations in extending superfast broadband access, and we are well on track to meeting our target of 95 per cent coverage by the end of this year.

Therefore, although the programme has had a massive impact, it has not reached everyone. We could have chosen to stop there, as the UK Government has done. We could have taken the decision that its universal service obligation, which is set at just 10 megabits per second, was sufficient for our rural communities—but we did not. We chose a different path. We concluded that the economic damage that would be caused by consigning large parts of rural and island Scotland to the broadband slow lane—and, by extension, to the economic slow lane—was simply unacceptable. That is why, even with broadband being reserved to Westminster, we have launched the reaching 100 per cent programme, and it is why, even although the UK Government was willing to commit only £21 million to R100, the Scottish Government has stepped up to ensure a £600 million investment in a vital piece of Scotland's national infrastructure.

The procurement that was launched last week will build on the success of the DSSB programme, but it will be different in some key respects. Unlike in the DSSB programme, we plan to make the delivery of new backhaul in particular rural locations a requirement. That will help to create a truly national fibre network and ensure that all parts of Scotland are within reach of accessible fibre.

Allowing for currently planned commercial coverage, about 245,000 homes and businesses

in Scotland cannot access superfast broadband. The initial investment will deliver superfast access to a significant proportion of them, but we do not expect it to deliver 100 per cent coverage on its own. There will, therefore, be further phases through which we will ensure that superfast broadband reaches each and every premises. We expect that to involve a wide range of superfast technologies, supported by a national voucher scheme that is to be available to individuals and communities.

However, the initial phase is the key phase. Extending a future-proofed accessible fibre network to remote rural areas will provide the essential platform for delivering superfast broadband for all. We are purposely targeting the funds at where they are needed most, which is in rural Scotland. Therefore, the first phase will not focus on cities. My firm belief is that coverage gaps in urban areas should be filled by commercial suppliers. I am greatly encouraged by emerging plans from the likes of BT, Virgin Media, CityFibre and Vodafone among others that suggest that that is beginning to happen.

The procurement will be split across three regional lots. That is designed to maximise competition, which is vital to driving value and innovation.

I am confident that the scale of our investment and of our ambition will attract interest from a wide range of telecommunications suppliers across the UK and Europe. It is a huge public investment, so it is vital that we get the right deal for Scotland. The procurement will therefore take some time—approximately one year. It is being run as a competitive dialogue, and such procurements generally take between 12 and 18 months to complete. We are confident that we will have suppliers in place—and ready to start building—by early 2019.

Crucially, broadband activity will continue on the ground between now and then. Alongside extensive commercial activity, the DSSB programme will continue to deliver throughout the coming year, with new investment that has been generated by early take-up of the new fibre network. That so-called gainshare funding plans for new deployment in every local authority area across Scotland during next year, thereby avoiding any significant gap between DSSB ending and R100 starting.

Much has been achieved over the past three years. The latest Ofcom figures show that superfast coverage in Scotland has increased by 26 percentage points since 2014, compared to 16 percentage points for the UK as a whole. We now want to finish the job.

Our £600 million investment is fantastic news for Scotland's rural and island economies, and is a real statement of the Scottish Government's intent to make Scotland a truly world-class digital nation. The investment will transform the economic prospects of rural Scotland. The fibre network that we will help to build will be the backbone for delivery of our R100 commitment and, beyond that, for the future development of Scotland's digital economy. It will underpin a wide range of connectivity services long into the future, including 4G and superfast broadband today, and 5G and ultrafast broadband tomorrow. It will also help to drive innovation and growth across the economy by supporting new business models and industries, while ensuring that Scotland is competitive in the next digital age.

We can be a world leader in this digital century—a leader that is inclusive, innovative and outward looking, and one that drives technological and digital innovation and makes Scotland the most attractive place in the UK in which to invest.

Working alongside Highlands and Islands Enterprise and our local government partners, we have developed an enviable delivery track record through the DSSB programme, which has largely bridged the coverage gap between Scotland and the rest of the UK over the past three years. We will build on that success and, through the R100 programme, help to deliver a future-proofed national fibre network that will place rural Scotland among the best-connected places anywhere in Europe and will underpin economic growth.

I am happy to take questions.

The Presiding Officer: I urge members who wish to ask questions to press their request-to-speak buttons. We have only until 2.52, so I am conscious that not everyone might get in.

Peter Chapman (North East Scotland) (Con): I thank the cabinet secretary for prior sight of his statement.

The cabinet secretary is big on hyperbole today, but Scotland is behind England in rolling out superfast broadband. Superfast broadband of more than 30 megabits per second has reached 92 per cent of households in England, but only 87 per cent of households in Scotland. Furthermore, 6 per cent of premises in Scotland have broadband speeds that are lower than 10 Mbps, compared with only 3 per cent of premises in the rest of the UK.

Another huge concern is the budget data that show that the spend on digital connectivity for next year is being slashed—from £136 million in 2017-18 to only £58.5 million in 2018-19, of which only £34 million is capital. That will not help to accelerate roll out.

The cabinet secretary has stated that, through procurement for R100, suppliers will be in place only by early 2019. My first question is this: will next year be a wasted year?

There is great confusion about reaching the 95 per cent target. Page 15 of the draft budget 2018-19 states:

“By the end of 2017 we will have achieved our existing commitment to deliver fibre access to at least 95 per cent of premises in Scotland.”

However, page 147 states that

“In 2018-19 we will ... deliver the final phase of”

the DSSB programme,

“which will extend fibre broadband access to at least 95 per cent of premises across Scotland”.

Will the cabinet secretary confirm which is the true statement?

Fergus Ewing: I thought that all members of the Scottish Parliament would welcome the fact that, today, I have announced the biggest-ever investment in enabling people in rural Scotland and our islands to access superfast broadband.

The difference between what we are doing and what Mr Hancock is not doing is that we have a plan. We are investing £600 million to deliver that plan, as we stated, by the end of 2021, so that everybody can access superfast broadband. The difference is that our definition of the speed of superfast broadband is the conventionally accepted one of 30 Mbps. However, the UK has no such ambition; it does not plan to reach everyone and it believes that the correct speed is 10 Mbps—not 30 Mbps. What is it contributing to the Scottish Government, as far as R100 is concerned? It is contributing £21 million, which is 3.5 per cent of the total of £600 million.

Next year will not be “a wasted year”. As I said in my statement—as Mr Chapman would have heard, had he been listening—next year DSSB will continue to deliver to a great many homes, on top of commercial delivery.

Secondly, the two statistics that he quoted are entirely different. One relates to delivery of fibre and the other to delivery of access to superfast broadband: there is a technical distinction. I suggest that he read Ofcom’s “Connected Nations 2017” report.

Finally, the claim that Peter Chapman has repeated today, that Scotland is three years behind the rest of the UK, is simply laughable. The latest Ofcom figures show that the opposite is the truth: superfast coverage in Scotland over the past three years has increased by 26 per cent, compared with 16 per cent for the whole of the UK. Those are not the Scottish Government’s

figures: they are those of the independent regulator.

Rhoda Grant (Highlands and Islands) (Lab): Labour members share the cabinet secretary’s ambition to reach 100 per cent of premises by 2021. However, we are concerned that the Scottish Government will not achieve that target and that people will be let down. It will take the Government at least a year to procure the next phase, so it will be some way into 2019 before a shovel goes into the ground, leaving only 18 months or two years for the most technically difficult areas of Scotland to be reached. Estimates suggest that, for the Highlands and Islands alone, that could cost up to £300 million, which is half of the allocated budget.

Does the cabinet secretary realistically believe that he will achieve his goal? Given that he has more than halved the budget for next year, how much will be invested from gainsharing and added to the budget? Will he also give an assurance that the availability of a voucher scheme will not be seen as discharging the obligation to reach hard-to-reach areas by 2021?

Fergus Ewing: We delivered on the DSSB project. As I am sure would be seen if we were to look back through the *Official Report* from three years ago, Opposition members challenged us then on whether we would deliver that ambitious project and whether we would enable access to over 800,000 homes and businesses in a matter of simply three years. Well, we have done that, so I am optimistic. Of course, there is lots of hard work to be done. The tender process involves competitive dialogue to ensure the maximum likelihood of competitive bids.

I take heart from Ofcom’s encouraging most recent report, which was published last week. At paragraph 1.7, it states:

“We recognise there have been significant improvements in mobile and broadband connectivity in recent years.”

At paragraph 3.20, it goes on to say:

“Local authorities in the Highlands and Islands ... have seen some of the largest increases in superfast broadband availability in the UK.”

I could read out much more. The independent regulator recognises that we have done a good job. There is therefore no reason, at this early stage, to question whether we will be able to achieve our aim and what we have achieved already with DSSB.

I am acutely conscious of the fact that people who do not have such access at the moment will feel bitterly disappointed and, in many cases, angry. I understand that. It is, therefore, important that we have a credible plan that will devote substantial resources, the lion’s share of which will

be devoted to the northern regional block including the Highlands and Islands. I am determined that we shall deliver, working with our local authority colleagues to whom I have sent an invitation to meet fairly early next year to discuss how we will proceed. I do not share the member's pessimism.

Linda Fabiani (East Kilbride) (SNP): I recognise the push for cover in rural areas and the difficulty that that brings. However, there are still gaps in urban areas such as East Kilbride, which seem to be due to exchange-only lines or TPON—telecommunication over passive optical network—technology. That affects domestic households and industrial estates, which is worrying in an industrial town such as East Kilbride. It seems that the commercial providers are not covering the gaps because it is not commercially viable to do so. Will the cabinet secretary take that on board and have a word with the commercial suppliers so that they meet their obligations in urban areas?

Fergus Ewing: I regularly meet the commercial operators whose obligation it is, primarily, to meet the needs of the commercial market. It is not for the taxpayer to displace the investment that is to be made by commercial operators, with whom we have excellent relations. The Scottish Government has already passed building regulations that require new housing developments of more than 30 units to provide conduits and ducts that provide access for superfast broadband in new houses. I have discussed that with the commercial operators and further work will be done on it. I will be happy to meet Linda Fabiani to talk about the particular challenges that exist for some of her constituents in East Kilbride.

Finlay Carson (Galloway and West Dumfries) (Con): It seems that 2018-19 will be a wasted year. Some households will have to wait until 2022 to get broadband, and that is not good enough. Will the cabinet secretary confirm that the budget for 2018-19 has been slashed and that funding will be provided only from existing money and contractual mechanisms? Where is the £600 million in the budget? It will equate to £200 million a year for three years. How is that £600 million made up? Will the cabinet secretary clarify whether it is Scottish Government money, UK Government money or private money?

Fergus Ewing: Apart from the pittance of £21 million that was provided by Mr Hancock's UK Government, the rest of the £600 million—nearly £580 million—is provided by the Scottish Government. The UK Government has provided just 3 per cent of the total, yet broadband is a reserved area. We waited for a while—until 2014—for the UK Government to fulfil its obligations in a reserved area, but we waited in vain, which is why we acted and introduced the digital Scotland superfast broadband programme.

In relation to the matters that Finlay Carson raises, he might be interested to know that the deployment in Dumfries and Galloway of access to superfast broadband was 26 per cent as of 2012. However, thanks to the DSSB and the contract that was delivered by the Scottish Government and HIE—in that case, it was the Scottish Government—it is now 82.5 per cent. It was 26 per cent then and, after the Scottish Government's investment, it is now 82.5 per cent. I would have thought that a thank you from the Tories is in order.

Willie Coffey (Kilmarnock and Irvine Valley) (SNP): The investment that has been made by the Scottish Government is certainly appreciated by the 94 per cent of people in East Ayrshire who have superfast broadband. Will the cabinet secretary clarify whether the roll-out schedule for the R100 programme will be made available to members and the public, so that people can have an idea of when the service will come their way?

Fergus Ewing: That is a sensible question from Mr Coffey. We have learned from the DSSB programme that people wish to know when the access work is scheduled for their communities. Because of that desire to know, once the procurement process is completed, in 2019, we plan to share that information with people and communities as early as possible.

Next year will not be a year of inactivity. A substantial amount of work will be carried out by commercial operators, using the funds that have been provided by the Scottish Government and other public sector providers, and that gainsharing work will continue. It would not have been possible to proceed earlier with the procurement because, had we done so, the only possible bidder would have been BT. It was possible to determine, describe and define the coverage area—the intervention area—only after the DSSB contracts were substantially completed. We are therefore proceeding in accordance with a plan to invest £600 million in Scotland. I commend that plan to Finlay Carson and his colleagues in London.

David Stewart (Highlands and Islands) (Lab): What role does the cabinet secretary envisage for Highlands and Islands Enterprise, and is there a need for novel technological solutions for the difficult-to-reach last 5 per cent?

Fergus Ewing: HIE will play a role in continued delivery to those communities that wish to proceed under the community broadband Scotland scheme with their own projects. HIE will be working to deliver that, although I should say that many of the communities that were minded to proceed with their own schemes have recently determined that it would be better to participate in the R100 programme.

In regard to Mr Stewart's second question, I can confirm that a variety of technologies will be available—not only satellite, but technologies involving wireless and even television white space as well as mobile technology to provide a signal—to reach those whom we cannot reach through fibre. Details of that work will be announced in due course.

Mike Rumbles (North East Scotland) (LD): Is it not the whole point of the cabinet secretary's commitment to ensure that every household receives at least 30 Mbps? Is he aware that, according to this week's Ofcom report, only 87 per cent—not 95 per cent—of premises have that speed and that, by the end of the year, in just 12 days' time, his own target will be missed?

Fergus Ewing: That is not the case. The aim was to reach 95 per cent via fibre and to provide access to superfast broadband. The speed at which broadband services are available depends, as the member knows, on a number of other factors, including what package people buy and how the system is routed in a particular household or premises. What Mr Rumbles says is simply not the case, and I am heartened by the positive verdict of Ofcom. Opposition members have not mentioned the Ofcom report, but I have a copy here if they want to have a look at it. It confirms that Scotland has made more rapid progress on those matters than anywhere else in the UK.

Emma Harper (South Scotland) (SNP): I remind the chamber that I am the parliamentary liaison officer to the cabinet secretary. Can he confirm that one of the three region lots included in his statement is the south of Scotland? Can he say how many homes and businesses in the south of Scotland will be connected through R100 and how that approach will ensure that areas that are currently far from fibre cabinets, such as those near Borgue and Kirkcudbright, will benefit?

Fergus Ewing: As I mentioned to Mr Carson, the coverage in Dumfries and Galloway has moved from 26 per cent to 82.5 per cent, so there has been a lot of progress. Nevertheless, there remain around 26,000 homes and businesses that will be given access under the R100 programme. We expect that fibre will be central to many of their plans, but new and emerging technologies could also play a role.

The Presiding Officer: I apologise to Stewart Stevenson, Kate Forbes and Rachael Hamilton but we must move on to the next item of business.

Social Security (Scotland) Bill: Stage 1

The Deputy Presiding Officer (Christine Grahame): The next item is a debate on motion S5M-09629, in the name of Jeane Freeman, on the Social Security (Scotland) Bill at stage 1.

14:54

The Minister for Social Security (Jeane Freeman): The Social Security (Scotland) Bill comes to the Parliament as the legislative foundation for a new public service for Scotland to deliver a rights-based social security system that is founded on the principles of dignity, fairness and respect. Although it is correct that we will not be responsible for all social security, with the bulk remaining reserved to the UK Government, we will be responsible for 11 benefits, affecting 1.4 million people in Scotland. The foundation that we lay in this bill should therefore be capable of being the foundation for all social security in Scotland, should the time come when our Parliament has that opportunity.

The bill sets out the social contract that extends to everyone in Scotland. It underpins the investment that we believe social security is—an investment that we make in ourselves and in each other. It is a recognition that people across Scotland contribute to our society in many different ways, each of which is valuable and each of which adds to the sum total of our quality of life. Every party and every member of this Parliament now has a direct stake in delivering the contract. Members in this chamber must have confidence that, by the end of the parliamentary process, we will have a social security act that the people of Scotland are confident in and content with. With that in mind, I am pleased that the committee has come to a unanimous agreement to support the general principles of the bill.

As we get on with building a new public service that is the beacon of fairness, accessibility and transparency that we intend it to be, and one that is focused on doing the right thing for those whom it serves, we must all be mindful that it is our shared responsibility and one that demands that we put the people of Scotland first. This is a complex bill that will support the biggest single expansion of devolved Scottish public services since the restoration of this Parliament.

Between the bill being announced in September 2015 and published in June this year, the Scottish Government carried out an extensive consultation and engagement exercise. We did that because, if we want to proceed on the basis of consensus, we need to know what people expect from their social security system, so we asked them. Alongside our

published consultation document, we held engagement events in every one of Scotland's 32 local authority areas. We visited communities and organisations to find out what people liked about the current Department for Work and Pensions system, what they did not like and what they wanted to change.

What came through loud and clear is that what matters to the people of Scotland is how they are treated by their social security system. There can be no doubt that people feel that the existing DWP system does not treat its users kindly. Evidence from our most recent stakeholder survey showed that, when people were asked how they view the current system, 60 per cent of respondents—more than half—rated their experience of the current benefits system as poor or very poor. Only 18 per cent rated their experience as good or very good.

If there is one thing that people are agreed on, it is that our Scottish social security system must treat people better. That is what we have set out to achieve and it is reflected in our bill, which ensures that the system that the bill provides for meets peoples' rightful expectation that they will be treated with dignity and respect. It does this by ensuring that decisions on social security policy and delivery will be governed by a series of key principles, including the principle that,

"respect for the dignity of individuals is to be at the heart of the Scottish social security system."

Words and intentions alone are not enough, which is why the bill also provides for a duty to prepare and publish a social security charter. Such a charter will make our principles come alive, translating them from statements of aspiration to focused aims on how we will meet those principles in every aspect of our day-to-day delivery. Our approach will enable the principles to be easily understood by all and embed them in a way that is open to monitoring, reporting and scrutiny.

I believe that, inside and outside this chamber, we all agree that basing our social security system on a set of key principles, supported by a charter to carry the principles off the page and into the day-to-day operation of our social security system, is the right thing to do.

I am pleased and grateful that that agreement is reflected in the committee's report, which says:

"There has been a universal welcome for the inclusion in the Bill of a set of principles on how the Scottish social security system should operate".

However, there are clearly some areas where the legislation does not set out some of the policy choices that we have made in a way that properly reflects the intent behind those choices, and we will address those areas. When I appeared before the Social Security Committee on 2 November, I gave a couple of examples of where I believe that

we need to make some adjustments to ensure that our policy intent is clearly applied and I am pleased that that is reflected in the committee's report. The committee has welcomed my assurances on the issue of cash versus payments in kind and on support for provision in relation to independent advocacy.

There are other areas where we need to reflect on what the committee has said in its thoughtful and reflective report and on what stakeholders have said to us. One example is the recovery of overpayments, which we will not pursue in instances of official error, other than in exceptional circumstances. Another is the question of redress when an individual feels that their treatment has not been compatible with the charter. We will use the time between now and the beginning of stage 2 to consider these matters and determine what further action we believe is needed.

There are some instances, too, where we need to explain ourselves better—on the process of redeterminations and appeals, for example. I am keen to have further dialogue and an opportunity to present the evidence, which I believe supports our view that the appeals process that the bill sets out will be very different—in purpose, spirit and practice—to the one that is currently operated by the DWP. After that further dialogue, we will reflect on where matters stand.

Between June—when we published the bill—and my committee appearance in November, I had 70 meetings with more than 50 separate individuals, groups, or organisations. If we are going to reach a consensus—and I believe that we can—on areas where people feel that we have not yet addressed their concerns, we need to keep the dialogue going to find solutions. My door is open and I will actively engage in those further discussions with members and with representatives of the many stakeholder communities that have an interest in the bill.

We are, together, engaged in a complex and complicated task—to ensure that we build a rights-based social security system for Scotland that not only delivers the 11 devolved benefits safely and securely but does so true to the principles that we have set out, and works effectively alongside the United Kingdom system. It is complex and it is complicated, but it is also a golden opportunity.

The prize is a social security system that is there to support the people who need it, when they need it, for decades to come; a new public service that embodies the social contract between the individual and the state, founded on the shared recognition that we all contribute in different ways and that it is right that the state should provide at those times when we are in need.

I am pleased that we have come to this stage in the process in a spirit of agreement. I look forward to the debate and to the next legislative stages. I will work with members and with all those outside this chamber who want to work with me, so that we seize this golden opportunity to deliver a new social security system for Scotland and for the future; a system based on respect and dignity and that delivers for the people of Scotland a new public service of which we can all be proud.

I move,

That the Parliament agrees to the general principles of the Social Security (Scotland) Bill.

The Deputy Presiding Officer: I call Clare Adamson, to speak on behalf of the Social Security Committee.

15:04

Clare Adamson (Motherwell and Wishaw) (SNP): I am pleased to be speaking today as convener of the Social Security Committee. I joined the committee last month when Sandra White MSP became a member of the Scottish Parliamentary Corporate Body. I thank Sandra White for her work as convener, particularly in relation to steering the committee through its evidence-taking process. I also thank the clerks for their support as well as the many individuals, organisations and stakeholders who contributed to the evidence that the committee received.

The bill is undoubtedly one of the most important pieces of legislation following the Smith commission and the transfer of new powers to the Scottish Parliament. I am pleased that the committee was unanimous in its support for the general principles. The committee as a whole wants the bill to progress and we want to continue to play our part in improving it through the parliamentary process.

In reaching our decision on the general principles, the committee was mindful of two key factors. The first is the consultative approach that the Scottish Government has taken, which the minister outlined, and the widespread support for that among witnesses and stakeholders. That approach continues through the work of the experience panels and other channels, and the committee welcomes that progress. The second factor that the committee was mindful of is the balance between what is in the bill and what will be brought forward in regulations at later dates. I know that other members are interested in exploring that issue and I will come back to it.

This is a framework bill, the function of which is to create the foundation for the delivery of 11 existing UK social security benefits and to pave the way for Scotland's new social security system, which will affect more than a million people in our

country. Although the committee unanimously approved the general principles, it has identified some areas that require further consideration. I will highlight some of the evidence that the committee received suggesting ways in which the bill could be strengthened or clarified.

The first thing that the bill does is to set out principles. In our evidence, there was particular support for the statements that

"social security is itself a human right"

and that

"respect for the dignity of individuals is to be at the heart of the ... social security system".

The principles in turn will inform the development of the Scottish social security charter.

A frequent suggestion made in evidence was that the bill should include the right to independent advocacy and advice. The committee concluded that it supports the inclusion of a right to

"independent advocacy under and with regard to the Scottish social security system."

However, at this stage, the committee has not recommended that the right to advice be added to the bill, although we have asked the Scottish Government to reflect on the evidence received regarding advocacy and advice.

The committee also agreed with stakeholders, including the Scottish campaign on welfare reform, that the bill should state that social security has a role to play in the eradication of poverty.

In further recognition of the evidence received, the committee has also recommended that, instead of the Scottish ministers having a role in ensuring that people are given what they are eligible for under the Scottish social security system, that should be strengthened to become a duty to ensure that people are given the entitlements to which they are eligible.

The committee believes that those additions will strengthen the foundations of our Scottish social security system.

The high-level principles will feed into the development of an accessible and meaningful charter. The committee has drawn the minister's attention to the importance of ensuring that the charter is available in a range of accessible formats and in a range of locations.

Understandably, much of the evidence to the committee was about the individual forms of assistance. However, the detail of each form of assistance will be brought forward in regulations and the Scottish Government is developing its policy on those. For that reason, the committee did not feel able to make recommendations on the detail of those at this point. However, the Scottish

Government has provided illustrative regulations for the best start grant and funeral expense assistance.

The committee welcomed the clarification from the minister that individuals will always have the choice of whether to receive assistance in a form other than cash and that cash will be the default. It was felt that, in that area, the bill was not as clear as the policy memorandum, so we welcome the minister's undertaking to address that at stage 2.

Because much of the detail about the specific forms of assistance will be in regulations, the committee also considered whether the balance between what is in the framework bill and what will follow in regulations had been appropriately struck. It concluded that the bill does not allow for adequate scrutiny of the detail of the different forms of assistance and noted that it does not make any provision for a super-affirmative procedure or independent scrutiny of the regulations. That was of concern.

One specific way in which scrutiny can be strengthened is the creation of a Scottish body similar to the Social Security Advisory Committee. There is strong support for that among stakeholders. The committee believes that there is a role for a statutory body that is independent of Government and that has an initial focus on assessing draft Scottish social security regulations. The committee also believes that the Scottish ministers should be obliged to consult that body, that the body should report and make its recommendations publicly available and that, if the Scottish Government disagrees with the independent body's recommendations, it should give its reasons.

Since the publication of the committee's report, the disability and carers benefits expert advisory group has published its findings and recommendations on how scrutiny could be strengthened. Those include the creation of a statutory advisory non-departmental public body.

The Social Security Committee welcomes the framework bill and supports its general principles. There are a number of issues that will be returned to at stage 2, but the committee looks forward to considering them in detail in the new year.

The Deputy Presiding Officer: Well done on your first go at a convener's speech. It is quite hard.

15:11

Adam Tomkins (Glasgow) (Con): I welcome Clare Adamson to her new position as convener of the Social Security Committee and underscore her thanks to the clerks, who are sitting at the back of the chamber, for their work in helping us to

produce the stage 1 report. I also thank the Government for its comprehensive response to that report, which arrived on Friday afternoon, if I am not mistaken.

The Conservatives are supportive of social security devolution. Ensuring that it works well is one of our paramount duties to the people of Scotland in this session of the Parliament. We support the general principles of the bill and will vote for them at decision time, but we have some reservations about the specifics.

To start with, it is important to note that the bill does not explain who will be entitled to what under any of the devolved streams of social security assistance. Ultimately, that is the question that matters most in social security law and the bill does not address it at all. It has been referred to as a framework bill—Clare Adamson just used that phrase—but it is not even that. What we have is a frame, but all the work will be done by regulations. All rules about eligibility and about the value of each form of assistance are to be set in statutory instruments that are to be made under the bill. That gets the balance between primary and secondary legislation wrong. It reserves to the Scottish ministers much more power than UK ministers have under reserved social security law and it cuts Parliament out of the picture to an unacceptable degree. If I were a different sort of politician—

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): Will the member take an intervention?

Adam Tomkins: If I were a different sort of politician I might even call it a power grab, but I will leave that kind of language to others.

Not least because of those concerns, the bill absolutely must be amended to create in statute a Scottish social security advisory committee along the lines that Clare Adamson outlined. It would be that committee's job to provide expert and independent advice to ministers and, indeed, Parliament on draft regulations. My understanding is that the Government accepts the committee's verdict that such an amendment is necessary and will seek to amend the bill at stage 2. I welcome that.

I turn to the social security principles in section 1. We support the principled approach to social security that is set out in the bill, but we want to know much more about what the legal status of the principles will be. The same is true with the charter that is provided for in section 2. Will the charter be legally enforceable? Is it a set of political aspirations or legal entitlements?

A broad range of witnesses voiced concerns to the Social Security Committee about that—including those from Leonard Cheshire Disability,

SAMH, Engender and the Royal National Institute of Blind People Scotland—and they are right to have done so. Without clarification, as my University of Glasgow school of law colleague Tom Mullen put it in written evidence,

“citizens and their advisers may be unsure what their rights and the Scottish Government’s obligations ... are and there”

is likely to be

“wasteful litigation to determine their meaning and effect.”

We need to get those things right at stage 2 to avoid that unnecessary and wasteful litigation.

Ruth Maguire (Cunninghame South) (SNP):

The principles are in plain language so that they can be understood. Obviously, there is a tension in making them legally enforceable, because they would have to be in legally precise terms, which would make them more difficult to understand. How would Adam Tomkins address that?

Adam Tomkins: It is a perfectly reasonable point. There is a trade-off between accessibility of language and legal enforceability. We all say that we want a human rights-based approach to social security. One core element of European human rights is that when one’s rights are breached one has a right to effective judicial protection—not a mere complaint to an ombudsman and not a charter on a wall, but effective judicial protection. If we are serious about saying that we want social security to be founded in human rights, we need to take that on board.

Social security devolution comprises three elements: the streams of assistance devolved in full, the power to top up reserved benefits and the power to create new benefits. The Scottish National Party likes to say that only 15 per cent of social security is devolved, but that is a bit misleading. The truth is that we have devolved 30 per cent of working-age benefits in full, and we have created the power to top up reserved benefits and the power to enact new benefits. The element of that package that is missing from the bill is the power to create new benefits. The bill deals with top-ups, but there is no equivalent provision for new benefits. I have challenged the minister about that before and she has told me that she does not need a provision on new benefits because she has the power to create them already. I am not yet persuaded of that, so I intend to probe the matter further at stage 2. In my view, the bill should include provision on new benefits.

Jeane Freeman: Will the member take an intervention?

Adam Tomkins: If I have time.

The Deputy Presiding Officer: I can give you the time back.

Jeane Freeman: I refer to Mr Tomkins to section 28 of the Scotland Act 2016, which provides this Parliament with the competence to create new benefits. It is from there that my stance is taken. We already have the power to create new benefits. There is no need to duplicate that in the bill.

Adam Tomkins: I know that that is the minister’s position and I am sure that it is based on legal advice but, as I said, I intend to probe it further at stage 2.

It is worth making two final points. First, the Scottish ministers are proceeding exceptionally slowly with welfare devolution. For example, we still have no idea at all what kinds or what value of assistance they propose for people with disabilities. We do not know anything at all about how such claims are to be made, assessed or processed. What we do know is that UK ministers think that the SNP is going more slowly than it needs to. As the bill proceeds, that is a matter to which we shall return.

Jeane Freeman: Will the member take an intervention?

The Deputy Presiding Officer: The member is in his last minute.

Adam Tomkins: My last point is on costs. I do not think that the minister referred to the financial memorandum, but the paragraphs on that at the end of the Social Security Committee’s report are important and need to be highlighted. Our concern is that Scottish ministers are devising a very expensive social security system. Of course we want dignity, fairness and respect to be at the heart of that system, but we should treat the taxpayers who pay for all of that with dignity, fairness and respect.

Just last week, in its first report on forecast social security spending, the Scottish Fiscal Commission noted that devolved welfare spending will rise by nearly 50 per cent between 2017 and 2023, moving from £330 million to £470 million. That rise is without knowing anything about what Scottish ministers’ plans are for attendance allowance, disability living allowance, personal independence payments, severe disablement allowance and so on.

The Scottish Conservatives support the general principles of the bill, but we have a number of concerns that we will want to address at stage 2 and as social security devolution proceeds.

15:19

Mark Griffin (Central Scotland) (Lab): The past week has been a momentous one for the Parliament, as we begin to exercise powers devolved under the Scotland Act 2016. Labour has

concerns about the bill; nonetheless, I am pleased to confirm that we will support its general principles.

As members have said, we owe particular thanks to the 119 individuals and organisations whose detailed advice and guidance led our considerations. I am also grateful to the committee clerks, who aided our stage 1 proceedings on what will be a landmark piece of legislation.

I am humbled by the opportunity that members of this Parliament have today as we set out to build a new social security system that is founded on dignity and respect. Our decisions and the improvements that we make will be critical to improving the lives of disabled, sick and elderly Scots up and down the country for years to come. We have only one first go at this, so it is vital that we get it right—not for the Government or for members, but for the 1.4 million people who will come to rely on the system. For all the statistics, legislative innovation and debate in this chamber, the public—those who rely on the system—will measure our progress against the cruel and inhumane system that currently exists and look to how we use our new powers to work to eradicate poverty.

At the end of the summer, Labour published its response to the bill. We highlighted concern about the risk of placing so much in secondary legislation, and we said that the bill had failed to live up to some people's expectations. Those were fair comments then, and we look forward to improving and strengthening the bill in the new year, but there has been welcome movement, which means that we can proceed together.

The committee's report reflects the evidence that we heard about the imbalance between primary and secondary legislation and reiterates that concerns must be addressed in "key areas": the fundamentals of accountability and scrutiny; the offences that the bill creates, about which there are very serious questions; and the redetermination system, which echoes the discredited UK system and could be a barrier to justice.

It is welcome that the minister has set out her intention to lodge amendments on a form of superaffirmative procedure and statutory independent scrutiny, thereby accepting the arguments that have been made since the summer and the committee's recommendations.

There has also been movement on independent advocacy, with the acceptance that individuals should have a right to support to help them to get the most from the system. The work of the Scottish Independent Advocacy Alliance and others has been crucial to that shift, and they should be encouraged by their success.

One of the most reassuring messages that the committee heard was that the innovative approach of including guiding principles in the bill is the right one. During an evidence session, Judith Robertson, from the Scottish Human Rights Commission, reminded us of the

"threat of a good example".—[*Official Report, Social Security Committee*, 21 September 2017; c 33.]

She challenged us to enshrine the right to social security in the principles. In acting on that challenge, we would make the bill a world-leading piece of legislation. Clarity of intention would flow from it, creating a backstop in relation to unintended consequences.

I do not have time to run through every aspect of the bill or every improvement that we will propose. Ahead of the Christmas break, Labour will work to ensure that opportunities are not missed in the bill.

I was one of the minority of committee members who refused to accept that the bill should not provide for a ban on private sector assessment. I have instructed the legislation team to devise an amendment that could give legal effect to such a policy. The minister has made it clear that her door remains open; I trust that she will reopen discussions on the measure.

I am also one of the minority of committee members who do not accept the recommendation on redetermination or the Government's view in that regard. Pauline McNeill, Alison Johnstone and I regard the two-stage process as a barrier to justice. Such an approach is one of the worst vagaries of the current system. We will work to change the bill in that regard.

Take-up, uprating and adequacy of payments will be fundamental to a better system. We welcome the Government's agreement that the new social security agency should have a duty to ensure take-up, but we should go further. Last week, an inflationary uplift in the higher rate threshold was announced. If such an approach is good enough for half a million top earners, social security recipients, too, should expect uprating to be guaranteed in law. Taking a far more holistic, no-wrong-door approach to how we help people get what they are due would go so much further, so we intend to push for the duty to be strengthened and matched with a mechanism to guarantee annual uprating.

Presiding Officer, you will hear this afternoon that we have a fair amount of work ahead of us. Underlining that work should be our ambition to create a better system than that which exists today. I hope that we come back to that challenge—to go further than others—throughout this afternoon's debate. Over the coming months, we must embrace that first chance to get things

right and make the bill the landmark legislation that the people of Scotland expect.

The Deputy Presiding Officer: We come to the open debate—speeches of six minutes, please.

15:25

Ben Macpherson (Edinburgh Northern and Leith) (SNP): I, like others, very much welcome the debate on the bill at stage 1. Others, from the convener of the Social Security Committee to the members who have spoken so far and the Minister for Social Security, have mentioned that the process the committee has gone through—of hearing the evidence and deliberating on the bill—has been very constructive. That process demonstrates the Parliament at its best—listening to stakeholders and to those who engage with the current social security system and thinking of their aspirations for how can we exercise the powers of this Parliament to build a new social security system for the future.

I thank the clerks and all those who gave evidence, particularly those who gave evidence of their experience of the system. I notice that some of those who gave us their insight are in the public gallery today. From the evidence that we heard from them, and from written evidence, it was clear that there are problems in the current system. Through the bill, we have a huge opportunity—with the 15 per cent of social security spending, with the 11 benefits and with the framework that the bill will create—not only to build a new system based on the social contract, but to reimagine and reinforce the idea of social security and what it means.

That is a collective process and a collective investment in ourselves and each other. For me, a big part of that relates to the principles in part 1 of the bill, on which the committee took a lot of evidence. I welcome the Government's response to the committee's stage 1 report, which states that the principles are about defining

“the nature and ethos of the new”

social security system. That approach has been welcomed warmly and enthusiastically by stakeholders. It is an important part of the bill.

The principles as they are currently drafted have been welcomed, but there has also been a recognition that new principles would be of benefit. I am glad that organisations such as Advocard in my constituency and others have successfully persuaded the committee and—I think, based on its response—the Government to bring forward a new principle around the right to advocacy. I think that that is the right thing to do.

I pay tribute to the Poverty Alliance, which proposed the addition of a principle that

“Social security has a role to play in the eradication of poverty in Scotland.”

I suggest, instead, that the bill should perhaps state that the Scottish social security system should have a role to play in the eradication of poverty in Scotland. That would clearly attach it to the point that this is the Scottish social security system, as defined in section 7; given that that system will account for just 15 per cent of the social security spend in Scotland, it can have only a limited impact on addressing poverty, which of course we all want to do.

I could say a lot more about the principles, and there have been interesting deliberations so far about the legal status. I completely agree with the position that the simple language of the principles is important, because it makes them accessible; Ruth Maguire rightly pointed that out. The Government, in its response to our report, makes an important point about how the charter will translate the principles into “specific, tangible commitments”. At stage 2, I think that the committee needs to come together with the Government to consider how we can ensure that the relationship between the principles and the charter, and what they mean for people, is very clear.

In the time that I have left, I want to address a point that was raised in written evidence but was not heavily elaborated on in our oral evidence sessions. It relates to part 4 of the bill, which is on discretionary housing payments.

Given that housing and the fear of homelessness come up in the context of social security at the surgeries that I hold and are mentioned regularly in deliberations in the chamber and elsewhere in the Parliament, DHPs play an important role. The Scottish Government has committed to them, and they are used by local authorities to make a meaningful difference on the ground in mitigating the bedroom tax or dealing with issues around the benefit cap or universal credit and the challenging circumstances that those aspects of UK Government welfare reform have put individuals and families in. In my view, as we move to stage 2, we might want to consider the possibility of putting discretionary housing payments on a statutory footing. They could continue to be provided by councils, as they are at present, but we could also consider including in the bill their being provided by the Scottish Government. I will look to probe that as we move towards stage 2.

The whole notion of social security is based on the premise that it is better to give people a hand and to help our fellow citizens than it is to have to pick people up off the floor. The new social security system that we are building together will do that in a more effective and humane way than

the current system does. The building of a new system for the 15 per cent of social security spending that we control is an important move, and I absolutely support the general principles of the bill.

15:32

Jeremy Balfour (Lothian) (Con): I remind members that I am in receipt of a PIP.

As others have done, I welcome the bill, and I thank the clerks and all those people who gave evidence to the Social Security Committee. However, I think that there is a long way to go at stages 2 and 3, because the bill leaves a lot of uncertainty for people out there who are on benefits or who might go on to benefits in the future.

I understand that the Government's purpose is to deal with many matters in the regulations that will be produced in due course, but the uncertainty to which that gives rise means that somebody like me who is in receipt of a PIP does not know whether they will be in receipt of a PIP in two, three or four years' time. The people I talk to tell me that that creates uncertainty with regard to planning and what is going to happen next. That is why, when it comes to stage 2, we need to consider putting more into the bill instead of leaving things to regulations. That way, we will be able to give people clearer guidance on what they can expect in the future. I invite the minister to give an indication in her summing up of when the regulations for the various benefits—particularly those that relate to the DLA, the PIP and the attendance allowance—will be laid out.

The second area that I want to discuss is one that I have previously mentioned in the chamber—the role of the new agency and how it will work. We could have lots of interesting discussions about principles, charters and objectives, all of which are important. Ultimately, however, what is important is how the individual who claims a benefit is treated. There is still a danger that people think that the new agency will be cuddly and soft and will never say no to anyone, but it is clear that it cannot play such a role—its role will be to decide whether someone should get a particular benefit. I will elaborate on that later in my speech.

I am concerned that we might be throwing the baby out with the bath water. For some people, the face-to-face assessment is very beneficial because they have time to talk to somebody face to face and explain what their disability is and how it works. I accept that the present system has its failings, but to say suddenly "We're never again going to use any private contractor for face-to-face assessments" leaves us, first, with the practical issue of who will do such assessments and who

will pay for them; and, secondly, with the issue of whether we will simply rely on medical and professional evidence.

Jeane Freeman: There is no contradiction between saying, as I have done repeatedly, that we will not use private contractors to deliver one-to-one health assessments because that would be incompatible with the system that we are setting up, and having one-to-one health assessments. Mr Balfour assumes that there will be no such assessments, but I am sure that he will remember my saying in committee that if an individual wishes to have a one-to-one health assessment, it will of course be provided. However, as I have said repeatedly, we will have far fewer such assessments and we will not work on the current presumption of the UK Government that every individual requires a one-to-one assessment, because the information that we will need in order to make the right decisions the first time will already exist in public records that the individual can choose to provide us with.

The Deputy Presiding Officer: I will give you your time back, Mr Balfour, as that was a long intervention.

Jeremy Balfour: Thank you, Presiding Officer.

There are two issues in what the minister said. First, I question whether all the medical evidence that people will require will be there. I ask the minister to go back and look, because about four or five years ago the tribunal service asked for all medical evidence to be provided when a tribunal sat. However, even with that medical evidence before a tribunal, it was found that face-to-face questioning still had to take place. I therefore challenge that presumption by the minister. Secondly, what she said still does not answer the question of who will do the face-to-face assessments. Where are the people out there who have the skills to do that? We need more information on that.

I turn quickly to the issues of advocacy and advice and assistance, because I believe that those are two separate things. Some people will require advocacy, some people will require advice and assistance, and some people will require both. We need to make it clear at stage 2 that there is a distinction between advocacy and advice and assistance, because they are different and will need to occur at different times. In addition, to return to my view of the new agency, we must ensure that both advocacy and advice and assistance are independent of the agency and the Government, that they are properly funded and that people are signposted towards them. Some people will need advocacy through the process, some people will need advice and assistance through the process, and other people's needs will vary between them. The bill is unclear when it

comes to making that distinction between advocacy and advice and assistance.

I welcome the bill, but I think that it can be improved by amendments at stage 2.

15:38

Sandra White (Glasgow Kelvin) (SNP): As other members have done, I thank the Social Security Committee's members and its clerks for the work that they carried out on the bill. I also thank the many groups and individuals—as has been mentioned, some are in the gallery—who took part in the many committee evidence sessions, round-table discussions and other meetings. Without their willingness to get involved, we would not be at stage 1 of this historic bill.

The bill puts people at its heart, with the principles that social security is a human right and that people should be treated with dignity, fairness and respect. It is important to emphasise that. The Scottish Government must also be thanked for the way in which it has approached the bill. It has been proactive and has consulted organisations and individuals from day 1. I thank it for that, as, I am sure, other members do.

The ethos of the bill is based on dignity, fairness and respect, but the bill must also deliver a safe and secure transfer of benefits to the 1.4 million people who rely on them. I say to Adam Tomkins, with regard to his contribution to the debate, that we must remember that the bill is for the 1.4 million people who rely on benefits. As we go through the stages of the bill, we must keep that in mind. We cannot rush things through, which would result in people being missed out. We must make sure that we deliver with the bill. That has been said from the very beginning, and we have to keep it in mind as we go through the bill's stages.

The minister replied to Jeremy Balfour, but I want to say to Jeremy Balfour that we must ensure that the people from whom the committee heard are listened to. One of the gentlemen from whom it heard is in the gallery today: Brian Hurton suffers from the degenerative eye disease keratoconus—I hope that I have pronounced it correctly—which is a condition that will not improve. He and the many others who gave evidence and who have conditions that will not improve or that will deteriorate should not be subjected to a never-ending round of giving evidence to medical assessors. When we look at the evidence, we see that some assessors are not even medical people. We must make sure that people do not have to go through that after the Social Security Bill is passed. The never-ending medicals and appeals are very debilitating—not just for people's physical health, but for their mental health. I have faith that the committee, Parliament and the Government

will make sure that the new social security agency will ensure that people are not put through that process, which came up in evidence time and again. I thank Brian and others who came forward to give us their evidence.

I want to raise a number of recommendations from the stage 1 report; they have been touched on in previous speeches. The issue of primary and secondary legislation has been raised by many groups, and is mentioned in correspondence that was received by the committee and in its report. I remember that it exercised the minds of committee members. My view at the time was, as I mentioned, that a balance needs to be struck. My concern is that too much detail in the primary legislation, before design or testing have been undertaken, could lead to mistakes, thereby making the provisions in the bill undeliverable. It struck me when reading papers on the bill that changes to rectify such mistakes would need to be made through primary legislation, which is a very long process that could delay implementation of the new social security system. That is something that committee members and Parliament need to consider.

I am pleased to note that the Scottish Government has said that it will lodge amendments to the bill, including on use of the superaffirmative procedure for subordinate legislation and on the establishment of an independent scrutiny body, which will be important.

I want to touch on two other areas. The first is the principles of the Bill and the fact that the Scottish Government clarified their legal status. I am concerned about the ethos of the Bill, which is about dignity and respect. If I go out and speak to people and ask them about dignity and respect, most know what the words mean. I am concerned that if we start bringing in lawyers and so on to clarify what "respect" means, we will lose from the bill the transparency and the plain speaking that people expect and to which they are entitled. The committee's members, and I, will consider the matter before stage 2.

The second point is about the charter. It must be available in all languages and in places such as libraries, so that people know exactly what they are entitled to. People's entitlement and knowing that they are entitled to it is the main purpose of the bill. The charter must be plain, simple and transparent and be available for people to reach out and pick up.

15:44

Johann Lamont (Glasgow) (Lab): As members may notice, I have a seasonal lurgy to look forward to as Christmas appears. I warn you

that my voice may not last until the end of my speech. Some people might regard that as a blessing. [*Laughter.*] Exactly.

I welcome the opportunity to participate in this important debate. I am not a member of the Social Security Committee, but I am very grateful for its stage 1 report and for its highlighting of issues in it. I have enjoyed reading about them: its focus is on the key issues rather than on the generalised discussion about social security and powers coming to the Parliament, although such discussions have sometimes been lost in their own right, and have become significant for other issues.

I am also grateful for all the briefings that have been provided, including briefings from groups that give voice to people who will be most directly affected by the bill's proposals. We should not understate our responsibility for getting things right in the eventual legislation.

It is important to recognise how significant the bill is in the real world. Decisions that are made in Parliament will have a direct impact on individuals and families across our communities. An understanding of the purpose of social security is at the heart of the matter. It is a mark of our decency as a society that we have a social security system that works and which recognises that any one of us might at any time need support.

Adam Tomkins created a false division when he talked about taxpayers being treated with dignity and benefit recipients being treated with dignity. They are often the same people: we should understand that the benefits system is not for people "over there", but is potentially for all of us at some time in our lives.

I regret that the UK Conservative Government chose to divide people into workers and shirkers, that it created changes in the social security system that are predicated on demonising people who are on benefits, and that it created a complexity that often puts up insurmountable barriers to people who seek the support to which they are entitled. That is unforgivable, but it is also short-sighted and irrational.

The debate and the briefings that we have received reflect that complexity, and take us beyond our comfort zone of the general principles, to test the bill's workability and effectiveness for people who depend on benefits. That is why it is so important to have greater parliamentary scrutiny than that which is currently proposed; not to give MSPs more time to talk about the issues but to ensure that the proposals are shaped by the people who have lived experience of the process, people who can perhaps see the unintended consequences, and people who understand how aspiration has to be translated into budget

choices. We need to see the visibility of the process in order to ensure that we get it right, and it is not good enough, even using the superaffirmative procedure, to have what still remains a "take it or leave it" approach in the parliamentary process. I would prefer an open and transparent role for all the organisations and groups in developing proposals, which can then be decided on.

There are significant issues to do with discrimination that should be explored further. We note what has been said about the difficulties of people with learning disabilities in ensuring that they secure their rights, and we know that many people with learning disabilities are living longer. That is a blessing for all of us, but it means that many parent carers continue to care into very old age. That should be respected, so we should look at age discrimination, too.

We also know that many disabled people are denied the opportunity to achieve their full potential—to work, to study and to play their part in society—because of discrimination that they experience in the social care system. We know that, as a direct consequence of cuts to local government, there is a double whammy for people who need care and people who provide unpaid care. The more services are reduced, the more unpaid care expands. I believe that we all acknowledge what unpaid carers do, but the social security system should, through the bill, result in real changes in their lives.

Equally, the capacity for groups to help and support people through the system—whether through advocacy or whatever—is being limited by the same cuts. We need to see the Government's proposals in that context.

I understand that the Scottish Government does not have responsibility for all of the social security system, and I welcome the ways in which it has highlighted the issue of dignity in the system, but we need to see social security not just in its social context but in its economic context. The Scottish Government can act in that broader context.

We know that many people who live in poverty are in work. They are often caught in precarious work with limited guaranteed hours and lack of certainty about when they will work. That can lead to chaos in managing family budgets, childcare or care for other people. It is essential that we recognise that for the many people who may, in some circumstances, give up work altogether. The Scottish Government can play a role in creating more secure work and in stopping such jobs being defined as "positive destinations", when they are nothing of the sort.

I am interested in what dialogue the Government has with businesses that might sign

the business pledge about recognising their role in supporting people to work. I am also interested in the dialogue that it has with businesses that get the small business bonus about what is expected of them in relation to rights at work and providing security, because lack of job security often leads to people falling into a situation in which they are unable to manage their budgets effectively.

We know that social security does not stand separate from the economy, and we know that it is not simply about other people. It is about fairness, greater equality and opportunity. If we are to get it right, we will need to recognise not only the needs of the people who seek support at any given time, but the benefits to us all in ensuring that we have an economy and a society that create greater equality and opportunity for everyone.

15:50

Alison Johnstone (Lothian) (Green): The bill offers an opportunity to reject decisively more than two decades of welfare reform, and to show that a different way of providing financial support to people who need it is possible.

We must seize this opportunity, because the UK approach is leaving tens of thousands of Scots not knowing whether they can put food on the table for their families. In many cases, they cannot. Figures from the Trussell Trust show us that in 2016-17 it issued 146,000 three-day emergency food parcels in Scotland—48,000 of them to children. Before so-called welfare reform, food banks were not part of everyday life in Scotland.

We must seize this opportunity because, under the current system, households—almost all of them with children—are, because of the benefit cap, told that they have been assessed as needing a certain amount of money to support them, but the amount is arbitrarily capped, in the full knowledge that it is not enough to meet their needs.

We have the opportunity to restore dignity and respect to our social security system. We have the opportunity to reclaim the idea that when we provide a good reliable income for the most vulnerable people in society, everyone benefits. The bill makes a reasonable start towards those goals, but there is much more to be done.

Recognising that social security is a human right is absolutely the correct thing to do, but I am not convinced that that laudable ambition is followed through throughout the bill. I, too, draw the minister's attention to the charter. One might expect it to be a charter of rights, but it seems to be intended to be more of, as Citizens Advice Scotland has put it, a "performance framework" for the new system. The charter appears not to confer any rights on benefit applicants and recipients.

Without a clear statement of rights and a system of redress, should those rights not be respected—

Adam Tomkins: Does Alison Johnstone think that the charter should be legally enforceable in Scottish courts?

Alison Johnstone: One thing on which we can agree is that the status of the charter is entirely unclear. I hope that the Government will confirm—perhaps in the cabinet secretary's closing speech, or during the bill's passage—exactly what the status of the charter is. At the moment, it seems to be fairly meaningless, and the Government cannot claim that the system is built on social security as a human right.

Another aspect of the bill that undermines the rights-based principle of the new system is the proposed redetermination procedure that claimants can use to have a benefit decision reconsidered. The Scottish Government has made some improvements, but in one important respect it duplicates the UK mandatory reconsideration process by creating the same two-stage appeals process that the UK Social Security Advisory Committee in a report last year said

"has deterred some claimants from pursuing disputes when they would have done so under the previous system and would have been successful on appeal."

The introduction of mandatory reconsideration was intended to achieve—and has achieved—a huge reduction in the number of benefit appeals making it to tribunal, compared with benefits for which MR does not apply. Data from the advisory committee shows a massive 95 per cent decline in jobseekers allowance tribunal appeals since MR was introduced. At the very least, the Scottish Government must explain what strategy it has to stop that from happening again under its proposed plans for redetermination. I implore the minister to listen again to the huge number of organisations that have made submissions to the Social Security Committee arguing that reconsideration will prevent people from accessing justice in the new system.

A few weeks ago, Parliament passed into law legislation that sets challenging new targets for reduction of child poverty. At the urging of Opposition parties, the Child Poverty (Scotland) Act 2017 makes an explicit link to the use of social security, particularly the new devolved social security powers. Now that we have done that, the Government must use those powers to meet the targets.

That being the case, it is surprising that the reduction of poverty is not one of the key principles of the new system. If social security is not about reducing poverty, what is it for? I am glad that the stage 1 report urged the Government

to amend section 1 of the bill accordingly. I will lodge an amendment to that effect at stage 2.

Driving up access to benefits will also be key. The Greens will lodge or support amendments on a statutory right to benefits advocacy and to advice services. Those are different services: some people may require one or the other, or both. We also need to consider introducing a ministerial duty to set targets for benefit take-up.

Before closing, I want to discuss uprating of benefits in line with rising costs. Sheffield Hallam University estimates that between 2015-16 and 2020-21 freezing of benefits and uprating of benefits below the rate of inflation will cost 700,000 Scots households more than £450 annually, which is a £300 million cut to benefits each year. That is far and away the biggest benefit cut that is being imposed by the UK Government. Therefore it is disappointing that the bill will currently do nothing to ensure that a future benefits freeze could not easily be imposed by a future Scottish Government. I acknowledge that the current Scottish Government has pledged to uprate disability benefits with inflation. Given the number of people who are claiming them, that is a serious and welcome commitment, but it is only a pledge and there is nothing in the bill to prevent its not being honoured by a future Government. The bill is based on dignity and respect. However, we cannot have those if the benefits are of inadequate value. To have benefits that could diminish in value year on year is not respectful and does not afford dignity.

In conclusion, I believe that the Scottish Government has the very best of intentions, and I acknowledge that it is setting up a genuinely new system rather than simply administering existing UK benefits. However, in doing so, some mistakes have been made. The bill must contain stronger rights for claimants, a better system of appeals, a commitment to reduce poverty and a mechanism to uprate benefits. As William Beveridge said in the 1942 report that set up much of the social security system that we have:

“Now ... is a time for revolutions, not for patching”.

Given all that the social security system and its users have had thrown at them in recent years, we now need a radical, rights-based and forward-looking system. I look forward to lodging amendments at stage 2 and to working with others to help to make that a reality.

The Deputy Presiding Officer: I was hoping that it would be quite a short quote from Beveridge.

15:57

Alex Cole-Hamilton (Edinburgh Western) (LD): I start by referring members to my entry in the register of interests: I am the joint owner of a rental flat in Edinburgh for which I receive direct payments of housing benefit from socially renting tenants.

I begin by thanking the Social Security Committee for its work. It is not a committee on which Liberal Democrats have a representative, but we have been paying close attention to its work and the unanimity of acclaim that the stage 1 proceedings will receive tonight is testimony to it. Today represents something of a coming of age for the Parliament, so I am proud to lead the debate on behalf of the Scottish Liberal Democrats this afternoon.

I also thank the Scottish Government for the inclusive approach that it has taken to developing the legislation and for the access that the minister has afforded Opposition members from the start to discuss areas of both common ground and disagreement, such that we will have no hesitation in supporting the bill through stage 1 tonight.

Constructing a social safety net is one of the most important tasks entrusted to any Administration that is empowered so to do, so we do our constituents a disservice if we make it into a political football. We must come to the task soberly, in full cognisance of the social impact to which the right decision can lead or the social cost that might result from error.

When considering the role of the state in providing social security, as Alison Johnstone has just done, I always draw upon the words of William Beveridge, that great Liberal, in particular these ones, which I have reminded members of before:

“The State in organizing security should not stifle incentive, opportunity, responsibility; in establishing a national minimum, it should leave room and encouragement for voluntary action by each individual to provide more than that minimum for himself and his family.”

For me, that precept should form the touchstone of all our efforts in this regard. All our efforts to establish a new Scottish social security system should have the principles of social mobility at their heart.

As parliamentarians, it is not often that we can start from square one, but we have a clean slate here, which is well worth remembering, because it means that we have an opportunity to improve how welfare is managed and to improve the lives of people in this country. It is essential that we take smart decisions to tailor our social security policy and its agency to the needs of our constituents and our country and, above all, that we do so in a manner that is grounded in

international human rights law, which we have heard much discussion of today.

I expect that we have all heard shocking and heartbreaking stories about how delayed payments and changes to or errors in the roll-out of universal credit have caused enormous unnecessary stress for people. In many cases, fundamental human rights have been denied. We must set our aim far higher.

Johann Lamont: I am interested in the member's view in relation to rights. Does he think that it is possible for someone to exercise a right that has not been legally defined?

Alex Cole-Hamilton: The fundamental protection of human rights lies in people's access to justice, which we do not have in many walks of life in this country; so no, I do not think that that is possible right now.

We are dealing with a form of Government intervention that has been designed to confuse and deter. Unnecessary bureaucracy has been adopted precisely to dissuade applicants from going any further and the eligibility assessments have stripped deserving citizens of their benefits due to misapplication of the rules.

The 1.4 million Scots who will rely on the benefits that we construct are looking to us to do things differently. They will ask whether the culture around the new benefits will change for the better and for things not to be left up to the interpretation of officials. Today and at subsequent stages of the bill's passage, we owe it to them not to leave those questions unanswered.

The process has been confusing and, sometimes, degrading, so I whole-heartedly support the calls from a vast number of stakeholders for claimants' right to access the services of a trained independent advocate to guide them and speak for them throughout the process. I also support the call of the Scottish campaign on welfare reform to set out as much as possible of our new social security system in primary legislation, so that future changes that successor Governments might seek to make through regulations have to undergo full parliamentary scrutiny through the superaffirmative procedure.

In that same vein, I recognise the importance of making the mechanism for uprating the benefits a creature of statute, as Alison Johnstone said. We must always plan for less enlightened times and, by locking into law the right to a meaningful uplift of the benefits, we will offer a level of protection to some of our most vulnerable citizens.

I am grateful to the Scottish Government for its sensible and progressive approach to the application of the new powers, but I also wish to

sound a note of caution. On a number of occasions, I have heard the minister and her colleagues state that it should not fall to this Government to clear up the messes made by Westminster. I have some sympathy with that point of view, but it cannot be our only response. In some cases, we have the power to help people through the new powers that this Parliament has been afforded, and if there are clear areas of injustice that are within our reach to rectify, we should consider so doing—whether the state pension inequality suffered by women born in the 1950s or the loss of up to 18 years of benefits by those who are widowed at an early age. If the system is failing those people and we have the power to fix it, we must consider doing so.

I will finish on a note of consensus. This coming of age for our Parliament is welcome and will allow us to turn the rhetoric that we often hear in the chamber into meaningful action to deliver assistance to the millions of our fellow Scots who look to us for help.

The Deputy Presiding Officer (Linda Fabiani): We are a wee bit pushed for time, so I ask members to stick to their six minutes.

16:03

George Adam (Paisley) (SNP): As a member of the Social Security Committee, I was going to start by saying that I was a bit surprised at how downbeat the debate has been so far but, apart from the bit in the middle of Mr Cole-Hamilton's speech that I disagreed with, I thought his idea of the Parliament coming of age was the way that we should look at this—we stand at the dawn of a new day for our Parliament.

I am very pleased to speak in this debate, which for me is about not just social security but an opportunity for MSPs to make new decisions, implement new procedures and put people at the centre. The devolution of 11 social security benefits through the Scotland Act 2016 is the first time that we, as parliamentarians, have the power to make real changes to the welfare system, demonstrate our strong desire to do things differently, put respect and dignity at the top of the agenda and ensure that the system does not make life harder for our constituents.

The new social security system that the Scottish Government proposes is a big leap forward and paves the way for using the devolved powers over non-income-related disability benefits, including disability living allowance and personal independence payments. We know that the current Westminster model is seriously flawed and about the difficulties involved. The bill heralds a material change in the social responsibilities of the Scottish Parliament. It is a significant moment for

Scotland and in the history of devolution, and an important step towards our future growth as a country. The Scottish Government really has a chance to change things for the better and I am confident that the bill will live up to that aim.

Putting dignity and respect at the heart of the bill is of the utmost importance, and those principles are embedded throughout, whether in how entitlement to benefits is determined, in a more just review and appeals system, or in the decision to remove the private sector from disability benefit assessments. The often appalling assessment process is the subject of the most frequent complaints that I hear in my constituency office and I am repeatedly shocked when I hear of the impersonal, cold and calculating way in which my constituents are treated by the DWP. Many come to my office after they have been left confused, frustrated and distressed following their assessment—above all they are left feeling as if they have not been believed or taken seriously. That will not be the case in Scotland.

The bill clearly outlines the seven principles for the social security system and underlying them all, each step of the way, is the Scottish Government's belief that social security is a fundamental human right. The message of the bill is, "We believe you, we value you and we will take you seriously." The bill also proposes the creation of a social security charter, which will put that belief into practice. For me, one of the most important aspects of the charter is that it is co-produced with people with disabilities. It is easy for parliamentarians to talk the talk, but the Scottish Government has gone a step further and has actually asked our constituents to join us in creating the legislation that will affect them.

The establishment of the experience panels has given people from all walks of life a voice, and the Government has listened, learned and then implemented. While our counterparts down in Westminster routinely ignore the stream of advice and evidence from stakeholders and claimants alike and are determined to push through the abysmal universal credit system and abhorrent rape clause, no matter the cost to people's physical and mental health, the Scottish Government is actively seeking suggestions and advice from those who are in receipt of social security right now and from those who are experiencing difficulty in navigating the minefield that is the DWP.

The Government's recent survey of how experience panel members view the current UK system showed, shockingly, that 60 per cent of respondents rated their experience of the current benefits system as "poor" or "very poor". That is clearly the side effect of a Westminster Tory Government that is quite happy on its path of

austerity and welfare cuts. All I can say is that Westminster might be happy to ignore people, but this Government wants to meet them, hear their story and do all that it can to make the process easier. That is what it really means to put people at the heart of policy.

Once ministers create the charter, the bill will also place an important duty on Government to review policy and to update the Parliament regularly on what has been done to meet expectations and how the system has performed. The bill makes it clear that the consultation activities that have been undertaken to date by no means mark the end of the Government's engagement with stakeholders and claimants. Unlike the one at Westminster, the Scottish Government fully intends to continue listening, with a view to understanding people's issues and taking action when it is required.

The latter sections of the bill deal with the framework of the system, the type of benefits to be delivered and how they will be rolled out. One of the top priorities is the safe and secure transfer of the 1.4 million people who rely on the benefits system. Every single one of us has no doubt heard horror stories about the chaotic roll-out of universal credit. One of the main complaints was about the hardship that people were suddenly plunged into by having to wait months for their first payment. The Scottish Government has made it clear that we will have a Scottish agency delivering devolved benefits by the end of this session of Parliament. The timetable and process that have been set out will ensure that we get delivery right, so that those who depend on this vital support do not miss a payment.

The bill is first and foremost about people, and I hope that I have outlined how our Scottish Government has planned to do things differently. However, we are talking about only 11 benefits, and my preference would be for much, much more than that. The most important thing is that the Scottish Government is working to produce a system that is people centred. In this bill and at this time, we have the opportunity to make real changes in people's lives. Let us ensure that we all remain focused on that as we progress the bill further.

16:09

Alexander Stewart (Mid Scotland and Fife) (Con): I am pleased to have the opportunity to speak today on a bill that is rooted in the devolution of social security in Scotland. I am not a member of the committee but I pay tribute to all who took part by giving evidence and supporting the committee in its endeavours.

As Adam Tomkins indicated, we are supportive of the general principles of the bill, which grants legislative competence to the Scottish Parliament in respect of a number of benefits. While supporting those general principles and wanting the bill to work in the interests of everyone in Scotland, we do have some reservations on the specifics.

The bill is based on principles on which we all agree—dignity, fairness and respect. We all expect dignity, fairness and respect for all individuals who require our support and assistance. However, in determining the strength of those principles as part of the bill, it is important to understand how they will work in practice.

Scottish ministers will have a duty to prepare a social security charter and to report to Parliament annually on how the system is performing. However, the bill does not place ministers under a duty to abide by the charter, and that needs to be addressed if the provision is to be included.

Furthermore, it is absolutely right that we take a human rights based approach, but we do not know exactly who will be entitled to what under any of the devolved streams of social security assistance. That carries the risk of the bill not living up to expectations as we set a new path. That is particularly important for a bill under which Scottish ministers will be given wide-ranging powers to define rules about eligibility and to set out in secondary instruments the figures for how much claimants are likely to receive. Further to the idea of managing expectations, Citizens Advice Scotland has also pointed out the importance of clarifying rules around residency so that who is eligible for the devolved streams of social security and what happens when people move over the border is understood.

As has been touched on, it is absolutely vital that the bill provides an acceptable level of scrutiny, particularly when stakeholders have consistently raised concerns about the balance between primary and secondary legislation. While that will allow the Scottish Government the flexibility to adapt the rules depending on how the system develops, the balance should be examined in greater detail during the bill's passage so that any secondary legislation is adequately scrutinised.

The Social Security Committee has been clear that it has some issues in relation to scrutiny as there is no provision in the bill for a superaffirmative procedure for, or independent scrutiny of, regulations produced under it. That point was echoed by Citizens Advice Scotland, which has called for the new system to have an equivalent body to the UK Social Security Advisory Committee. I look forward to seeing that develop at stage 2.

There is a need for absolute clarity in all future political debate about social security, particularly when we are talking about a bill that gives us the opportunity to transpose powers to Scotland. Although there was scope to do so, it is worth noting that there is no provision in the bill to create new benefits beyond what is covered by the current forms of assistance. As Inclusion Scotland and Poverty Alliance pointed out during the evidence sessions, the bill lacks clarity on how the power to top up reserved benefits will be used. That is an important point. Those organisations understand, because they work with affected individuals. The Parliament needs to take on board their opinions.

If we are to have a meaningful debate, we need to be honest about what powers the Scottish Parliament now has. The bill will be the official marker of the power Scotland now has over social security, as will the system that we endorse.

I reiterate my support for the Social Security (Scotland) Bill at stage 1. However, although we all agree on the general principles of the bill, I hope that the Scottish Government will reflect on the points that have been raised by my colleagues today. We are required to support the social security system and we have an opportunity to set standards; we cannot get that wrong for the individuals who require our support. They want us to make sure that we get it right for them and we need to do so. Let us make bold choices and deliver for everyone as the bill progresses to stage 2. I look forward to that.

16:15

Ruth Maguire (Cunninghame South) (SNP):

This historic bill establishes the first UK social security system based on the principle that social security is a human right. It is heartening to note the unequivocal support from across the Parliament and from external stakeholders alike for the broad principles and aims that underpin the bill. They are principles and aims that we should all be proud of and which are worth reiterating. The bill seeks to create a society in which those in need of help are supported and not demonised; a society in which our social security system is run for the people and not for profit; and a society in which every person, with no exception, is treated with dignity and respect.

The bill will enshrine those principles in legislation and further establish Scotland's reputation as a nation that values compassion and empathy and that rejects selfishness and demonisation when it comes to how we treat those in need of a little extra support. When the bill passes stage 1 today, it will mark a hugely positive step forward. There is much to celebrate and to feel optimistic about.

However, at the same time—I regret having to point this out, but it is important to do so—we cannot lose sight of the challenges that remain and the limitations that exist upon the powers of this Parliament. When we discuss social security-related issues from child poverty to disability rights, the regrettable reality is that Scotland is, more often than not, acting with one hand tied behind its back, with UK Government policies taking things backwards as we legislate to move forwards. We must also remember that 85 per cent of welfare powers will remain under Westminster control and that even the powers that are being devolved are being impacted by cuts at the UK level.

I emphasised that point back in November 2016, when we first debated the future of social security in Scotland. If it was an important point then, it is even more important today because, although the bill will make a hugely positive difference to the lives of people in Scotland, it will not—because it cannot—solve all the issues around social security. That is not to detract from the significant difference that the bill can and will make, but we need to remind ourselves to keep a broader perspective on the context in which we are working towards our aims.

Although the bill's fundamental aims and principles are not in question, in taking evidence, the committee heard concerns from stakeholders about some of the details at this stage, which we have highlighted in our report and which the Government has responded to. The complex issue of the balance of primary and secondary legislation was raised by stakeholders who were concerned about the Parliament's ability to scrutinise changes. One Parent Families Scotland, for example, argued that more detail in the bill would

“ensure that the legislation is future-proofed so that forthcoming governments can be held to account over any planned changes”.

I appreciate that the Government is considering the issue of that balance carefully, and I acknowledge the risk that, if too much detail goes into primary legislation before design, development and testing have been undertaken, that could lead to costly mistakes or undeliverability. Nevertheless, in everything that we do, our top priority must be the safe and secure transfer of benefits to the 1.4 million folk who rely on them, and we must be mindful of anything that could delay or otherwise adversely affect implementation.

I am glad that the Scottish Government agrees with the committee that regulations should set a time limit within which the agency is required to complete redeterminations. With regard to the two-stage appeal process, the committee accepted

that the agency should have the opportunity to correct errors before a case goes to appeal. Although it is right that the focus is on getting the initial decision correct, people's previous experience of the DWP system means that it will be even more important to actively seek out any part of our process that might discourage people or be a barrier to their appealing and getting what they are entitled to. I therefore welcome the Scottish Government's commitment to gather further evidence on that and make adjustments if needed.

The issue of social security offences is particularly sensitive, and I support calls for the bill to be clarified in relation to offences and investigations. I do not think that the bill reflects the Scottish Government's policy statement, and I believe that further consideration is required, particularly of the provisions on “failure to notify”. I ask the Scottish Government to reflect carefully on the evidence and to consider amendments at stage 2 to make the bill clearer.

The bill is a landmark piece of legislation for the Parliament and for our nation. It will affect more than 1 million people across Scotland. We must get it right, and committee scrutiny is crucial to ensuring that we do so. It is a privilege to be involved in scrutinising such a significant piece of legislation, and I welcome the Scottish Government's initial response to the committee's report, which clearly takes on board the recommendations. I look forward to further work with committee colleagues at stage 2 as we make different choices on social security in Scotland and show that we can create a fairer and more just society when we take matters into our own hands.

16:20

Pauline McNeill (Glasgow) (Lab): The bill to create a new social security system for Scotland is, in my opinion, the most important piece of legislation of this parliamentary session. I agree with other members that it marks a new era for the Scottish Parliament and that we could have life-changing provisions at the end of the process. We have an excellent starting point, which is an intention to depart from the worst aspects of the UK system. We are creating a distinctly Scottish system for the 11 benefits that we will administer, so it is important that we are radical and that the legislation is strong, clear and workable.

I will focus on a few areas where I believe a lot more work needs to be done, beginning with the question of advocacy. I am pleased that the Government has recognised the need for a statutory duty to provide access to independent advocacy, but I want to debate the scope of who will be included in any statutory provision. I am in favour of drawing that provision widely and not

narrowly, as might be the Government's intention, although we have still to hear what that is. I have heard from many advocacy groups that advocacy can be an important aspect of a claimant's rights and that many advocates have been refused the right to be heard in the assessment process because they do not always have a clear role.

Many people lose out because they cannot navigate the system on their own. From March 2015 to August 2016, the Scottish Government funded four advocacy organisations as part of the welfare advocacy pilot project. Over that period, they worked with more than 1,000 people, helping to provide £2.7 million-worth of benefit entitlements to those people, so the importance of advocacy speaks for itself. According to Inclusion Scotland, independent advocacy is necessary for a substantial proportion of those who will claim Scottish disability assistance.

The second issue that I will address—Ruth Maguire, Alison Johnstone and other members have mentioned it—is the question of mandatory reconsideration and the appeal process. That area of the bill requires considerable reflection to ensure that the process will not prove to be a barrier for claimants. We believe that it should be a one-stage process, which can be achieved by allowing claimants whose application has been unsuccessful to indicate at the outset that they wish to proceed to an appeal.

Until now, mandatory reconsideration has served to block claimants advancing to an appeal. Interestingly, Jessica Burns, a regional tribunal judge, told the committee that the mandatory aspect should be removed. She said that people should

“have the option of asking the agency to think again about the decision, but it should not prevent them from making a direct appeal.”—[*Official Report, Social Security Committee*, 21 September 2017; c 25.]

That appeal would be to the first-tier tribunal. I welcome the fact that the minister has said that, in the event of the first decision being unsatisfactory, another member of the agency staff will have a fresh look at the decision and that that procedure will be contained in the operational manual. Nevertheless, I want to ensure that it is in the statute, because it is an important feature of the system.

Adam Tomkins: The member has talked about that in committee as well. Has she done or commissioned any research on what the impact would be on our already congested tribunal service if people had an automatic or direct right of appeal without any mandatory reconsideration?

Pauline McNeill: I am more concerned about the number of people who might not be able to come to the end of the process if we do not ensure

that it is a smooth one. However, I assure the member that I will address the question at stage 2. I have had discussions behind the scenes with other people who have an interest in the matter.

Sections 27 to 29 deal with appeals, and the claimant has 31 days to appeal. There needs to be more information about whether new tribunal judges will be appointed or whether we will simply be tacking appeals on to the old system. It seems obvious that there should at least be training for new judges; after all, we are creating a new system with a new approach.

There should also be more transparency in the tribunal judgments, which should be published. Each judge should have their decisions in the public domain. If we are going to have a new approach throughout the system, a more radical approach to transparency in decisions would be welcome.

Quite a few witnesses, including Morna Simpkins from the Multiple Sclerosis Society, mentioned that there are no timescales in the bill. I hope that we can address that at stage 2. We might want to consider various timescales for the first decision. Six weeks has been suggested when more evidence is required or it might be four weeks. Whatever our views on that, more work needs to be done on the matter.

In my last 30 seconds or so, I will address overpayments, because that is an important matter. If the social security agency makes an error, there should be no requirement to pay it back. That was said by a Scottish Government official on 16 August at an event that was run by Inclusion Scotland, and I want to ensure that we can rely on that as a key principle. Since then, the Government has stated its intention as being that the overpayment will not be pursued except in exceptional circumstances. However, section 36 clearly says:

“An individual is liable to pay the Scottish Ministers the value of any assistance”.

I simply want to get some clarification at stage 2 and ensure that, if it is the Government's stated intention for such payments not to be returned, that is reflected in the bill.

I agree with Alison Johnstone that we have the chance to create a radical, rights-based system. I support the general principles of the bill and look forward to the rest of the debate.

16:27

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): Some people have suggested that the social security system stems from Beveridge. We might reasonably argue that it stems from the Old Age Pensions Act 1908, which was introduced

by the Liberal Government that paid the first pensions in 1909. The first political book that I read was a biography of Lloyd George, which I read when I was seven years old.

Alex Cole-Hamilton: He mentions it every year.

Stewart Stevenson: Absolutely.

The important thing about the reference that I am making is that, 100-plus years ago, *The Times*, which was then known as “The Thunderer”, definitely thundered against the iniquity of paying people without their having put something into a fund—the national insurance provision did not come along until 1911. However, we now have a consensus that we will support the bill, which is, of course, much more wide ranging than the 1908 act. That is a good and proper measure of how far we have travelled in the regard that we have for people in our society. The bill will apply to all of us, because, at different stages of our lives, we have different needs and will, in one way or another, depend on a social security payment.

Johann Lamont mentioned the need for rights to be in legislation, but I am not sure that they need to be. We can exercise rights that are not in legislation. In particular, the modern concept of human rights stems from the work of Eleanor Roosevelt in the aftermath of the founding of the United Nations. In 1948, she wrote:

“while words, ideas and ideals may mean little by themselves, they hold great power when properly disseminated and embraced”.

I hope that the debate spreads the word about what we want to do.

I will pick up one or two particular points. I was not on the committee but I read with interest the excellent report that it produced. In particular, where the bill says “role”, in section 1(d), the report suggests that it should instead say “duty”. We need to be slightly careful when we change a single word, and we must weigh that word. If we say that the Scottish ministers have a duty, we might lock the Scottish social security system out from topping up somebody else’s social security provision financially without our creating a new social security provision. I say “might” because I have not examined the matter in detail, but I hope that others will look closely at that.

Adam Tomkins is, without question, the most experienced constitutional lawyer in the Parliament. I do not think that there would be much debate about that. But—and it is quite a big “but”—he may have inadvertently failed to understand the practical application of our constitutional position. If, as he suggests, we should incorporate into primary legislation more than is currently intended, that would end discussion of the matters introduced in the primary legislation at the end of stage 3. However,

debating and discussing those matters in the context of secondary legislation will extend the consideration that the Parliament is able to give them into the committee stages that follow as secondary legislation is introduced. It is particularly apposite that I make that point in relation to Adam Tomkins’s remarks, because—

Adam Tomkins: Will the member take an intervention?

Stewart Stevenson: I will not. It is tit for tat. I may come back to the member if time permits.

Adam Tomkins suggests that the Government is behind the curve in its preparations for what has to follow while insisting that that incomplete and imperfect preparation should be incorporated into the primary legislation. Those two positions are pretty inconsistent.

Legislators—which includes every one of us here—are perfectly capable of making mistakes. In secondary legislation, we have an opportunity to more readily correct those mistakes. I—*mea culpa*—provide an example from my experience. On 23 April 2012, I signed the Snares (Training) (Scotland) Order 2012. It turned out not to be quite as good as I thought it was when I signed it. Therefore, on 22 May, less than a month later, I lodged the Snares (Training) (Scotland) (No 2) Order 2012, which was a better presentation of the legislation that was required.

Finally—I leave this as a little mystery for colleagues to pursue—I turn to the very first order that I signed as a minister. It was the Port of Cairnryan Harbour Empowerment Order 2007, which I signed on 25 May 2007. I will let members discover why the order is entirely invalid. The good news is that it was never used or required.

This excellent bill is a big and important step forward for the Parliament. Having flexibility in how we deal with the legislation in the future is not about giving the Government flexibility but about giving Parliament flexibility. I welcome the indications that a superaffirmative procedure will be introduced at stage 2, because that will give us an opportunity to have extended consideration of the secondary legislation. It is a proven technique that works very well.

16:33

Michelle Ballantyne (South Scotland) (Con): I, too, thank the Social Security Committee and acknowledge the work and evidence that has informed the bill so far.

As my colleague Adam Tomkins said, the Scottish Conservative Party is the party of devolution in this place. Since 2014 and the Smith commission, we have reinforced and expanded the powers of this Parliament, helping to build one

of the most powerful devolved legislatures in the world. Three years on, 30 per cent of working-age benefits have been devolved, along with the power to top up reserved benefits and create new ones, paving the way for this new legislation.

The bill will redefine welfare north of the border. Parliament has the opportunity to create a fair, simple system that is accessible and understandable to all. This is an opportunity to take responsibility for how we support people at the most difficult times in their lives. In doing so, we must ensure that the bill is fit for purpose and does not raise expectations only to snatch them away again.

The principles of a new system are certainly present in the bill. The recognition of social security as an investment in people rather than a support, the enshrining of social security as a human right in Scots law, and the embedding of respect for and the dignity of the individual are all welcome, but if we are serious about achieving such outcomes we will need more than just words. I would like to see more detail in the bill, so that the Parliament and the people can be clear about what the devolved powers will deliver.

The Parliament must be part of the decision-making process, and the balance between primary and secondary legislation needs to be addressed as the bill goes through stage 2. On that basis, I welcome the proposal to create a Scottish social security advisory body in statute.

I will focus briefly on an area that is close to my heart: the need for advocacy. Around a quarter of the written submissions to the Social Security Committee called for a legal right to independent advocacy. For a person who is at their lowest, having someone at their side who understands the system and can articulate their position can make all the difference. I accept what my colleague Jeremy Balfour said about the difference between advocacy and advice, but I think that both can take place at the same time.

Advocard, an organisation that supports people in the Edinburgh area who have mental health issues, said:

“to leave the legislation, as it stands, is an erosion of human rights work that has been done previously”.

Citizens Advice Scotland and Inclusion Scotland voiced similar concerns about the issue. I understand that the minister is aware of that evidence and I urge her to ensure that there is adequate provision in the bill for advocacy.

My other concern is slightly more technical in nature, and I have heard no mention of it in today's debate. The Scottish Government intends to spend £190 million on information technology

implementation, while committing to the principle that

“the Scottish social security system is to be efficient and deliver value for money.”

We have seen problems with the development of IT systems, and the Government's record in that regard does not fill me with confidence. One need only look at the way in which common agricultural policy payments were delivered to become a little worried about the implementation of an IT system that will affect many, many more Scots.

I note that the Scottish Government responded to the Social Security Committee's request for a further breakdown of IT costs, and I urge the minister to ensure that robust procedures are in place to ensure that the costs do not spiral. The IT system must be delivered within budget, on time and in a condition such that it is fit for use, to avoid scenes similar to those that we witnessed last winter, when farmers were forced to take out loans while waiting for payments. If a similar crisis were to affect social security, the consequences could be disastrous.

The bill has the potential to revolutionise social security in this country. It presents an unprecedented opportunity to create a tailored system, which provides the support that people need, when they need it. If we want the principles of respect, dignity and fairness to be delivered through the bill, we must ensure that we take all the people of Scotland with us. As Alex Cole-Hamilton rightly reminded us, the principle of social security is to help individuals and families to be socially mobile. That is why we must ensure that the new system is delivered promptly and properly, with an appropriate level of parliamentary scrutiny to ensure transparency and fairness. If the Scottish Government does not get the bill right, it will be the people of Scotland who pay for that mistake.

16:38

Mark Griffin: In my opening speech, I reminded members that our decisions, and the improvements that we make to the bill, will be critical to improving the lives of disabled, sick and elderly people up and down the country, for years to come. I think that the Parliament has sent out a clear message that we all want to get the bill right, for that reason.

If the people who will rely on the system—those who have lived under the existing so-called welfare system—have heard our debate this afternoon, they will have heard that the Parliament is brimming with ideas about how we can build a new social security system of which people can be proud.

Earlier I spoke about some of the areas where we on the Labour side of the chamber hope to work with the Government and perhaps even push it to go a little further. We have focused on those areas for a number of months. I want to welcome Alison Johnstone's speech and confirm that we will work with the Green Party at stage 2 to improve the bill in some of the areas that she addressed.

The committee was clear and unanimous on one thing that she spoke about: the bill should include the additional principle that

"Social security has a role to play in the eradication of poverty in Scotland".

In our response, we said that the bill is a route map to cutting poverty in Scotland, and we want that new principle to be included.

The Government's response, that the socioeconomic duty would be sufficient and that we have only 15 per cent of the powers, requires some reflection. That 15 per cent figure includes pensions and relies on a somewhat strange calculation of welfare spend. The bill does, after all, include powers to make the Scottish social security system more adequate. A top-up of child benefit, which is advocated by the give me five campaign, would not only cut poverty in Scotland but mean that that 15 per cent could become 31 per cent, once pensions were stripped out. I do not remember anyone in the Smith commission arguing for the devolution of pensions, with the looming costs that would come with that. The proposal that I have set out would go further than the UK Government is going and would underline our ambition to use the powers to cut poverty.

We also want to go further than the UK Government by ensuring that equality of outcome for groups that share one or more protected characteristic is embedded in the Scottish social security system. We look forward to having discussions with the minister on that.

I want to touch on how we adjust the definition of what we regard as a terminal illness. I think that it is fair to say that accepting the definition in the Welfare Reform Act 2012 would not set a good example or underline our ambition to create a better system than that which exists today. Marie Curie and MND Scotland are clear that the right to have an application fast-tracked should be included in the bill and that the definition should not be a life expectancy of a short six months. I am told that, although six months is sufficient for 95 per cent of cancer patients, it is just not reasonable for someone with a varying condition such as motor neurone disease.

This chamber has made huge progress on helping those with palliative care needs. To include a better definition on the face of the bill

would go further and would ensure that someone who is terminally ill can access the support that they need quickly and in a fair and dignified way.

The tribunal arrangements—which were mentioned by Pauline McNeill—the issue of the offences regime and the provisions in the bill that deal with what happens when things go wrong need forensic and detailed attention. We still take the view that overpayments that are caused by the errors of officials should not be recoverable from an individual, and believe that it would be unacceptable to pass a bill that criminalises those who fail to notify in such cases. We will take advice on how to rectify those provisions, but I hope that the minister will be able to come forward with adjustments ahead of the Christmas break. Those amendments will, of course, require further scrutiny and time to digest.

We will support the general principles of the bill today. In my opening speech, I made the point that we have a fair amount of work ahead of us to get this right for the people who will rely on the new system. I hope that those individuals—the young mum worried about her child being born into poverty, the disabled person with hundreds of pounds of additional costs every month and the pensioner who is worried about their heating bill this winter—will have been reassured by this debate.

16:44

Adam Tomkins: There was all-party agreement in the Smith commission that we should devolve the aspects of social security that have been devolved. There was no dissent. This debate on social security has been maybe the most consensual debate that we have had in the chamber since the last election, and I think that it is entirely appropriate that all parties in the chamber are agreed that the general principles of the bill should be supported.

Many members who have spoken in the debate, including Alex Cole-Hamilton and George Adam, have said how important a moment this is for our Parliament, and Ruth Maguire said that the bill is landmark legislation. I agree. Pauline McNeill said that we have entered a new era, in which the Parliament will make life-changing decisions. I think that the Parliament has made life-changing decisions in the past, but it is certainly a new era. Mark Griffin was right to say that we will have only one first go at this, so it is important that we get the bill right the first time. I agree with all of that.

Alexander Stewart said that we should make bold choices in the bill, and I completely agree, but it has to be said that we still do not know very much about the bold choices that Jeane Freeman and her ministerial colleagues want to make about

devolved social security. There is still a huge degree of uncertainty about who will be entitled to what; there is no clarity on either of those questions in the bill. Jeremy Balfour was right to ask the minister when she proposes to produce regulations, or even draft regulations, that will clarify matters and reduce some of the uncertainty. Perhaps she will respond when she winds up the debate.

The minister and Mr Balfour exchanged views on assessments. It is not the case that medical evidence that is already on record explains what an individual claimant needs by way of a PIP—the medical diagnosis is different from the assessment of need. There will be occasions when the new Scottish social security agency will need to do a face-to-face assessment, even when the claimant would prefer not to have to undergo one. It cannot always be a question of choice for the claimant. Those are just some of the tough choices that will have to be made in the regulations, which we are not allowed to see yet; indeed, we do not even know when we will see them. The sooner the minister can be honest and up front with the Parliament about what those tough choices will have to be, the better our social security system will be.

There has been a lot of comment about effective parliamentary scrutiny. That is the area in which there is a key difference between primary and secondary legislation. I thank my friend Stewart Stevenson for schooling me in constitutional law—or, at least, in the constitutional law that was valid in the day of David Lloyd George—but the point about the difference between primary and secondary legislation was encapsulated by Johann Lamont when she said that she was worried about the use of secondary legislation not because it cuts MSPs out of the question, but because it cuts the people who come and give us evidence out of the question.

Stewart Stevenson *rose*—

Adam Tomkins: We cannot take evidence on a piece of delegated legislation—even one that is subject to the superaffirmative procedure—to the same extent that we can in a stage 1 inquiry, which goes on for weeks. We do not have procedures that enable us to have parliamentary scrutiny of delegated legislation that goes on for weeks.

The other important point to make—if Mr Stevenson wants to countermand me on this, I will let him in—is that, at the end of a debate on a piece of secondary legislation, even if it is subject to the superaffirmative procedure, all that we can do is say yea or no to it. We cannot amend it. That means that stakeholders or users with lived experience of social security will not be able to come and explain to us, for example, that 90 per

cent of the regulation is right but it needs to be tweaked in a number of regards. We do not have that power. That is where there is an important difference between primary and secondary legislation.

Stewart Stevenson: I accept the procedural point that Adam Tomkins makes, but he is wrong in practical terms. I speak from experience. If he consults Ross Finnie, he will find that, on two occasions, Ross Finnie had to withdraw secondary legislation at my instance, to consult stakeholders and to bring back something that met the requirements of stakeholders and of Parliament before it would be agreed. There is precedent for that. There have been multiple committee meetings on certain pieces of secondary legislation. It is up to Parliament to make the time available; it can do so.

Adam Tomkins: Perhaps the Parliament will make a bit more time available to me right now.

The critical aspect of the difference between primary and secondary legislation is that the Parliament cannot amend secondary legislation, so in making primary legislation, we must be absolutely sure that the choices that ministers will put before us in the form of draft regulations or statutory instruments are choices that we just want to say yes or no to, without having the ability to amend them. That is a critical hurdle that the bill does not yet overcome, but which it will need to overcome by the end of stage 2 if we are to support it further.

The Government said in its response to the committee's stage 1 report that it agrees that there should be a statutory social security advisory committee for Scotland. However, the one point that I want to make to the minister about that is that that committee must have a role in approving regulations or helping Parliament and ministers to approve them; its role should not be to provide redress for individual grievances. Providing redress for grievances is a different function from the function of helping with rule making and law making.

Providing redress for grievances is the second big theme that has emerged during the debate. There is widespread concern across the chamber about the social security charter. There is no point in legislating for a human rights-based approach to social security unless there are remedies when those rights are breached. They do not have to be remedies in a court of law, but they do have to be remedies and they have to be enforceable, whether through an ombudsman or a court of law—there will be a role for the courts to play.

There needs to be sharper clarity in the Government's thinking, if I may put it so impolitely, about its exact proposals for a system that

provides effective redress for grievances. I know that the minister thinks that the new social security agency will never make any mistakes; I share her optimism that it will make as few mistakes as possible. However, from time to time, claimants will not get what they think that they are entitled to and they will want to make complaints about that, so there needs to be an effective complaints machinery. We need much greater clarity than we have had so far about the role of the bill's principles and the charter in the determination of those grievances.

The Deputy Presiding Officer: I call Jeane Freeman to wind up the debate—eight minutes, please, minister.

16:51

Jeane Freeman: First, I thank the committee again and, on behalf of myself and the Government, I thank Sandra White for her work as convener of the committee through a substantive part of the stage 1 evidence gathering, which proved to be the foundation of the committee's report.

I believe that this has been a good debate, in keeping with something that I think we all recognise: this is a historic moment in the life of the Scottish Parliament. I intend to touch on some of the issues raised in the debate. I will not be able to cover them all in the time allowed, but I am sure that members across the chamber will carefully read the Government's response to the committee's stage 1 report and recognise in it our openness to considering in more detail many of the issues that have been raised.

I start with some of the points in the committee's report that Clare Adamson helpfully raised. She mentioned the role that social security could play in the eradication of poverty. I am indeed sympathetic to that point, but I have to add the caveat that we are talking about the Scottish social security system. Members have debated back and forth what our powers actually are—we will have powers over 15 per cent of the total spend on social security in Scotland and 11 benefits. Of course we have a role in the eradication of poverty and of course social security has a part to play in that, but we cannot be held responsible for benefits that we do not have power over, or for powers that we do not have. Ms Adamson also raised the committee's point that ministers should have a duty to ensure that people are given what they are entitled to. At the moment, as members will know, the bill refers to a "role" for ministers. Again, I am sympathetic to that point. We will return to both those points when we come to Government amendments at stage 2.

I turn to the substantive question of the balance between primary and secondary legislation. There is, of course, a reason for the approach that we have taken as a Government. I take members back to the points that I made in my opening speech, taking us right back to the consultation that we held in 2016 and the consultations that we have had since then. Those consultations have been with not only stakeholder organisations but people with lived experience of the benefits system, key organisations that provide welfare support and advice, our local authorities and many others. All have consistently said to us that one of the fundamental problems with the UK legislation is that it is opaque and incomprehensible at times because it is contained in both primary and secondary legislation. Indeed, a citizen's advice bureau told me that it takes longer to work through the UK legislation than it takes to provide advice to clients.

Our purpose here is to provide clarity on the foundation of social security in Scotland, with the details in regulations. That is our intent. In my view, putting eligibility criteria on the face of the bill will not best serve the interests of the people who receive benefits. It will not give us enough time to consult, via experience panels, the expert group or any other means, as we have consistently committed to doing. I am not prepared to break that consistent commitment because I am convinced that our approach is the right way to build this new public service and the only way to meet the principles of the bill.

That said, we are of course willing to consider amendments and will look at the issues over the recess. Mr Griffin's idea was that we would bring forward all the amendments before the recess—by Thursday. I am sure that my officials are watching the debate, and that would have given some of them conniptions. That will not happen. However, we have already begun to set up discussions with Mr Griffin and others that will happen immediately we come back to look at Government amendments.

We have said that we will bring forward amendments to introduce a superaffirmative procedure in recognition of the difficult balance that Mr Griffin acknowledges we have to strike and to set up a body to provide for independent scrutiny. I wrote to the Social Security Committee in June asking for its views on how we might do that and what such a body would do. I have been consistently clear that I want an independent scrutiny body and that I want a duty on ministers—unlike at the UK level—to consult on any regulations or changes in social security that they want to introduce before those are introduced, with no exemptions and no fast tracking.

We asked our expert group to consider that matter and I am very grateful to it for the report that it produced. We will go back to the group in due course. I hope that the Social Security Committee will also give me advice on both that issue and Mr Tomkins's point about how an individual can seek redress in terms of the charter.

I know that Mr Tomkins understands full well that legal enforceability is always on the table. In this case, it comes from the Scotland Act 1998, which requires that Parliament's legislation is compatible with the European convention on human rights and with the Human Rights Act 1998, which makes it unlawful for public authorities to act in a way that is incompatible with convention rights.

Mr Tomkins will also know of the report commissioned by the Equality and Human Rights Commission from the University of Ulster, which talks helpfully about how the principles of dignity and respect, which the charter will translate for us, are difficult to enforce judicially and makes some suggestions about how we might do that. I look forward to returning to the committee and discussing with members how we make that possible. It is of course a different form of redress from the complaints procedure that we would expect any well-governed public body or agency to have in place. We need to make that distinction very clearly.

Members ask us to put detail into primary legislation because the alternative cuts out Parliament's scrutiny. However, that is not compatible with also asking us to put into primary legislation a power to create new benefits. I do not believe that we need such a power, as I have already explained. It would be a very wide-ranging power for ministers to have with no particular scrutiny other than through the scrutiny of regulations. There is a contradiction there.

Mr Macpherson made an important point about DHPs that we will consider—we look forward to discussing it further. We will come back to the matter of redeterminations. On the question of uprating, we have already made a commitment on annual uprating of the benefits under disability assistance. We also said in our response that we welcome the committee urging us to consider how we might review the impact on benefits of rising costs.

The Government has already committed to a significant increase to the carers allowance and to the best start grant, which takes current provision for the first child from £500 to £1,100 and for the second child and all subsequent children from the current position of zero from the UK Government to a total of £800. Therefore, we are already moving in the direction of ensuring that, within the overall restrictions on our budget—I am conscious

that Derek Mackay is sitting next to me—we are making significant progress and moving to ensure that individuals receive adequate support through the social security system.

Johann Lamont: Will the minister take an intervention?

Jeane Freeman: I am sorry, but I must press on. I am coming to the points that Ms Lamont made.

I could not agree more with Johann Lamont when she states that a false distinction is being made between those who pay tax and those who are in receipt of benefits, and I am very grateful to her for the important point that she made, which she asked us to consider, about placing social security in a wider context. However, I am also very grateful to George Adam for reminding us all that our first priority in all of this is the safe and secure transfer of 11 benefits in order to ensure that 1.4 million people receive the support that they are entitled to on the day that they expect it and at the right amount.

Finally, I have listened very carefully and made extensive notes. We will consider all the points that have been raised, and we will come back and have discussions at the start of next year. I know from what members across the chamber have said that, at that point, all of us will be looking for solutions to the issues. We will reach consensus as best we can. There might still be points of difference, but our overall objective is to create a social security system that is founded on good legislation and which the people of Scotland can be proud of.

Social Security (Scotland) Bill: Financial Resolution

17:01

The Presiding Officer (Ken Macintosh): The next item of business is consideration of motion S5M-09503, in the name of Derek Mackay, on the financial resolution for the Social Security (Scotland) Bill.

Motion moved,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Social Security (Scotland) Bill, agrees to any expenditure of a kind referred to in Rule 9.12.3(b) of the Standing Orders arising in consequence of the Act.—[*Derek Mackay*]

Scottish Fiscal Commission (Appointment)

17:02

The Presiding Officer (Ken Macintosh): The next item of business is consideration of motion S5M-09636, in the name of Derek Mackay, on an appointment to the Scottish Fiscal Commission.

Motion moved,

That the Parliament agrees with the recommendation of the Scottish Government and the Finance and Constitution Committee that Lady Susan Rice be reappointed as Chair of the Scottish Fiscal Commission.—[*Derek Mackay*]

Decision Time

17:02

The Presiding Officer (Ken Macintosh): There are three questions to be put as a result of today's business.

The first question is, that motion S5M-09629, in the name of Jeane Freeman, on the Social Security (Scotland) Bill at stage 1, be agreed to.

Motion agreed to,

That the Parliament agrees to the general principles of the Social Security (Scotland) Bill.

The Presiding Officer: The next question is, that motion S5M-09503, in the name of Derek Mackay, on the financial resolution for the Social Security (Scotland) Bill, be agreed to.

Motion agreed to,

That the Parliament, for the purposes of any Act of the Scottish Parliament resulting from the Social Security (Scotland) Bill, agrees to any expenditure of a kind referred to in Rule 9.12.3(b) of the Standing Orders arising in consequence of the Act.

The Presiding Officer: The final question is, that motion S5M-09636, in the name of Derek Mackay, on an appointment to the Scottish Fiscal Commission, be agreed to.

Motion agreed to,

That the Parliament agrees with the recommendation of the Scottish Government and the Finance and Constitution Committee that Lady Susan Rice be reappointed as Chair of the Scottish Fiscal Commission.

Street Pastors Scotland (10th Anniversary)

The Deputy Presiding Officer (Christine Grahame): The final item of business is a members' business debate on motion S5M-08404, in the name of Murdo Fraser, on the 10th anniversary of Street Pastors Scotland. The debate will be concluded without any question being put.

Motion debated,

That the Parliament recognises the 10th anniversary of Street Pastors Scotland; notes that the initiative was pioneered in London in 2003 by Les Isaac and that, since then, over 14,000 street pastors have been trained, with over 20,000 volunteers now associated with the organisation; understands that, in 2010, the Ascension Trust (Scotland) was launched in the Parliament to take responsibility for the street pastor teams across Scotland; notes that there are around 600 street pastors in 23 Scottish communities, major cities and large and small towns in the Mid Scotland and Fife parliamentary region, as well as in Orkney and Lewis; believes that Street Pastors Scotland puts its Christian faith to good use in order to improve community relations and the safety of the night-time economy, and wishes the movement and the street pastors all the best.

17:04

Murdo Fraser (Mid Scotland and Fife) (Con): I thank all the members of the Scottish Parliament from different parties who supported my motion, which has allowed it to be debated this evening. It is particularly relevant that we are having this debate in the run-up to Christmas and the new year when cities and towns across Scotland are bustling with the work night out crowd, Christmas eve drinkers and hogmanay revellers. This time of year is one of the busiest for not only the licensed trade, but the street pastors. I thank those street pastors and their supporters who have joined us in the public gallery for the debate, and for their attendance at tonight's reception. I know that a number of MSPs are looking forward to meeting the street pastors from their constituencies.

Scotland's relationship with alcohol needs no introduction. The big night out is as much a part of our culture as tartan and haggis. For the most part, people visiting pubs and clubs do so responsibly, but a small minority can sometimes drink too much, which can put them in positions of difficulty. They—and, indeed, others who have not been drinking—can, often late at night, find themselves vulnerable and in distressing situations. That is where the street pastors come in. With police and ambulance resources stretched thin, this blue-jacketed volunteer army provides a vital release valve for the emergency services in helping to deal with minor incidents.

A couple of years ago, I was able to join the street pastors in Perth, where I witnessed at first hand their work on a Saturday night. I am no stranger to patrolling the high street—usually in the morning, with leaflets in my hand—but it was a novel experience to be out late at night. The experience left me in no doubt about the significant contribution that these men and women make to the night-time economy.

During our patrol, the street pastors handed out flip-flops, dispensed water bottles and lollipops and provided both a friendly face and a sympathetic shoulder to lean on. What was absent was any effort to preach or to convert non-believers, because street pastors are not street preachers, manic or otherwise. If revellers want to ask questions, they are more than happy to engage, but the patrols are about providing a service and a listening ear, rather than about taking the opportunity to evangelise. People will not hear or see street pastors judging those they help. Their work is the very pinnacle of Christian compassion, and something that the church is doing more of.

The street pastor initiative has come a long way since its humble origins when 18 hardy souls patrolled the streets of Brixton in 2003, under the watchful eye of the Rev Les Isaac, its founder. The original 18 pastors have grown to 20,000, and the initiative operates across four continents.

Before starting work as a street pastor, volunteers are required to undergo 50 hours of training. That is vital, because street pastors find themselves in a wide variety of challenging situations. In addition to offering up flip-flops and water, street pastors can often find themselves in the middle of difficult situations, which range from providing first aid to defusing fights or domestic arguments.

In Scotland, the Ascension Trust runs the initiative, and street pastors have been helping people for more than 10 years and now operate in 23 different locations. That is a great achievement in a short space of time. Street pastors are as much part of a great Scottish night out as a kebab on the way home.

From Elgin to Edinburgh, street pastors are on hand to help. In my Mid Scotland and Fife region, street pastors patrol in Perth, Stirling, Dunfermline, Cowdenbeath, Lochgelly and Levenmouth. I take this opportunity to thank all those teams for their dedication and hard work.

It is not just those communities that have welcomed street pastors—the wider Christian community has also taken them to their hearts. I want to highlight the contribution of the Church of Scotland Guild, which has, in the past two years, raised nearly £100,000 for the Ascension Trust to

support the street pastors. The money has been used to train pastors and to pioneer new programmes, such as rail pastors, college pastors and prayer pastors.

Funding from the guild has allowed the Ascension Trust to improve training, which now includes in-depth modules and distance learning. Everyone has a role to play, and raising money for the street pastors through coffee mornings and bake sales will be important in ensuring the long-term health of the service.

Tonight's debate marks 10 years since the Ascension Trust was established in Scotland. I recall hosting an event here at the Scottish Parliament with the then Minister for Community Safety, which marked the launch at which Les Isaac also spoke. It has been remarkable to see the growth in the street pastor movement over the past decade, as it fulfils an important social need. As I mentioned earlier, after tonight's debate there will be a reception in the garden lobby to celebrate the 10th anniversary with representatives from all the groups across Scotland. The cabinet secretary will also be there, and I look forward to seeing members there if they can attend.

In my opinion, the success of street pastors is a glimpse at the future of the church and Christian service. There is a place for the Sunday service, but the dusty pew is no longer the only carrier of the Christian message. My colleague Kate Forbes recently led a members' debate on Serve Scotland, which is a coalition of church-based community groups that offers services such as debt advice, food parcels and support for refugees. The street pastors are part of that larger movement, in which the Christian message of love, compassion and service is evidenced in real-world situations.

For over 10 years, street pastors have made the night-time economy in Scotland a safer place to be. I conclude by wishing them, and the Ascension Trust, all the best for the next 10 years. *[Applause.]*

The Deputy Presiding Officer: I welcome the street pastors who are sitting in the public gallery, but I also say to them that we do not allow applause from the gallery during debates. Much though I know that they might want to, they must desist.

17:11

Stuart McMillan (Greenock and Inverclyde) (SNP): First, I congratulate Murdo Fraser on securing this members' business debate, and I make him aware that I managed to sign the motion this afternoon.

Murdo Fraser has set out well the background to the introduction of street pastors, so I do not intend to go over that ground. Instead, I will focus my comments on my experience of going out with them on a Saturday evening in Greenock a couple of years ago.

Before I do that, I noticed that Murdo Fraser spoke about street pastors being part of the economy and he referred to kebabs. One of the team that I went out with—Chris Jewell—is sitting in the public gallery. I cannot imagine Chris munching a kebab, but perhaps he will tell me later on whether he does that.

Before I went out with the team one summer evening, we had a safety briefing. I must admit that being given a hi-vis jacket with the word "observer" on it made me feel as though I had become a walking target, even before we left the building. Thankfully, nothing happened.

Many years ago, when I was somewhat younger, less responsible and a bit more exuberant, I, too, would have been one of the hundreds exiting the clubs on to the streets, looking for taxis home. Even then, however, I always wondered why so many people went out, even in the winter, without a jacket on, and why so many females wore such high heels. To see the stock of simple but useful clothing that the street pastors took with them really struck a chord with me.

It was also obvious that the street pastors in Inverclyde are respected by many people who use the night-time economy. I did not see any street pastor taking any verbal abuse; just the opposite, in fact. I accept that that might not always be the case, but, on the night that I was out with them, it was. The street pastors were welcomed. I heard stories of how some people had engaged with them previously or how their friends had done so, and it was always in a positive way. The street pastors are certainly a welcome addition to our communities and the close-knit ethos that has built up in the teams is hugely impressive.

The pastors stressed the point that their whole purpose was to help people and not to attempt to preach to them, particularly if they were under the influence. That takes me to the jokey point that I made earlier, about being a walking target. That night, one gent recognised me and thought that it would be a wonderful opportunity to have an insightful discussion about politics at half past 1 in the morning. *[Laughter.]* Members might laugh, but it is true. My powers of appeasement were finding it a bit tough initially, but the street pastors thought that they should let me have the discussion. About 10 minutes later, they came over and managed to take me away. The situation had become not about that one individual, but about others who thought that they might get in on the sport of

politician baiting. The street pastors came in, and the way that they dealt with the situation was wonderful to see.

The whole evening was a truly enlightening experience, and we should be delighted that there are so many people who freely volunteer their time to help our towns, cities, villages and communities for such a worthy cause. I also want to highlight and welcome the extension of the work of the street pastors in Inverclyde to the trains between Inverclyde, Paisley and Glasgow.

I wish every street pastor, past and present, and the whole network a very happy 10th birthday and I wish them many more years to come. Our society is greatly enriched by their presence.

17:15

Jeremy Balfour (Lothian) (Con): I congratulate Murdo Fraser on securing the debate, and I welcome all those who are here in the public gallery for the debate and who will be coming to the reception afterwards.

I have reached the age at which a good Friday night is a trip to the chip shop and watching a DVD. However, a couple of years ago, when I was a local councillor in Edinburgh, I went out as part of the licensing board with the police on a Friday night. It was a slight eye-opener on what goes on on George Street, Princes Street, Lothian Road and other parts of the city at 2 or 3 o'clock in the morning. Many people were having an excellent time—like Murdo Fraser said that they have—but sadly a few were the worse for wear and needed some help from the police and other people to get home safely.

Street pastors add a different dimension from that which the police and other third sector and Government organisations bring. I am pleased that we have had street pastors in Edinburgh since 2009, helping people to get home safely and stepping in at an early stage to diffuse arguments.

I am sure that most of us, whether or not we went to Sunday school, are aware of the parable of the good Samaritan. Street pastors are a modern-day version of that as they step in and help people, whoever they are, without any questions being asked. Often, the help is just practical, as we have heard from members, but it is an opportunity for someone to speak to and reassure people, particularly those who are the worse for wear.

The other encouragement for me is that the street pastor initiative brings together churches that might disagree on theology, but agree in regard to providing practical help. The number of churches of different backgrounds and theologies that are represented on the website of the initiative

in Edinburgh is very encouraging and should be applauded.

I am sure that we all want to celebrate the 10th anniversary of the initiative and to encourage the street pastors. I look forward to seeing what will happen with the initiative over the next few years, and I thank those who have volunteered and continue to volunteer. I hope that their work will flourish and bring the success that they want.

17:18

Sandra White (Glasgow Kelvin) (SNP): I thank Murdo Fraser for enabling us to have the debate and I welcome all the street pastors in the public gallery. I do not know whether Andy from Partick South church is there—I should put my glasses on—but I spoke to him on Saturday and said that I would mention him as one of the street pastors who I was out with.

I was sent a briefing with stories about spending a night out in the city with the Glasgow street pastors. I will not read out the stories from the briefing, because I have spent many a night out in Glasgow, including with the street pastors. Members have talked about how people respect the fact that street pastors are on the streets.

My experience with them was on a wet, miserable, cold and dark night—we had our hats and gloves on. We started out at the top end of Byres Road and went round the university, and we went into lots of little nooks and crannies with the street pastors. It was fantastic. They knew where people were, and that is something that I want to concentrate on. There were people who were inebriated and had had a wee bit too much. There were girls who had stumbled out of a couple of pubs, and they were so grateful for the flip-flops, although how they managed to get them on over trousers and tights I do not know. Some of them did not have any tights, so that was fine. The street pastors have given out 2,101 pairs of flip-flops, according to the latest information that I have read, and I am sure that it must be more than that by now.

The street pastors carry a large amount of equipment, such as flip-flops and water, and people respect the fact that they are there. As we walked down Ashton Lane, we spoke to people and made sure that they were all right. We came across people who may have been inebriated, but we also came across homeless people. The wonderful thing was that the street pastors did not just give people water and flip-flops, or help them to get a taxi, but that they had contact with them. The street pastors actually knew about those people, and if someone was not in the spot where they had been the night before or the week before, they could contact officials and find out where they

were or report them missing. That is a fantastic aspect of the service. The pastors go out there and help people, but they also have knowledge on the street. They talk to people, and people will come up and say to them, "By the way, so-and-so isn't here tonight because he's somewhere else."

We gave out hats and gloves to some of the regular homeless people who were there. Some had dogs, which were given food as well. The street pastors are absolutely fantastic at providing flip-flops and making sure that people get taxis, and they are trusted more than the police are. The night that we were out, there were a number of people who we had to get taxis for. They came to us to phone for the taxi; they would not go to the police. If the police were there, the police would speak to the street pastors and ask them if they could look after those people. The plus side is that the street pastors know who is out on the streets, particularly homeless people, and they can contact their own churches or anyone else, such as the Glasgow City Mission. That is a real plus, and the street pastors must be applauded for the work that they do.

17:22

Claire Baker (Mid Scotland and Fife) (Lab): I am delighted to take part in this debate to recognise the work of Street Pastors Scotland as it marks 10 years as an organisation. I congratulate Murdo Fraser on securing the debate, and I extend my best wishes to those who have joined us this evening.

There are several street pastor projects in Fife, working with Fife Council and the police, but I first came across street pastors when they were established in Kirkcaldy. They started patrolling in Kirkcaldy in February 2010 and were organised thanks to the dedication of our local churches. They started as a response to an identified need in the night-time economy. They have a simple approach, which is to help and assist people.

The street pastors are all highly trained volunteers from local churches who care about their community. It is an interdenominational church response to modern life. I understand that there are currently 11 trained volunteers in Kirkcaldy and that they go out most Saturday evenings until 4 am—a significant commitment, for which I thank them. They go on to the streets to meet people in their own social environment, and they support people when they need it. As well as always meeting the last train home at the station, they are exploring the possibility of expanding into rail pastors. They will always help, care and listen to whoever they meet. Kirkcaldy is a good example of the strength of the partnership model that is working across Fife. A particularly good relationship has been forged with community

police, who have provided a valued level of commitment right from the start.

The street pastors engage with all those working at night: the taxi drivers, the doormen and women, and those working in fast food outlets. We are all familiar with the pressures on our police force, and although people may think of police as always being crime fighters, much of their work involves dealing with vulnerable people, and the work of the street pastors complements that and plays an important role in promoting community safety. Their work also encourages other volunteering, as fellow church members will come out to provide soup, sandwiches and hot drinks for their street pastors.

Street pastors across the region support people through minor emergencies—lost friends, lost phones, lost money, lost shoes—and they provide slippers or flip-flops for those suffering from sore feet, as well as bottled water, tissues and foil blankets if people need them. They focus on getting people home quickly and safely. They will administer minor first aid by applying plasters and wipes, and help people who are ill, even if it is self-inflicted, but they offer no judgment. They offer only support and understanding. Perhaps most importantly, they listen. They give people their time and attention. They give a helping hand when people might be feeling vulnerable, lonely or upset.

Although the street pastors might have to deal with people who are at a low point, I understand that there are often many high points. There is a bit of banter and lots of good humour on most evenings. They work all year round, going out in the cold and wet weather, just as the revellers do.

I had the pleasure of meeting Les Isaac, the founder of Street Pastors, after being invited by Councillor Judy Hamilton to an event in Kirkcaldy to recognise the work that street pastors are doing. It is great to see them both here in the Parliament this evening. The movement started in 2003 in Brixton and has grown across the country. It demonstrates the commitment of churches to our local communities. In this role, those churches are engaging with people and carrying out good work among people that they might otherwise not meet.

Over the years, the movement has helped many people who just need a bit of care, an open ear, and probably a lot of patience. For that I sincerely thank the street pastors, and I wish them many more successful evenings ahead.

17:26

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): I thank Murdo Fraser for the opportunity to highlight an important initiative that

has been going for 10 years, and to say that we wish it to continue for many years.

Like other members, I have street pastors in my constituency. Earlier this year, I attended the induction of new pastors in Peterhead. I have not been out on the street with street pastors, but I have certainly been out on a Saturday night with the police on three occasions for approximately five hours, so I know the environment into which street pastors go.

One of the interesting things that I have heard from those street pastors is that their mere presence changes the character of what is going on. In a place like Peterhead, we might wonder why that should be so. Peterhead has a population of 19,000, but the odds are that the street pastor knows your mum. Being able to walk up to somebody who is just a little bit off the proper behaviour and asking, "Will I call your mum? You are obviously needing a wee bit of help" is sometimes enough to nudge people back to proper behaviour. It is a very practical thing. We are talking about practical, polite, pastoral support. Getting support is the very meaning of the word "pastoral".

Last Saturday, the Peterhead street pastors Facebook page, which has a huge following, had a simple thing on it:

"Remember to wrap up warm the temperature is going to be 1-2 deg. Remember to have a plan for getting home. ie taxi, getting picked up. Please take note that the pavements around the town centre are very slippery."

Nothing in that is anything other than quite obvious, but it is precisely the sort of thing that those who are focused on having a good night out might sometimes neglect. The pastors give practical advice and help that will make a real difference to people in places like Peterhead.

Peterhead is a diverse community. The academy has 28 languages spoken in it. There are therefore plenty of opportunities for confusion and misunderstandings between different parts of the community. The presence of street pastors can help to deal with that. They can help to identify vulnerable people and connect them to support and sources of help.

It is interesting to read what some other people say about street pastors. *The Spectator* put it rather well when it described street pastors as having "weirdly effective unworldliness". In other words, it was saying, "This is pretty good stuff, but we don't quite know how it works. It is not quite within our normal experience."

Street pastors are a return to the roots of much of what Christian faith is about: supporting other people and being non-judgmental. My grandfather was probably one of the judgmental ones—he was a member of the Independent Order of Rechabites

and definitely would not have approved of the carousing and the consumption of alcohol on a Saturday night. I know that he persuaded his nephew, who was in Lloyd George's Government, to nationalise the one drinking den in Cromarty so that it would be brought under control. That approach does not really work in the modern world. What the street pastors are doing is highly personal, highly effective and deserving of our continuing support.

The Deputy Presiding Officer: You never fail to amaze me with your family history.

Stewart Stevenson: There's more, Presiding Officer.

The Deputy Presiding Officer: Oh no, please.

17:30

Kate Forbes (Skye, Lochaber and Badenoch) (SNP): Talking about family history, I am going to launch into my own. I thank Murdo Fraser for bringing the debate to the chamber. I know for a fact that the street pastors are made of strong stuff. I know that because my sister volunteered as one of them for at least a year. It never ceased to amaze me to see her going out overnight, knowing that it was going to be a sleepless night—knowing that there were probably activities to do the following day—yet she would choose to give up her night for the sake of other people. She is a remarkable woman. She has just flown back from India—just in time to send me a whole list of stories for my speech this evening.

My sister's first comment to me, when I asked for her view of street pastors, was that being a street pastor is the best thing that she has ever done and that going over the stories of people she had come across made her miss it very much. She is just one of 20,000 volunteers across the United Kingdom who give up their evenings and their sleep to care for other people. She stressed to me that the training was brilliant and was important in understanding a street pastor's role and responsibility on the street. The training that they get—including training from the police as well as training in first aid—is crucial because every night is truly a rollercoaster as they step out into other people's shoes and go on journeys with them.

It is a rollercoaster ride and it can be emotional, as they meet some very vulnerable people. It can be physically exhausting just staying up overnight in the cold and the rain, and it is tough. It may be brilliant, but it is tough. The variety of people that they meet on a night out, not knowing what to expect, is, I presume, a big part of why street pastors do what they do. My sister Hannah talked about simple interventions such as providing girls who were out at night with very little on and suffering from the cold with flip-flops, with socks

and sometimes with blankets to ensure that they were warm.

At the other end of the spectrum, my sister spoke about a guy she came across who was on the verge of jumping on to train tracks. She was able to talk to him and stop him from jumping on to those train tracks. She was able to make sure that he had the help that he needed that night. Without street pastors being there in that moment and being willing to work with that guy, there might have been a very different outcome.

My sister also mentioned that, although people are often very grateful, sometimes they are anything but grateful. They can be obnoxious, yet street pastors have the time to stop and chat to them. Hannah mentioned somebody who was particularly difficult. Through the course of conversation, she discovered that he had lost his best friend that week and was struggling to come to terms with that. There was no need for flip-flops or socks but there was the need for a listening pair of ears and for somebody to help him to talk through his feelings.

Those are just three different examples that show how street pastors can totally transform the direction of not just somebody's night but somebody's life. On that note, I pay tribute to their hard work and wish them very well for the next 10 years.

17:34

The Cabinet Secretary for Communities, Social Security and Equalities (Angela Constance): Like other members, I congratulate Murdo Fraser on securing this important debate. I also add my congratulations to Street Pastors Scotland on its reaching its 10th anniversary and look forward to the years ahead. I am, indeed, attending the reception following the debate, and I have to say that Murdo Fraser has whetted my appetite, as I am now looking forward to kebabs. However, if there are no kebabs, we might just have to settle for lollipops instead.

There have been some great speeches. I panicked a little when Stuart McMillan spoke, because I wondered where he was going with his commentary on women's footwear. Jeremy Balfour, Sandra White and Claire Baker all made substantive speeches, and I look forward to many more contributions from Stewart Stevenson and Kate Forbes as they compete in respect of their family histories and testimonies. Both made great speeches, and it was lovely to hear about the work of Kate's sister.

I agree whole-heartedly with the sentiment that the work of Street Pastors Scotland is absolutely invaluable, as the pastors work to support people in times of crisis and help to make our streets a

safer place. It is an excellent example of how Scotland's faith communities work to support many of our most vulnerable and disadvantaged communities and the people in them. I welcome the comments of Murdo Fraser and Jeremy Balfour that the context of their work is that of interfaith work and the faith community going forward as a whole.

We know that street pastors demonstrate compassion and kindness every day. They offer reassurance, safety and support by caring for, listening to and helping people who are out on the streets or who are homeless. They really tap into people's personal needs and listen to their personal testimonies. The invaluable work of street pastors provides 45,000 hours of service to communities in Scotland every year. As Claire Baker mentioned, street pastors have good links with Police Scotland and local authorities and they work with local churches and other community organisations to improve lives and keep people safe.

We cannot forget that street pastors are volunteers. The commitment of volunteers the length and breadth of Scotland—people who work solely for the betterment of their community or individuals within it—is one of the most valuable resources that this country has. This may seem a bit distasteful, but it is important to remember that volunteering contributes £2 billion to our economy every year. We should not always try to equate things with monetary value, but that is an important fact that demonstrates the breadth and depth of the contribution to our people, country and economy that volunteers make through the work that they do across Scotland.

The Government recognises the important contribution that volunteers make, and we are committed to continuing to support and encourage people to get involved in volunteering to make a difference on the issues that matter most to them. We are working to produce what, in policy terms, is called the evidence-led volunteering outcomes framework. In essence, that involves creating a coherent and compelling narrative with the key outcomes being to ensure that we do justice to and can explain and evidence the work that our volunteers do the length and breadth of Scotland, although we must not lose track of the very personal outcomes and testimonies.

Without the contributions that volunteers make, whether as street pastors, carers, providers, mentors, leaders or in many other roles, many communities would be far worse off. That is why, as a Government and a Parliament, we will continue to celebrate the vital contribution that volunteers make to Scotland and will work hard to break down the barriers that prevent people from contributing as volunteers. We must be absolutely

clear that volunteering plays a huge role in building stronger and more resilient communities.

The biggest gift that we can give anyone is the gift of our time, and many people give freely of their time without any fanfare or award. I was also struck by the investment that the street pastors, as an organisation and as individuals, make in their training. It is a 12-week training programme of 50 hours that recognises the fact that, although the people may be volunteers, they do skilled work.

We have heard of the practical and giving work that the street pastors do, particularly at this time of year, when it is cold and people are on a big night out. However, we have also heard from Sandra White and others that the street pastors work closely with people who are experiencing homelessness. They know people's needs and signpost them to other services and agencies. As Kate Forbes says, they often carry out life-saving or life-changing work.

In the chamber, we rightly often debate the issues in and around homelessness. Members will be familiar with the work of the action group on ending rough sleeping and the immediate actions that we are taking over the winter to tackle rough sleeping by increasing investment in emergency accommodation and resources for front-line workers.

As a Government and a Parliament, we know that there is always much more to do. However, it is not just about Government action; it is about our whole society playing its part. The work of street pastors and other volunteers who dedicate their time and talents to helping homeless people and reducing inequality has never been more important, and we must recognise the invaluable contribution that they make.

I will highlight quickly the work that the Government is doing on reducing loneliness and social isolation. We are working on a national social isolation strategy, and our overall approach is moving away from crisis intervention to more preventative work. We recognise that positive and regular human contact improves people's physical and mental health and that everyone has a role to play in reducing the levels of social isolation and loneliness in our society. Initiatives such as the street pastors provide a service that builds connections within communities, supports people in times of crisis and helps to make our communities better places for everybody to thrive in.

Once again, I thank Murdo Fraser for securing the debate and put on record our congratulations and heartfelt thanks to the many street pastors.

Meeting closed at 17:43.

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